

A Decade of Implementing the United Nations Programme of Action on Small Arms and Light Weapons

Analysis of National Reports

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ARMS
SURVEY



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United Nations Institute for Disarmament Research
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FOREWORD

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action) is a globally agreed framework addressing a wide spectrum of small arms issues and control measures, which has laid the foundation for action at the national, regional and global levels. It is a central tool for preventing, combating and eradicating the illicit trade in small arms and for controlling the negative consequences of small arms and light weapons (SALW). Member States are gathering in New York from 27 August to 7 September 2012 for the second conference to review progress made in the implementation of the PoA (Second Review Conference), a decade after its adoption in 2001, as well as the International Tracing Instrument (ITI), separately agreed in 2005.

This analysis of national reports submitted by Member States from 2002 through 2011 on their implementation of the Programme of Action and the ITI is the fourth in a series of studies published as part of a joint effort of the United Nations Institute for Disarmament Research (UNIDIR) and the Small Arms Survey (SAS).

The exchange of information that takes place through regular and standardized reporting is key to measuring and, ultimately, assessing the implementation of the Programme of Action. The focus of this analysis is on progress at the *national* level, and the extent to which states are implementing the national-level commitments reflected in the Programme of Action and the ITI. It forms a vital contribution to discussions at the Second Review Conference.

The analysis presented here will no doubt further enhance understanding of the progress of implementation of the Programme of Action and the ITI, and help direct future implementation efforts toward areas that may need more work. We hope this analysis and its findings serve as a welcome tool for Member States, civil society and all stakeholders to make better use of the information provided by states and to highlight regional trends in implementing the PoA.

We sincerely hope that states will make the best use of its findings in their deliberations during the Second Review Conference, and continue to strengthen their commitment to reporting on their implementation of the Programme of Action and the ITI.

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Responsibility for all errors of interpretation and fact remain ours and ours alone.

Sarah Parker and Katherine Green
May 2012

EXECUTIVE SUMMARY

The purpose of the Second Review Conference in 2012 is to review progress made in 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 (PoA) and the International Tracing Instrument. This report seeks to quantify efforts to implement the national-level commitments contained in the PoA and the International Tracing Instrument, in order to identify areas where implementation has been strong and where examples of best practice may be available, as well as to identify gaps in implementation and areas where implementation efforts have been weak or have faced difficulties. The analysis was conducted on a regional and subregional basis to identify trends and patterns with respect to implementation efforts at these levels.

The Second Review Conference provides an opportunity to assess the state of overall implementation of the PoA and the International Tracing Instrument, and set the agenda for the next six-year cycle. This report is intended as a resource to help states and practitioners prepare for the Second Review Conference by providing a detailed overview of states' efforts to implement the PoA since its adoption in 2001, and the International Tracing Instrument since 2005, based on states' own assessment of their implementation efforts, as contained in national reports.

NATIONAL COORDINATION AGENCY

While a large number of states confirm that they have a National Coordination Agency (NCA) in place or some kind of coordinating mechanism, a considerable number of states indicate they do not currently have an NCA in place or that one is being established.

States that report they do have a coordinating mechanism in place have taken several different approaches: many have established a specific body or agency tasked with overseeing the state's PoA implementation efforts and activities to address SALW issues more broadly, some have nominated an existing agency with the task, and others report that interministerial cooperation and communication on the matter takes place—sometimes formally, sometimes informally.

NATIONAL POINT OF CONTACT

As at 31 March 2012, 168 United Nations Member States had communicated the contact details of their National Points of Contact (NPCs) on PoA implementation to the United Nations Office for Disarmament Affairs (ODA), which maintains a list of NPCs on the PoA Implementation Support System (PoA-ISS) website.¹ While a large number of states have established or appointed an NPC on the PoA, the number of states that have an NPC dedicated to the International Tracing Instrument is less impressive.

MANUFACTURE

The majority of reporting states indicate that they have manufacturing controls in place, generally including a requirement that manufacturers obtain a licence or authorization from a competent authority. Many also report that they have established illegal manufacture as a criminal offence. The relatively high level of implementation of these commitments among reporting states is surprising given that over 40% of states that have submitted national reports report that they do not manufacture SALW.

MARKING

The overview of reported information contained in national reports on marking practices provides a varied picture of efforts to implement the marking commitments under the PoA and, more specifically, the International Tracing Instrument. A large proportion of states report that they do mark SALW at the time of manufacture; it appears that the majority of states that manufacture SALW are implementing the commitment to mark manufactured SALW with some or all of the information required under the International Tracing Instrument.

Less than 10% of states that have submitted national reports state that they ensure imported SALW are marked at the time of import in such a way as to permit identification of the country of import, and even fewer indicate that they mark the year of import, as encouraged under the International Tracing Instrument.

1 The contact details of NPCs for the Cook Islands and the Holy See are also available on the ODA website.

RECORD-KEEPING

Most states that officially manufacture SALW report that manufacturers are required to keep records of their transactions, and that the state is entitled to inspect such records to ensure that they are adequate and comprehensive, or manufacturers are required to send regular reports on their activities. With respect to the duration of record-keeping, almost half of reporting states indicate that manufacturing records must be kept indefinitely, and a few specify that they are kept for at least 30 years, as is required under the International Tracing Instrument. However, more than half of states that give information on the length of time manufacturing records must be kept indicate that records must be kept for 10 years only.

States that submitted national reports include a range of information relevant to the PoA commitment to keep records of transfers, including records of international transfers (import, export and transit) as well as information on domestic sales and trading. With respect to the duration of record-keeping, a similar pattern emerges to that observed in the context of manufacturing records above. Almost half of reporting states indicate that records on transfer must be kept indefinitely, with a few noting that such records must be kept for at least 20 years, as is required under the International Tracing Instrument. However, more than half of the states that give information on the length of time records of transfers must be kept indicate that records must be kept for 10 years only.

TRACING

While some examples of bilateral and regional cooperation in tracing are provided by states in their national reports, very few states give details of the procedures followed in initiating and responding to tracing requests (as outlined in the International Tracing Instrument). Nevertheless, the majority of reporting states report that they work with INTERPOL in some capacity. Given states' detailed reporting on and commitment to the marking and record-keeping elements in the tracing equation, and their acknowledgement of the importance of marking and record-keeping for the purposes of tracing, it is somewhat surprising that more information is not included in reports on actual tracing activities.

INTERNATIONAL TRANSFERS

A high proportion of reporting states in each region indicate that they have established controls over the export of SALW. Such measures include a requirement that a licence, permit or other form of authorization be obtained from the competent authority. Reporting on implementation of this commitment is particularly high in the regions that manufacture and export SALW (e.g. Europe). In contrast, reporting on the existence of import controls is higher in regions where there are few manufacturers and states rely on imported SALW (e.g. Africa). Reporting on the existence of transit controls is generally weaker across all regions, and this is an area where detailed information on measures taken by states is less frequently provided.

States almost universally report that a decision to grant an export licence involves inter-agency cooperation among a range of ministries. With respect to import licensing, however, this is often conducted by a single agency, such as the Ministry of the Interior or the police. Most reporting states also indicate that they have established illicit trafficking or smuggling as a criminal offence.

BROKERING

Around a quarter of reporting states report that they have brokering controls in place, others report that no brokers operate on their territory, some report that brokering is covered under other laws, and several report that brokering laws are under development. A regional analysis of implementation of this commitment suggests that brokering controls have occupied a central place on the agenda of some states and regions through regional and multilateral organizations, such as the European Union and the Organization for Security and Cooperation in Europe, while in other regions, preventing illicit brokering does not appear to be high on national or regional agendas.

STOCKPILE MANAGEMENT AND SECURITY

State reporting on stockpile management and security practices varies enormously, with some states simply reporting that they have standards and procedures in place, and others giving detailed descriptions of their stockpile measures under each of the subcategories in paragraph II.17 of the PoA. Most reporting on stockpile management relates to inventory

management, with states reporting that stocks are checked regularly (although the frequency ranges from daily to annual checks). States also report extensively on physical security measures taken to secure stockpiles, such as the use of guards, alarm and surveillance mechanisms, and construction features, such as concrete walls.

SURPLUS

Information provided in national reports indicates that most reporting states have programmes in place to identify surplus stocks. However, relatively few states provide information on how they determine whether they have surplus, and there is some disparity with respect to what constitutes surplus (with some states including obsolete weapons in the definition of surplus and others excluding obsolete weapons). In terms of the methods of destruction used to destroy surplus, most states appear to be taking into account the methods of destruction identified in the Secretary-General's report of 15 November 2000 (S/2000/1092) as encouraged by the PoA. However it is also apparent that states use alternate means of disposing of surplus, including through sale and donation to other states, despite the presumption in favour of destruction reflected in paragraph II.18 of the PoA. Those that do destroy surplus appear to ensure that surplus stocks are safeguarded prior to their disposal, generally in the same manner as regular stocks.

PUBLIC AWARENESS AND CONFIDENCE-BUILDING

Details of public awareness activities are included in many reports, both within specific sections on public awareness and confidence-building measures, and as part of other sections, notably relating to seized and collected weapons. While weapons collection programmes and amnesties are a common feature across all regions, there is great disparity with respect to the nature of public awareness activities that states report on. Such disparities in reporting on public awareness efforts highlight the different problems and priorities states face with respect to SALW and PoA implementation more broadly across different regions.

OTHER PoA COMMITMENTS: CRIMINALIZATION

The majority of states report that they criminalize illicit possession, stockpiling and trade, with most also providing details of criminal penalties.

These range dramatically within and among regions from three months of imprisonment to the death penalty. Fewer states report that they have criminalized illegal stockpiling than report that they have criminalized illegal possession and trade. Few states have provided detailed information on persons or groups that they have identified as being involved in illicit possession, stockpiling or trade.

ABOUT THIS REPORT

United Nations Member States will convene from 27 August to 7 September 2012 for the second conference to review progress made in 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 (PoA) as stipulated in General Assembly resolution A/RES/66/47, paragraph 6.

This Second Review Conference will take place 11 years after the adoption of the PoA and presents an important opportunity to review the progress that has been made in PoA implementation, as well as to review implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (the International Tracing Instrument), adopted by United Nations Member States in 2005.² It will also provide an opportunity for states to consider the PoA follow-up mechanisms, including the next six-year meeting cycle.

In the Report of the Fourth Biennial Meeting of States to Consider 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 (A/CONF.192/BMS/2010/3), states recognized the need for a comprehensive assessment of progress in the implementation of the Programme of Action as an input for the 2012 Review Conference (paragraph 40). Further, during the Preparatory Committee for the Second Review Conference, held from 19 to 23 March 2012, states underlined the need to comprehensively review all aspects of the implementation of the PoA and the International Tracing Instrument, and stressed the importance of achieving a review conference outcome that will facilitate strengthened implementation of both instruments.³

2 Paragraph 38 of the International Tracing Instrument provides that: “States will review the implementation and future development of this instrument within the framework of conferences that review the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects”.

3 *Chair’s summary: Elements for the Second Review Conference*, UN document A/CONF.192/2012/PC/CRP.13, paras. 1 and 2.

Based on informal consultations with states in New York and Geneva, Ambassador Ogwu (Ambassador and Permanent Representative of Nigeria to the United Nations and Chairperson-designate to the Second Review Conference) determined that the substantive agenda of the Second Review Conference should reflect the structures of the PoA and the International Tracing Instrument.⁴ It seems clear therefore, in light of the mandate and preparation for the Second Review Conference, that states will be looking to review progress on *all* aspects of PoA and International Tracing Instrument implementation, and that unlike the previous biennial meetings of 2008 and 2010, the Conference will not be limited to a review of a select number of themes and their implementation by states.

This report provides an analysis of national reports submitted by United Nations Member States to the United Nations Secretary-General in response to the annual United Nations General Assembly resolutions on small arms.⁵ The analysis covers all reports submitted from the adoption of the PoA in 2001 to 31 December 2011, and builds on previous analyses of national reports.⁶

The main aim of this report is to feed into the Second Review Conference in August/September 2012 by presenting an overview and analysis of

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- 4 See letter from the Chairperson-designate dated 24 January 2012, para. 1, available at <www.poa-iss.org/RevCon2/Documents/RevCon-ChairLetters/Letter4-24Jan2012.pdf>.
 - 5 This is the so-called “omnibus resolution” and includes General Assembly resolutions A/RES/56/24 of 24 December 2001, A/RES/57/72 of 22 November 2002, A/RES/58/241 of 23 December 2003, A/RES/59/86 of 3 December 2004 and A/RES/60/81 of 8 December 2005, 61/66 of 6 December 2006, A/RES/62/47 of 5 December 2007, A/RES/63/72 of 2 December 2008, A/RES/64/50 of 2 December 2009 and A/RES/65/64 of 8 December 2010, A/RES/66/47 of 2 December 2011.
 - 6 Elli Kytömäki and Valerie Yankey-Wayne, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of Reports Submitted by States in 2003*, UNIDIR, 2004; Elli Kytömäki and Valerie Yankey-Wayne, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, UNIDIR, 2006; Silvia Cattaneo and Sarah Parker, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the National Reports Submitted by States from 2002 to 2008*, UNIDIR, 2008; Sarah Parker, *Analysis of National Reports: Implementation of the UN Programme of Action on Small Arms and the International Tracing Instrument in 2009–10*, Small Arms Survey, 2010.

states' implementation of all of the national-level commitments in the PoA and the International Tracing Instrument, based on information provided in national reports. The study is divided into three parts. The first provides a statistical overview of national reporting from 2002 to 31 December 2011. The analysis highlights reporting trends both globally and at the regional level, using the United Nations Statistics Division classification system for the latter.

The second part provides an in-depth review of states' implementation of the commitments in the PoA and the International Tracing Instrument under the following themes: National Coordination Agencies and National Points of Contact, manufacturing, marking, record-keeping, tracing, international transfers (including export, import, transit and other commitments), brokering, stockpile management, surplus, public awareness and confidence-building, and other themes addressed in the PoA.

The third part outlines some key conclusions arising from the analysis of the reports. It is hoped that this report will serve as an important tool for assessing and analysing the progress made in the implementation of the PoA and International Tracing Instrument, and will constitute a valuable resource for the Second Review Conference.

METHODOLOGY

A total of 604 national reports were submitted to the United Nations Office for Disarmament Affairs (ODA) on or before 31 December 2011.⁷ Under paragraph 11 of United Nations resolution 65/64 entitled *The illicit trade in small arms and light weapons in all its aspects*, adopted by the General Assembly on 8 December 2010, United Nations Member States were encouraged to submit national reports on their implementation of the PoA and their implementation of the International Tracing Instrument “by the end of 2011”. ODA issued a note verbale on 13 December 2011 reminding states of the invitation to submit their national reports on PoA and International Tracing Instrument implementation.⁸ As at 31 December 2011, eight states had submitted their 2012 national report on PoA and, in some instances, International Tracing Instrument implementation. These reports are included in this analysis. Reports submitted after 31 December 2011 are not included in this analysis.

For the purposes of this report all national reports submitted on or before 31 December 2011 were reviewed and any relevant information provided regarding states’ implementation of the national-level commitments in the PoA and the International Tracing Instrument was identified; this information was classified according to the commitment it reflected, and was inserted into tables for comparison. As official United Nations translations of all national reports were not available by the time of writing, external consultants were engaged to provide the relevant analysis for non-English national reports.

Where states submitted more than one report, these were reviewed in reverse chronological order from the most recent to the earliest. Where information in an earlier report was inconsistent with information provided in a later report, the information contained in the most recent report is included in the analysis.

7 As of 31 December 2011, 604 national reports had been provided by Member States to the United Nations. (The Holy See, Permanent Observer to the United Nations, submitted a “nil” report to ODA in 2005. This report no longer appears on the PoA-ISS website and is not included in this study.)

8 Available at <www.poa-iss.org/reporting/Reporting/NV-11-314e-PoA%20Reports.pdf>.

The analysis that follows is based exclusively on information provided by states in their national reports on each issue area—the information provided by states was not compared with or supplemented by other sources. Additionally, information provided by states was taken at face value, and no attempt was made to verify whether a state has, in fact, implemented the commitment(s) it reports on or to assess whether the measures adopted or reported on by states are adequate or effective for implementing commitments under the PoA and International Tracing Instrument. While providing useful indications, then, the analysis contained here cannot be considered as an exhaustive account of state action on small arms.

This report provides an assessment of progress made in the implementation of the PoA and the International Tracing Instrument as reported by states themselves. It seeks to provide a quantitative, rather than a qualitative, assessment of whether and how many states have implemented their PoA and International Tracing Instrument commitments under the following themes: National Coordination Agencies and National Points of Contact, manufacturing, marking, record-keeping, tracing, international transfers (including export, import, transit and other commitments), brokering, stockpile management, surplus, public awareness and confidence-building, and other themes addressed in the PoA.

International cooperation and assistance, which is a cross-cutting issue throughout the PoA, has not been addressed in detail in this report as UNIDIR has already conducted extensive analyses of action taken in this area⁹ and the ODA matching needs and resources database provides an overview of assistance requested and provided through national reports.¹⁰ The theme of disarmament, demobilization and reintegration (DDR) (paragraph II.21 of the PoA) has also been omitted from the analysis as the obligation in this provision—to develop and implement effective DDR programmes—is only of direct relevance to a limited number of United Nations Member States.

9 See Kerry Maze and Sarah Parker, *International Assistance for Implementing the PoA to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects: Findings of a Global Survey*, UNIDIR, 2006; and Kerry Maze, *Searching for Aid Effectiveness in Small Arms Assistance*, UNIDIR, 2010.

10 Available at <www.poa-iss.org/InternationalAssistance/AssistanceProposals-MGE2011.pdf>.

PART I

STATISTICAL OVERVIEW OF REPORTING TRENDS

INTRODUCTION

The commitment to submit reports is contained in paragraph II.33 of the PoA, in which states request the Secretary-General of the United Nations, through ODA:

to collate and circulate data and information provided by States on a voluntary basis and including national reports, on implementation by those States of the Programme of Action.

As explicitly noted in paragraph II.33, the submission of national reports is voluntary, they should include information on states' implementation of the PoA, and the data and information contained in the reports is to be collated and circulated by the Secretary-General through ODA.

The PoA does not stipulate how frequently states should submit national reports, nor does it specify the nature of information that should be provided or the level of detail. Despite the limited nature of the provision and the absence of clear guidance on what is expected from national reports and the reporting process, in the 11 years since the adoption of the PoA, most states have participated in the reporting process and national reports have come to play a central role in the United Nations small arms process. More specifically, they constitute an important—and sometimes the only—source of information on states' implementation efforts, challenges and one of the few means of monitoring states' implementation of their commitments under the PoA and the International Tracing Instrument.

GLOBAL TRENDS IN REPORTING 2002–2011

From 2002 to 31 December 2011, 158 states¹¹ reported at least once on their implementation of the PoA, while 35 states have yet to submit their first report (5 states in Africa, 7 in the Americas, 13 in Asia, 2 in Europe,

11 In previous analyses the Permanent Observer Mission of the Holy See to the United Nations was also noted as having submitted a report. The Holy See submitted a “nil” report in 2005. ODA has since removed such reports from the PoA-ISS website. Accordingly, the Holy See is not included in this report as having submitted a national report on PoA implementation.

and 8 in Oceania).¹² Annex A provides a breakdown of reporting in each year. The number of national reports submitted in each year since 2002 is shown in Chart 1.

Chart 1. National Reports submitted 2002–2011

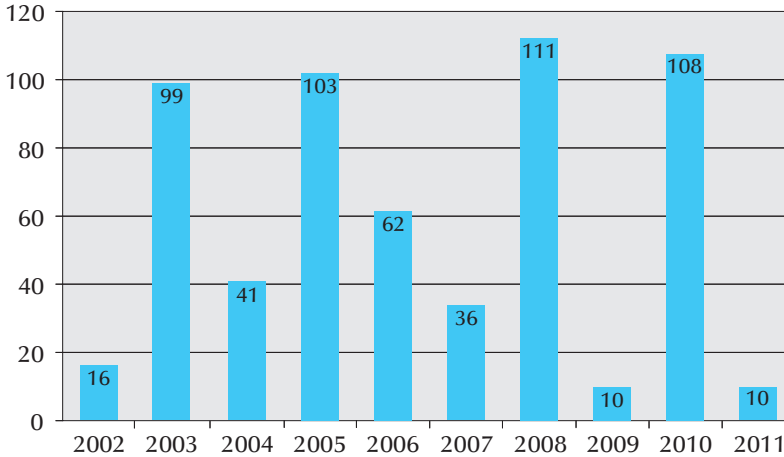


Chart 1 shows that reporting activity was most intense during years in which there was a Biennial Meeting of States (BMS)—2003, 2005, 2008 and 2010—with more than 100 states reporting in each of these years (other than 2003, in which 99 states submitted national reports). A smaller spike occurred in 2006, the year of the First Review Conference.

The lowest levels of reporting were in 2009 and 2011, with only 10 states submitting national reports in each year.¹³ This reflects the gradual trend towards biennial rather than annual reporting, which was encouraged during BMS3 and BMS4 and was reflected in the outcome documents of

12 See Annex B for a full list of states that have not submitted a national report. This includes two states that became United Nations Member States after the adoption of the PoA in 2001: Montenegro, which became a Member State on 28 June 2006, and South Sudan, which became a Member State on 14 July 2011.

13 Eritrea submitted its 2011 national report on 21 February 2012. Only national reports submitted to ODA on or before 31 December 2011 are included in the statistical charts.

those meetings.¹⁴ With 108 national reports submitted in 2010, the move towards biennial reporting appears firmly established.

The number of reports submitted by each state varies, with 26 states having submitted only one report since the adoption of the PoA and only two states, Australia and the former Yugoslav Republic of Macedonia, having submitted a national report every year. Chart 2 shows the number of states reporting from zero to nine times.

Chart 2. Number of reports submitted by states

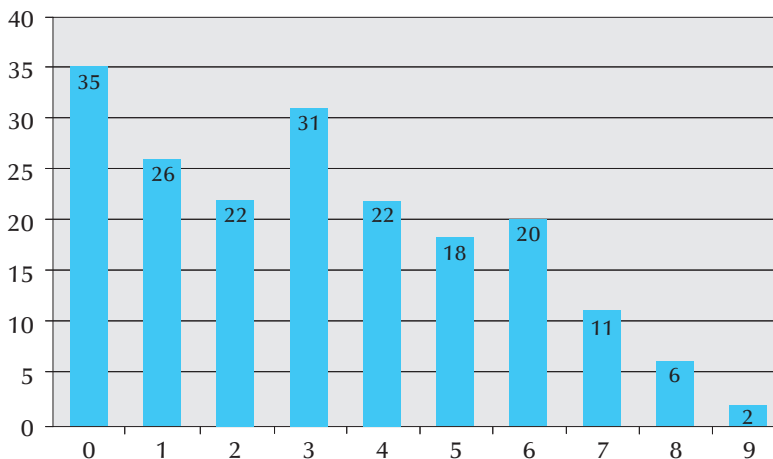


Table 1 provides a breakdown of reporting from 2002 through 2011 according to region. The regional categories used are based on the geographical classification established by the United Nations Statistics Division. For each year, the rows show the number of states in each region that reported, as well as the percentage of reporting states in each

14 *Report of the Third Biennial Meeting of States to Consider 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*, UN document A/CONF.192/BMS/2008/3, 20 August 2008, para. 29(a); and *Report of the Fourth Biennial Meeting of States to Consider 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*, UN document A/CONF.192/BMS/2010/3, 30 June 2010, para. 35.

region. For example, in 2010, 33 African states submitted national reports, representing 62% of the total number of Member States in the region.

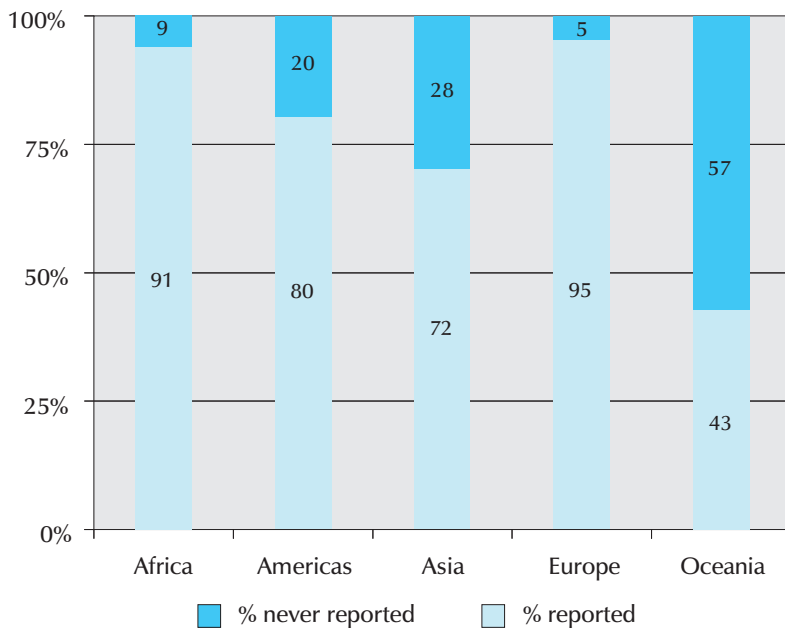
Table 1. National reports by region, 2002–2012¹⁵

		Africa	Americas	Asia	Europe	Oceania
	No. of states in region	54	45	47	43	14
2002	Reports	3	3	2	7	1
	Regional %	6	7	4	17	7
2003	Reports	22	18	21	35	3
	Regional %	42	40	45	83	21
2004	Reports	2	11	6	18	4
	Regional %	4	24	13	43	29
2005	Reports	28	16	21	34	4
	Regional %	53	36	45	81	29
2006	Reports	11	13	14	23	1
	Regional %	21	29	30	53	7
2007	Reports	4	6	4	20	2
	Regional %	8	13	9	47	14
2008	Reports	32	18	21	37	3
	Regional %	60	40	45	86	21
2009	Reports	3	0	1	5	1
	Regional %	6	0	2	12	7
2010	Reports	33	17	20	36	2
	Regional %	62	38	43	84	14
2011	Reports	1	2	1	6	0
	Regional %	2	4	2	14	0
2012	Reports	1	0	3	4	0
	Regional %	2	0	6	9	0

15 States that submitted their 2012 national report by 31 December 2011 are included in the table. The "Regional %" figures for Africa and Europe have been adjusted to account for the fact that Montenegro (Europe) did not become a United Nations Member State until 2006 and South Sudan (Africa) did not become a United Nations Member State until 2011.

Table 1 shows that states in Europe have submitted the highest number of reports each year in absolute terms. Europe is also the region with the highest proportion of reporting states. Chart 3 provides the overall figures for reporting by region, with the lighter shade indicating the percentage of states in the region that have reported, and the darker shade indicating the percentage of states that have never reported. For example, in the overall reporting period, 80% of states in the Americas have reported, while 20% have not.

Chart 3. Overview of reporting by region, 2002–2011 (%)



In terms of the frequency of reporting, Table 2 provides a breakdown of the number of states that reported once, twice and so on, by region. For example, the table shows that nine Asian states have reported four times but no Asian state has reported every year.

Table 2. Frequency of reporting by states, by region

	Africa	Americas	Asia	Europe	Oceania	Total
Never reported	5	7	13	2	8	35
1 report	14	5	4	1	2	26
2 reports	8	4	6	2	2	22
3 reports	13	6	8	4	0	31
4 reports	4	2	9	7	0	22
5 reports	6	5	4	3	0	18
6 reports	3	3	3	10	1	20
7 reports	1	2	0	8	0	11
8 reports	0	1	0	5	0	6
9 reports	0	0	0	1	1	2
10 reports	0	0	0	0	0	0
Total	54	35	47	43	14	193

PART II

PROGRESS IN POA IMPLEMENTATION BY REGION

INTRODUCTION

This section of the report analyses information provided by states with respect to their implementation of the national-level commitments under the PoA and the International Tracing Instrument under the following themes:

1. National Coordination Agencies and National Points of Contact;
2. manufacturing;
3. marking;
4. record-keeping;
5. tracing;
6. international transfers (including export, import, transit and other commitments);
7. brokering;
8. stockpile management;
9. surplus;
10. public awareness and confidence-building; and
11. other themes addressed in the PoA.

Information in national reports relating to each theme is presented by region and subregion. As no reports have been submitted by states in the subregion of Polynesia, no information for this subregion is available.

NATIONAL COORDINATION AGENCIES AND NATIONAL POINTS OF CONTACT

Under paragraph II.4, states undertook to establish or designate “national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects”. Under paragraph II.5 of the PoA, states also undertook to establish or designate “a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action”. Under paragraph 25 of the International Tracing Instrument, states are also required to “designate one or more national points of contact to exchange information and act as a liaison on all matters relating to the implementation of” the International Tracing Instrument.

The following section provides an overview of the number of states that report that they have established a National Coordination Agency (NCA) (also known as National Commissions) on small arms, and the number of states that have established a National Point of Contact (NPC) (also known as a National Focal Point) on the PoA or the International Tracing Instrument by subregion. Details of the composition of NCAs that states have established are included in Annex D.

AFRICA

EASTERN AFRICA

National Coordination Agency

Eleven states in Eastern Africa report that they have established an NCA.¹⁶

National Point of Contact

Thirteen states in Eastern Africa report that they have established an NPC.¹⁷ A further two states have also provided contact details for their NPCs to

16 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

17 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Malawi, Mauritius, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

ODA,¹⁸ even though the Seychelles has never submitted a national report. Of the 15 states in Eastern Africa that have NPCs on the PoA, nine have designated an NPC on the International Tracing Instrument according to the ODA website (in some instances, the point of contact is the same for both instruments).¹⁹

MIDDLE AFRICA

National Coordination Agencies

Four states in Middle Africa have established an NCA.²⁰ Cameroon reports that it has not established an NCA.

The Congo reports that it has a National Committee, created 2007, that serves as a National Commission for the fight against the illicit proliferation of small arms (2008, p. 5). The Democratic Republic of the Congo reports that it established the National Commission for the Control of Small Arms and Light Weapons and Armed Violence Reduction in 2008 (2010, p. 7).

National Point of Contact

Four states in Middle Africa report that they have established an NPC.²¹ A further three states have also provided contact details for the NPC to ODA.²² Of the seven states in Middle Africa that have NPCs on the PoA, two have designated an NPC on the International Tracing Instrument according to the ODA website (in some instances, the point of contact is the same for both instruments).²³

18 Madagascar, Seychelles. As of March 2012, the contact details of NPCs for 168 states, the Cook Islands and the Holy See are available on the ODA website. The list also includes contact details for the NPCs of states that have never submitted a national report. The list can be found at <www.poa-iss.org/poa/NationalContactsList.aspx>.

19 Burundi, Eritrea, Kenya, Mauritius, Mozambique, Seychelles, United Republic of Tanzania, Uganda, Zimbabwe.

20 Angola, Chad, Congo, Democratic Republic of the Congo.

21 Angola, Chad, Democratic Republic of the Congo, Gabon.

22 Central African Republic, Congo, Sao Tome and Principe.

23 Central African Republic, Democratic Republic of the Congo.

NORTHERN AFRICA

National Coordination Agency

Four states in Northern Africa report that they have established an NCA,²⁴ For example, the Sudan reports that it established the national office on SALW in 2010, which included representatives from the Ministries of Defence, Foreign Affairs, and Justice, Security and Intelligence, as well as the Disarmament, Demobilization and Reintegration (DDR) Commission (2010, p. 3).

National Point of Contact

All six states in Northern Africa report that they have established an NPC for issues relating to the PoA. Five states have also provided information on an NPC for the International Tracing Instrument.²⁵

SOUTHERN AFRICA

National Coordination Agency

Four states in Southern Africa report that they have established an NCA.²⁶

National Point of Contact

Four states have provided contact details of their designated NPC for the PoA, and three for the International Tracing Instrument to ODA.²⁷

WESTERN AFRICA

National Coordination Agency

Thirteen states in Western Africa report that they have established an NCA.²⁸

24 Algeria, Egypt, Morocco, Sudan.

25 Algeria, Egypt, Libya, Morocco, Tunisia.

26 Botswana, Lesotho, Namibia, Swaziland.

27 Botswana, Lesotho, Namibia, South Africa (PoA only).

28 Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Togo.

National Point of Contact

Fourteen states in Western Africa report that they have established an NPC on the PoA.²⁹ Mauritania also provided contact details of its PoA NPC to ODA, even though it did not provide these details in its national report. Nine states have communicated details of their NPC on the International Tracing Instrument to ODA (in some instances, the point of contact is the same for both instruments).³⁰

AMERICAS

CARIBBEAN

National Coordination Agency

Two states in the Caribbean report that they have established an NCA.³¹ Antigua and Barbuda reports that the Royal Police Force is the agency responsible for national coordination of small arms measures, while Haiti reports that its National Commission for Disarmament, established in 2003, is composed of 13 individuals representing five state agencies (2003, p. 2).

National Point of Contact

Six Caribbean states report that they have established an NPC on the PoA.³² A further four states have provided contact details for the NPC to ODA,³³ even though three of these have not submitted national reports on their implementation of the PoA.³⁴ Of the 10 Caribbean states that have an NPC on the PoA, six have designated an NPC on the International Tracing Instrument according to the ODA website (in some instances, the point of contact is the same for both instruments).³⁵

29 Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

30 Benin, Gambia, Ghana, Guinea, Guinea-Bissau, Mali, Niger, Senegal, Sierra Leone.

31 Antigua and Barbuda (2010), Haiti (2003).

32 Antigua and Barbuda, Cuba, Dominican Republic, Haiti, Jamaica, Trinidad and Tobago.

33 Barbados, Dominica, Saint Kitts and Nevis, Saint Lucia.

34 Dominica, Saint Kitts and Nevis, Saint Lucia.

35 Cuba, Dominica, Haiti, Jamaica, Saint Lucia, Trinidad and Tobago.

CENTRAL AMERICA

National Coordination Agency

Five states in Central America report that they have established an NCA³⁶ or at least designated a specific government agency or ministry with the task of combating the illicit trade in small arms.³⁷ In addition, El Salvador notes that responsibility for measures supervising, preventing and combating the illicit trade in small arms lies with the Executive Branch, through the Ministry of National Defence and the Ministry of Public Safety (currently Ministry of the Interior) (2003, p. 2). It is not clear that El Salvador has established or designated a body as an NCA per se, but it does appear that responsibility for coordinating action to combat the illicit trade in small arms has been allocated to specified government agencies.

National Point of Contact

Six Central American states report that they have established an NPC on the PoA.³⁸ A further two states have provided contact details of the NPC to ODA,³⁹ including Belize, even though it has not submitted a national report. Of the eight Central American states that have an NPC on the PoA, seven have designated an NPC on the International Tracing Instrument according to the ODA website (in some instances, the point of contact is the same for both instruments).⁴⁰

NORTHERN AMERICA

National Coordination Agency

Canada reports that it has established the Canadian National Committee on Small Arms and Light Weapons. The United States reports that responsibility for researching and monitoring the illicit trade in small arms and light weapons (SALW) is generally shared by the Bureau of Alcohol, Tobacco, Firearms and Explosives (domestic), the Department of State (international and domestic from an export, temporary import and brokering perspective), the Department of Defense and the Department

36 Guatemala, Honduras, Mexico, Nicaragua, Panama.

37 El Salvador.

38 El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

39 Belize, Costa Rica.

40 Belize, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

of Homeland Security. The Bureau of Alcohol, Tobacco, Firearms and Explosives also regulates the interstate commerce of firearms and traces firearms for law enforcement through its National Tracing Center (2010, p. 2).

National Point of Contact

Both Canada and the United States have established an NPC on both the PoA and the International Tracing Instrument.

SOUTH AMERICA

National Coordination Agency

Five states in South America report that they have established or are establishing an NCA,⁴¹ and four report that they have designated a specific government agency or ministry with the task of combating the illicit trade in small arms.⁴² Ecuador reports that it is in the process of establishing an NCA,⁴³ while Guyana reports that it does not have a single agency responsible for coordinating small arms activities, but that the Task Force on Narcotic Drugs and Illicit Weapons has been established within the Ministry of Home Affairs to help coordinate action and policy on small arms trafficking (2010, p. 1).

41 Argentina, Bolivia (Plurinational State of), Colombia, Paraguay, Peru.

42 Brazil (the National Secretariat for Public Security, within the Ministry of Justice, was created in 1997 and the National Public Security Plan “provides for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons, in line with paragraph 4, section II of the Programme of Action” (2008, p. 5)), Chile (General National Mobilization Directorate, from the National Defence Ministry (2006, p. 1)), Uruguay (Ministry of National Defence (2010, p. 1)), Venezuela (Bolivarian Republic of) (Arms Department of the National Armed Forces, under the Ministry of Defence (2004, p. 3)).

43 Ecuador reports that “the Ministry of Foreign Affairs, Trade and Integration, the Ministry of Defence, officials from the Ministry of Planning and Development (SENPLADES) responsible for Plan Ecuador, the Peace and Justice Department (SERPAJ) and the United Nations Development Programme (UNDP) have held various meetings in order to set up a committee responsible for coordinating relevant efforts with a view to raising development levels through the fight against arms” (2008, p. 4).

National Point of Contact

All of the eleven South American states that have submitted national reports state that they have established an NPC on the PoA.⁴⁴ In addition, Suriname has provided contact details for its NPC to ODA, even though it has not submitted a national report. Of the 12 Central American states that have an NPC on the PoA, 11 have designated an NPC on the International Tracing Instrument according to the ODA website (in some instances, the point of contact is the same for both instruments).⁴⁵

ASIA

CENTRAL ASIA

National Coordination Agency

Turkmenistan and Kazakhstan provide information on their NCAs. However in Kyrgyzstan's 2006 report it states that it is designing a National Coordination Body but is experiencing a lack of financial and technical resources.

National Point of Contact

Kazakhstan and Tajikistan provide information on an NPC; Tajikistan refers to the NPC as a "national liaison officer" (2003, p. 1).

EASTERN ASIA

National Coordination Agency

No state in Eastern Asia reports that it has established an NCA. However, the Republic of Korea reports that although it does not have an NCA, it does have inter-agency coordination networks (2010, p. 2). Additionally, China reports that substantive work in the area of SALW is being done by the Ministry of National Defence, the Ministry of Public Security, and the State Administration of Science, Technology and Industry for National Defence (2010, p. 5).

44 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

45 Argentina, Bolivia (Plurinational State of), Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, Venezuela (Bolivarian Republic of).

National Point of Contact

Three states in Eastern Asia report that they have established an NPC on the PoA.⁴⁶ Mongolia has provided details to ODA, even though it has not submitted a national report. Of the four states that have an NPC on the PoA, three have designated an NPC on the International Tracing Instrument (in some instances, the point of contact is the same for both instruments).⁴⁷

SOUTHERN ASIA

National Coordination Agency

Three states in Southern Asia report that they have established an NCA.⁴⁸ Additionally, Pakistan reports that it has a special cell within the police force that deals with problems associated with illicit weapons (2003, p. 1). India reports it set up an Inter-Ministerial Task Force in 2002 to input on policy guidance, research and monitoring efforts to address the illicit trade in SALW (2010, p. 2).

National Point of Contact

Five states in Southern Asia provide information on the establishment of an NPC on the PoA.⁴⁹ Additionally, a further three states have provided contact details to ODA, even though they have not submitted national reports.⁵⁰ Pakistan, Bhutan and Maldives have designated an NPC on the International Tracing Instrument according to the ODA website.

SOUTH-EASTERN ASIA

National Coordination Agency

Four states in South-Eastern Asia report that they have established an NCA,⁵¹ with Malaysia reporting that the Ministry of Home Affairs is the NCA (2010, p. 1). Thailand reports that the National Security Council, under the Office of the Prime Minister, was designated as the NPC and to

46 China, Japan, Republic of Korea.

47 China, Japan, Republic of Korea.

48 Bangladesh, Iran (Islamic Republic of), Sri Lanka.

49 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

50 Bhutan, Maldives, Nepal.

51 Cambodia, Indonesia, Malaysia, Philippines.

act as coordinator on matters relating to SALW at the policy level (2008, p. 3).

National Point of Contact

Six states in South-Eastern Asia report that they have established an NPC on the PoA.⁵² Additionally, a further four states have provided contact details to ODA, even though they have not submitted national reports.⁵³ Six states have designated an NPC on the International Tracing Instrument according to the ODA website.⁵⁴

WESTERN ASIA

National Coordination Agency

Five states in Western Asia report that they have established an NCA.⁵⁵

National Point of Contact

Thirteen states in Western Asia report that they have established an NPC on the PoA.⁵⁶ Additionally, Bahrain has provided contact details to ODA. Further to this eight states have designated an NPC on the International Tracing Instrument according to the ODA website.⁵⁷

EUROPE

EASTERN EUROPE

National Coordination Agency

Two states in Eastern Europe report that they have an NCA.⁵⁸ The Czech Republic and Poland both report that they do not have a single NCA, but that several governmental departments coordinate to control SALW (Czech

52 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

53 Brunei Darussalam, Lao People's Democratic Republic, Myanmar, Singapore.

54 Brunei Darussalam, Cambodia, Malaysia, Philippines, Singapore, Thailand.

55 Georgia, Iraq, Jordan, Turkey, United Arab Emirates.

56 Armenia, Cyprus, Georgia, Iraq, Israel, Jordan, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates.

57 Armenia, Bahrain, Georgia, Iraq, Israel, Qatar, Saudi Arabia, United Arab Emirates.

58 Romania, Slovakia.

Republic: 2010, p. 1; Poland: 2008, p. 1). The Russian Federation and Ukraine also report that efforts to combat the illegal production, circulation and trade in SALW are carried out jointly by several ministries.⁵⁹

Other states note that a single department or agency is responsible for coordinating SALW efforts. For example, Belarus reports that the Ministry of Foreign Affairs is responsible for coordinating participation in international activities related to SALW (2010, p. 3).

The Republic of Moldova reports that it established an Interdepartmental Commission for the Control of Export, Re-transfer, Import and Transit of Strategic Materials in 2000, the work of which is facilitated by the Department for Control of Trade in Dual-use Items, set up as part of the Ministry of Economy and Trade, and whose functions appear to be limited to consideration of the Republic of Moldova's policy with respect to non-proliferation and transfer controls, including the granting of export, import and transit licences (2010, pp. 1–2), rather than SALW issues more broadly.

National Point of Contact

All 10 states in Eastern Europe report that they have established an NPC on the PoA.⁶⁰ Seven report that they have designated an NPC on the International Tracing Instrument (in some instances, the point of contact is the same for both instruments)⁶¹ and a further two states have provided

59 The Russian Federation notes that the task of combating the illicit manufacture and circulation of and trafficking in SALW is performed jointly by the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Defence, the Federal Security Service, the Public Prosecutor's Office, the Federal Service for Military and Technical Cooperation, the Federal Service for Technical and Export Control, the Federal Customs Service, the Ministry of Industry and Trade and other federal bodies concerned within the limits of their jurisdiction (2010, p. 5). Ukraine reports that efforts to combat the illegal production, circulation and trade in SALW are carried out jointly by the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Defence, the Security Services, the General Prosecutor's Office, the State Export Control Service, the State Customs Service, and the Presidential Committee on Military–Technical Cooperation and Export Control Policy (2010, p. 3).

60 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

61 Belarus, Czech Republic, Poland, Romania, Russian Federation, Slovakia, Ukraine.

contact details of their designated NPC on the PoA and the International Tracing Instrument to ODA.⁶² The Republic of Moldova is the only state in Eastern Europe that has not nominated an NPC on the International Tracing Instrument.

NORTHERN EUROPE

National Coordination Agency

Five states in Northern Europe report that they have an NCA or some level of inter-agency coordination.⁶³ Finland appears to be the only state in Northern Europe that has established a specific body tasked with SALW coordination (2011, p. 3).

Latvia and Norway do not appear to have established distinct bodies tasked with SALW coordination, but do report that an existing agency has oversight of policy guidance on this issue. Latvia reports that the agency in charge of implementing the PoA is the Department of Security Policy of the Ministry of Foreign Affairs. In addition, it reports that it established the Strategic Goods Control Committee in 1995,⁶⁴ with responsibility for decision-making and monitoring policy with respect to international transfers (2010, p. 1). In other words, it has established a specific body to oversee its international transfer control policy, but not its broader small arms policy.

Similarly, Norway reports that the Royal Ministry of Foreign Affairs Section for Humanitarian Affairs/Project for Humanitarian Disarmament is the NCA for policy guidance, research and monitoring of efforts to address the illicit trade in SALW (2010, p. 1). Sweden and the United Kingdom report that there is inter-agency cooperation and coordination on the issue among relevant ministries.⁶⁵

62 Bulgaria, Hungary.

63 Finland, Latvia, Norway, Sweden, United Kingdom.

64 This Committee consists of representatives of the Ministry of Foreign Affairs, Ministry of Defence, Ministry of Interior, Ministry of Agriculture, Ministry of Environment, Ministry of Economics, Ministry of Finance, National Revenue Service, Main Customs Service, State Police and Security Police, appointed by the Cabinet of Ministers (2010, p. 1).

65 Sweden reports that responsibility for policy guidance, research and monitoring illicit SALW trade is shared between the Ministry for Foreign Affairs, the Ministry of Justice, the Ministry of Defence and the Ministry of Finance. Responsible

Five states in Northern Europe report that they do not have an NCA or a single agency dedicated to SALW policy.⁶⁶ Denmark and Ireland report that, while they do not have an NCA responsible for policy guidance, research and monitoring of efforts to address the illicit trade in SALW, their respective police forces support and coordinate such efforts, both nationally and internationally through criminal investigation (Denmark: 2010, p. 2; Ireland: 2005, p. 1).

National Point of Contact

All 10 states in Northern Europe report that they have established an NPC.⁶⁷ Lithuania reports that it has designated an NPC on the International Tracing Instrument. Sweden has provided contact details of its designated NPC on both the PoA and the International Tracing Instrument to ODA. The United Kingdom has also provided contact details of its designated NPC on the International Tracing Instrument to ODA.

national agencies are the Swedish Agency for Non-Proliferation and Export Controls (ISP), the Swedish Customs Service, the Swedish Coast Guard, the Swedish Armed Forces, the Swedish Defence Materiel Administration, and the National Police Board (2010, p. 4). The United Kingdom reports that responsibility for researching and monitoring illicit SALW trade is generally shared between Her Majesty's Revenue and Customs (HMRC), the Serious Organised Crime Agency (SOCA) and police forces, and that the UK Small Arms Policy Committee chaired by the FCO, co-ordinates national implementation of the PoA (2008, p. 4).

66 Denmark, Estonia, Iceland, Ireland, Lithuania.

67 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

SOUTHERN EUROPE

National Coordination Agency

Eight states in Southern Europe report that they have established an NCA.⁶⁸ Three states report that they do not have an NCA.⁶⁹ Albania reports that it does not have an NCA, but that it has established within the structure of the Ministry of Public Order the Sector against Illicit Trafficking, which deals with illicit trafficking of SALW and human beings (2003, p. 1). Serbia reports that it is in the process of establishing an NCA (2005, p. 1).

In some instances, the designated NCA is an existing ministry or government department. For example, Greece reports that the Ministry of Public Order (Headquarters of the Hellenic Police, Department for National Security, Section for Arms and Explosives) constitutes the national coordination body for all activities related to combating the illicit trade in SALW (2004, p. 1). Slovenia reports that the Ministry of Foreign Affairs is the coordination authority for the implementation of the PoA (2010, p. 2). Spain reports that the national coordination agency responsible for policy and follow-up of efforts to address the illicit trade in SALW is the Ministry of Foreign Affairs and Cooperation (2010, p. 7).

Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia report that they have established a distinct, dedicated inter-ministerial body to be the NCA.

National Point of Contact

All 12 reporting states in Southern Europe report that they have established an NPC on the PoA.⁷⁰ Montenegro, which has not yet submitted a national

68 Bosnia and Herzegovina, Croatia (established its National Commission on arms and ammunition in 2005 (2007, p. 1)), Greece, Italy (established an “ad hoc” technical working group on SALW in June 2000 under the guidance of the Ministry of Foreign Affairs, which includes representatives of relevant ministries, law enforcement agencies and relevant manufacturers associations (2010, p. 6)), Portugal (in 2005 established a coordination group composed of representatives from the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of the Interior, Portuguese Intelligence Services and the Ministry of Finance (2011, p. 1)), Slovenia, Spain, the former Yugoslav Republic of Macedonia (established a National Commission in 2007 (2011, p. 1)).

69 Albania, Malta, Serbia.

70 Albania, Andorra, Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal, Serbia, Slovenia, Spain, the former Yugoslav Republic of

report, has provided contact details of its designated NPC on the PoA to ODA. Four states report they have designated an NPC on the International Tracing Instrument (in some instances, the point of contact is the same for both instruments).⁷¹

Bosnia and Herzegovina and Greece have provided contact details of their designated NPC on the PoA and the International Tracing Instrument to ODA.

WESTERN EUROPE

National Coordination Agency

Five states in Western Europe report that they have established an NCA.⁷² Germany reports that it does not have a single national coordination agency or body, but that the Federal Foreign Office coordinates small arms-related foreign policy aspects and chairs regular meetings of representatives from other ministries,⁷³ non-governmental organizations and industry representatives, to coordinate small arms-related policy matters (2010, p. 8).

In some instances, the designated NCA is an existing ministry or government department. For example, Austria reports that its NCA is the Federal Ministry for European and International Affairs (2010, p. 1). Liechtenstein reports that its NCA is the Office for Foreign Affairs (2010, p. 1). Luxembourg reports that its NCA is the Ministère des Affaires étrangères—direction politique / Ministère de la Justice—service armes prohibées (2012, p. 1). Switzerland reports that its NCA is the Inter-Departmental Working Group SALW, Federal Department of Foreign Affairs (2012, p. 2).

In other instances, states report that their national coordination involves several ministries. For example, France reports that the Minister of Defence is responsible for coordinating the manufacture of and the trade

Macedonia.

71 Croatia, Italy, Portugal, Spain.

72 Austria, Belgium, Liechtenstein, Luxembourg, Switzerland.

73 The ministries consulted include the Federal Ministry of the Interior, the Federal Ministry of Defence, the Federal Ministry of Economics and Technology, and the Federal Ministry for Economic Cooperation and Development (2010, p. 8).

in arms, the Directorate of Strategic Affairs of the Ministry of Defence conducts research concerning the illicit trade in SALW, while the General Secretariat of the Defence and National Security ensures the governmental coordination of all measures related to the export of arms (2010, pp. 2–3). The Netherlands reports that, in general, coordination of and responsibility for regulations surrounding small arms is spread between the Ministry of Economic Affairs, the Ministry of Justice and the Ministry of Foreign Affairs (2010, p. 3).

Belgium reports that it established in 1999 the Committee for Interdepartmental Coordination for the Fight against Illegal Arms Transfers, originally comprising several ministries as well as the gendarmerie and the Proof House of Firearms (though it indicates the composition of the Committee has since changed) (2010, p. 1).

National Point of Contact

Eight states in Western Europe report that they have established an NPC on the PoA.⁷⁴ Four states report they have designated an NPC on the International Tracing Instrument (in some instances, the point of contact is the same for both instruments).⁷⁵

Austria and Liechtenstein have provided contact details of their designated NPC on both the PoA and the International Tracing Instrument to ODA. Belgium and France have provided contact details of their designated NPCs on the International Tracing Instrument to ODA.

OCEANIA

AUSTRALIA AND NEW ZEALAND

National Coordination Agency

Neither Australia nor New Zealand specifically report that they have established an NCA. However, Australia reports that the Ministerial Council for Police and Emergency Management is the principal forum for the development of national firearms policy, and comprises the Federal Minister for Home Affairs, the New Zealand Minister for Police, and the Police Ministers of each state and territory of Australia (2010, p. 1). New

74 Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Netherlands, Switzerland.

75 Germany, Luxembourg, Netherlands, Switzerland.

Zealand reports that officials from the police, Ministry of Defence, Defence Force, Customs Service, Environmental Risk Management Authority, Ministry of Justice and Ministry of Foreign Affairs and Trade consult to coordinate government action on the PoA (2010, p. 5).

National Point of Contact

Australia and New Zealand both report that they have established an NPC on the PoA and have provided details to ODA. Australia has provided details of its NPC on the International Tracing Instrument to ODA.

MELANESIA

National Coordination Agency

Fiji, Papua New Guinea and Solomon Islands report that they have government agencies responsible for the coordination of issues relating to the PoA. Fiji reports that the Ministry of Defence, National Security, Disaster Management and Immigration is the responsible agency and works closely with the Commissioner of Police (2008, p. 1). Papua New Guinea reports that the Law and Justice Sector National Coordination Mechanism and its subordinate body and the Law and Justice Sector Working Group are responsible for coordinating SALW policy (2005, p. 5). Solomon Islands reports that it does not have a single national coordination agency as envisaged in the PoA, but that the Ministry of Police, National Security and Justice, and the Ministry of National Reconciliation and Peace coordinate law enforcement and the Ministry of Finance is responsible for customs control of SALW imports (2004, p. 8).

National Point of Contact

Fiji, Papua New Guinea and Solomon Islands report that they have established an NPC on the PoA, and Papua New Guinea has provided details of its NPC on the International Tracing Instrument to ODA.

MICRONESIA

The Marshall Islands reports that it has established an NCA, which is the Office of the Attorney General (2005, p. 1). It is also the NPC on the PoA.

GLOBAL FINDINGS

NATIONAL COORDINATION AGENCY

While a large number of states report that they have an NCA in place or some kind of coordinating mechanism, a considerable number of states indicate they do not currently have an NCA in place, or that one is being established.

States that report having a coordinating mechanism in place have taken several different approaches to the commitment under paragraph II.4 of the PoA to establish or designate national coordination agencies or bodies responsible for policy guidance, research and monitoring of efforts to address the illicit trade in SALW. Many have established a specific body or agency tasked with overseeing the state's PoA implementation efforts and activities to address SALW issues more broadly, some have nominated an existing agency with the task, and others report that interministerial cooperation and communication on the matter takes place, sometimes formally, sometimes informally.

There is no single formula required under the PoA, and different mechanisms are better suited to different systems. The crucial element in whatever mechanism is established, and the common element in all the mechanisms that states report having established, is that there is inter-agency cooperation, reflecting the fact that illicit SALW trafficking touches on many portfolios, from defence to foreign policy and economic considerations.

NATIONAL POINT OF CONTACT

As at 31 March 2012, 168 United Nations Member States had communicated the contact details of their NPC on PoA implementation to ODA, which maintains a list of NPCs on its PoA Implementation Support System (PoA-ISS) website.⁷⁶ Seventy-two states have only nominated an NPC on the PoA. Sixty-four states have designated a person or persons to be the NPC on the PoA and the International Tracing Instrument. Thirty-two states have appointed a separate NPC on the International Tracing Instrument, distinct from their NPC on the PoA. While a large number of states have established or appointed an NPC on the PoA, the number of states that have an NPC dedicated to the International Tracing Instrument is less impressive.

76 The contact details of NPCs of the Cook Islands and the Holy See are also available on ODA website.

MANUFACTURE

The central provisions in the PoA that relate to manufacture are paragraphs II.2, II.3 and II.6, which provide that states undertake to establish—where they do not already exist—“adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction” (II.2); to establish the illegal manufacture of SALW within their areas of jurisdiction as a criminal offence under their domestic law (II.3); and to identify groups and individuals engaged in the illegal manufacture of illicit SALW, and take action under appropriate national law against such groups and individuals (II.6).

The following section provides an overview of the states, by subregion, that report that they have manufacturing controls in place, that they have criminalized illicit manufacturing, and that have identified and taken against persons engaged in illegal manufacturing. Details of the applicable penalties for illegal manufacturing provided in national reports are included in Annex E.

AFRICA

EASTERN AFRICA

Manufacturing controls

Ten states in Eastern Africa report that they either prohibit the manufacture of arms⁷⁷ or do not manufacture arms on their territory.⁷⁸ Nine states in Eastern Africa report that they have laws and regulations concerning the manufacturing of firearms.⁷⁹ Ethiopia reports that it has national legislation on the manufacturing of firearms but the legislation is obsolete and is currently being amended (2008, p. 1).

77 Eritrea, Uganda (which reports that the law prohibits the manufacture of firearms and ammunition, but that an exception is made for dealers and gunsmiths (2005, p. 4)).

78 Burundi, Eritrea, Kenya, Madagascar, Mauritius, Mozambique, Rwanda, United Republic of Tanzania, Zimbabwe.

79 Burundi, Eritrea, Kenya, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

Criminalization of illegal manufacturing

Eight states in Eastern Africa report that they have criminalized the illegal manufacture of small arms on their territory.⁸⁰

Action against illegal manufacturing

No Eastern African state reports on this provision.

MIDDLE AFRICA

Manufacturing controls

Three states in Middle Africa report that they do not manufacture small arms,⁸¹ though two of these—and four other states in the subregion—report that they do have manufacturing controls in place, in many instances to regulate craft producers.⁸²

The manufacture of small arms that does take place in Middle Africa appears to be limited to craft production. For instance, Cameroon reports that only rifles (smooth-bore rifles or muskets) are manufactured on its territory (and this is regulated), and that home-made firearms are also in circulation (2003, p. 2). The Central African Republic notes that its firearms laws include provisions governing home-made firearms (2003, p. 10).

Gabon reports that no manufacturing factory was identified during operations to seize illicit arms, but that “the existence of artisans for the maintenance and repair of rifle should be noted” (our translation) (2005, p. 1).

Criminalization of illegal manufacturing

Two states report that they have criminalized the illegal manufacture of small arms.⁸³

Action against illegal manufacturing

No Middle African state reports on this provision.

80 Burundi, Eritrea, Ethiopia, Kenya, Mozambique, Uganda, United Republic of Tanzania, Zambia.

81 Congo, Democratic Republic of the Congo, Equatorial Guinea.

82 Central African Republic, Cameroon, Congo, Democratic Republic of the Congo, Gabon, Sao Tome and Principe.

83 Democratic Republic of Congo, Sao Tome and Principe.

NORTHERN AFRICA

Manufacturing controls

Four states in Northern Africa report that they have laws and regulations on manufacture.⁸⁴ In addition Morocco and the Sudan report that their manufacturing laws are under development. Libya, Morocco and Tunisia report that they do not manufacture small arms on their territory. Algeria and Egypt both indicate the state has a monopoly on SALW production, with Algeria reporting that the manufacture of small arms is prohibited and the Ministry of National Defence has a monopoly on control over SALW (2006, p. 6), and Egypt reporting that the state prohibits the manufacturing of firearms by non-state entities and puts violators before the courts (2010, p. 3).

Criminalization of illegal manufacturing

Three states report that they have criminalized the illegal manufacture of firearms on their territory,⁸⁵ while Tunisia reports that it has identified and taken action against groups or individuals engaged in illegal manufacturing (2010, p. 3)—thus it can be inferred that it has criminalized illegal manufacturing, though this is not explicitly stated.

Action against illegal manufacturing

As noted above, Tunisia reports that it has identified and taken action against groups or individuals engaged in illegal manufacturing (2010, p. 3).

SOUTHERN AFRICA

Manufacturing controls

Four states in Southern Africa report that they have laws and regulations on manufacture,⁸⁶ with Lesotho stating that it has “no capacity to manufacture firearms for sale or export” but it is an offence to manufacture firearms without being registered (2010, p. 3). Additionally, Namibia reports that there is no manufacture of SALW on its territory (2011, p. 1).

84 Algeria, Egypt, Libya, Tunisia.

85 Algeria, Egypt, Libya.

86 Botswana, Lesotho, Namibia (which notes that its laws need to be updated (2006, p. 5)), South Africa.

Criminalization of illegal manufacturing

South Africa reports that it has criminalized the illegal manufacture of small arms on its territory, with severe penalties (2008, p. 2). Additionally, Namibia's Arms and Ammunition Act of 1996 has provisions against the illegal manufacture of SALW (2011, p. 5).

Action against illegal manufacturing

No Southern African state reports on this provision.

WESTERN AFRICA

Manufacturing controls

Seven states in Western Africa report that they have manufacturing controls in place,⁸⁷ while Guinea and Togo indicate that manufacturing laws are under development (Guinea: 2010, p. 12; Togo: 2010, p. 10), and Sierra Leone reports that its legislation is being amended (2010, p. 4). However, eight states report that there are no production facilities on their territory, apart from some craft production, while Sierra Leone reports that, although its craft gun manufacturing is at a very "rudimentary stage", it is not insignificant in size (2005, p. 8).⁸⁸ Burkina Faso reports that artisanal producers of SALW are registered by the Ministry of Security (2010, pp. 2, 4).

Ghana reports that manufacturing is a banned activity, however the "law makes an exception that manufacturing can be allowed at arsenals established by the Government or to an entity to whom license has been given to by the Government" (2010, p. 2). Mali does not manufacture arms, however Law no. 04-050 regulates craft manufacture (2010, p. 3).

87 Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Mali, Senegal, Sierra Leone.

88 Côte d'Ivoire, Ghana (which reports that, although the production of firearms is not prohibited, no person or entity has applied and been granted a license to produce; however, a few blacksmiths and artisans produce crude firearms illegally (2010, p. 4)), Liberia, Mali, Niger, Senegal, Togo. Benin reports that it does not manufacture "sophisticated" firearms, but that craft production ("homemade weapons") does take place (our translation) (2003, pp. 7, 10).

Criminalization of illegal manufacturing

Five states in Western Africa report that they have criminalized the illegal manufacture of small arms on their territory (in accordance with PoA paragraph II.2).⁸⁹

Action against illegal manufacturing

Gambia reports that police investigate small-scale enterprises making guns illegally for criminals (2005, p. 4). Ghana reports that it has identified perpetrators involved in illegal manufacture through periodic “swoops and surveillance activities” (2007, p. 1). Liberia gives an example of an illicit craft producer who was sentenced to one year imprisonment and a fine of USD 30,000 for producing weapons without a government licence (2003, p. 4). Senegal noted that home-made manufacture and transformation of alarm pistols into real arms is taking place; perpetrators are “brought before the courts” (our translation) (2010, p. 9).

AMERICAS

CARIBBEAN

Manufacturing controls

Haiti reports that the state has a monopoly on the manufacture of military weapons and ammunition (as well as the import, export, use and possession of such weapons). Antigua and Barbuda, the Dominican Republic, Grenada and Jamaica report that small arms are not manufactured on their territory. Trinidad and Tobago notes that the manufacture of firearms and ammunition is prohibited under national legislation. It appears that no licensed manufacturing of firearms takes place in the reporting states of the Caribbean, although illicit craft production has been reported.⁹⁰

Criminalization of illegal manufacturing

Four states report that they have manufacturing controls in place,⁹¹ with three stating they have criminalized the illegal manufacture of small arms on their territory.⁹²

89 Burkina Faso, Côte d’Ivoire, Ghana, Liberia, Senegal.

90 Cuba, Dominican Republic.

91 Antigua and Barbuda, Cuba, Grenada, Trinidad and Tobago.

92 Antigua and Barbuda, Cuba, Trinidad and Tobago.

Action against illegal manufacturing

The Dominican Republic reports that it is “taking measures to control and eradicate the reloading of ammunition” (our translation) (2008, pp. 9–10). Antigua and Barbuda and the Dominican Republic report that they have identified and taken action against persons engaged in illegal manufacture of small arms, with the latter noting that it has identified individuals making home-made weapons.

CENTRAL AMERICA

Manufacturing controls

Six Central American states report that they have manufacturing controls in place.⁹³ In all instances, this consists of relevant legislation requiring a licence or authorization to manufacture small arms. Panama reports that legislation governing the manufacture of small arms has not yet been developed (2010, pp. 1–2) (illegal manufacture has been criminalized under the Penal Code—see below).

Six Central American states report that they do not manufacture small arms.⁹⁴ Mexico appears to be the only state in Central America that manufactures small arms.

Criminalization of illegal manufacturing

Six Central American states report that they have criminalized the illegal manufacture of small arms on their territory.⁹⁵

93 Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua.

94 Costa Rica (which reports that no manufacture of SALW takes place on its territory and that the manufacture of military materiel is expressly prohibited under the relevant legislation (2003, p. 3)), El Salvador, Guatemala (which reports that, while the manufacture firearms is permitted, there are no registered firearms factories, although ammunition was produced for military consumption (2006, p. 17)), Honduras, Nicaragua (which reports that there are no firearm or ammunition factories on its territory (2010, p. 4)), Panama (which reports that there are no companies authorized to produce weapons and ammunition (2010, p. 2)).

95 El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

Action against illegal manufacturing

Guatemala reports on action taken against groups or individuals engaged in the illegal manufacture of small arms, noting that it has successfully prosecuted individuals engaged in the illegal manufacture of firearms and ammunition, and that from January to September 2005 it concluded seven cases involving the illegal manufacture of firearms and 40 cases involving the illegal manufacture of munitions (2006, p. 16).

NORTHERN AMERICA

Manufacturing controls

Canada and the United States both report that they have manufacturing controls in place. Canada reports that businesses manufacturing firearms are required to obtain firearms business licences and register their firearms inventory (2010, p. 6). The United States reports that anyone engaged in the business of commercial manufacturing, dealing in or importing of firearms must be licensed under the Gun Control Act of 1968. The Arms Export Control Act also requires that a US person engaged in the business of manufacturing, exporting or importing defence articles must be registered with Department of State (2010, p. 2).

Criminalization of illegal manufacturing

Canada and the United States report that they have criminalized the illegal manufacture of small arms on their territory.

Action against illegal manufacturing

The United States reports that law enforcement agencies cooperate with each other and with their foreign counterparts to combat the illicit manufacturing of and trafficking in SALW. Upon request, and when consistent with US law, the United States shares information on such groups or individuals with INTERPOL, Europol and with appropriate law enforcement agencies of individual foreign governments (2010, p. 3).

SOUTH AMERICA

Manufacturing controls

Ten South American states report that they have manufacturing controls in place,⁹⁶ while Bolivia reports that, although it does not manufacture or transfer SALW, it has enacted laws aimed at fulfilling its international commitments including the PoA (2010, p. 3).

Six South American states report that they do not manufacture small arms, or that there are no small arms manufacturers on their territory.⁹⁷

Criminalization of illegal manufacturing

Nine South American states report that they have criminalized the illegal manufacture of small arms on their territory.⁹⁸ Uruguay reports that it has not criminalized the illegal manufacture of small arms (2010, pp. 6–7).

Action against illegal manufacturing

In its 2006 report, Colombia provided details of the number of arrests and convictions for offences relating to the illicit ownership, possession, trafficking and manufacturing of firearms, ammunition, explosives and other related materials (without disaggregating the figures for arrests and convictions for illegal manufacturing, those for illegal possession etc). It noted that during the reporting period in question, “the number of people arrested for these crimes increased: between 2002 and 2003 firearms rose from 123 to 208, and explosives climbed from 49 to 68. The number of convicted persons for weapons increased from 442 to 659, while explosives went from 237 to 243, remaining constant in 2004” (our translation) (2006, pp. 52–53, 55).

Ecuador reports that, as a result of existing firearms legislation, including legislation controlling the manufacture of small arms, 761 trials were under way in 2007 and rulings had already been handed down in 132 of those cases (although it does not specify which, if any, cases involved charges of

96 Argentina, Brazil, Chile, Colombia (where small arms can only be manufactured by the state (2006)), Ecuador, Guyana, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

97 Bolivia (Plurinational State of), Guyana, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

98 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Venezuela (Bolivarian Republic of).

illegal manufacture) (2008, p. 1). Ecuador reports that it has conducted operations that seek to identify persons who illegally manufacture and sell weapons, ammunition and explosives (2003, p. 2).

Paraguay reports that the intelligence work performed by the Directorate of War Material identifies groups and individuals who are engaged in the manufacture, trade, stockpiling, transfer, possession or financing of the illicit acquisition of firearms and related materials (2007, p. 7).

Peru reports that its intelligence agencies have detected an increase in craft production, and that between 2008 and 2009 six people were arrested for their involvement in the illegal manufacture of weapons in their homes or workshops. The following weapons, parts and ammunition were seized during the arrests: 7 home-made shotguns, 9 chrome revolvers, 22 revolvers, 9 pistols, mechanisms, tools and cartridges (2010, p. 7).

ASIA

CENTRAL ASIA

Manufacturing controls

Kazakhstan, Kyrgyzstan and Tajikistan all provide information on their manufacturing laws. In Kazakhstan, the Act of the Republic of Kazakhstan on licensing, the implementing Decree of the Government of Kazakhstan 1995 as well as the Decree of the Government of Kazakhstan 2007 regulate SALW production (2010, pp. 4–5). In Kyrgyzstan the law on licensing of 1997 provides regulations on manufacturing (2006, p. 3). Tajikistan reports that, “in accordance with the ... Law, no full-scale production of weapons is expressly provided for. Along with that, their manufacture is provided for, meaning assembling parts, remaking or repairing, with the aim to recover the once lost wounding power of a weapon” (2003, p. 2). Turkmenistan provides no information specifically on manufacturing laws, however it provides information on normative acts, which indirectly relate to manufacturing, such as the Law on Arms of 2009 and the Customs Code of the Republic of Turkmenistan (2010, p. 10).

Criminalization of illegal manufacturing

Four states in Central Asia provide information on the criminalization of illicit manufacturing,⁹⁹ with Kyrgyzstan stating that the Criminal Code and Administrative Code provide criminal persecution for illicit manufacturing—when discovered, the internal affairs authorities will institute legal proceedings and start investigations (2006, p. 4).

Action against illegal manufacturing

No Central Asian state reports specifically on this provision, although Kazakhstan reports that, as a result of operative raids conducted by law enforcement agencies in 2009, 878 unlawfully held weapons were confiscated (although it does not specify whether any of these were illegally manufactured) (2010, p. 13).

EASTERN ASIA

Manufacturing controls

Three Eastern Asian states report that they have manufacturing controls in place.¹⁰⁰

Criminalization of illegal manufacturing

Three Eastern Asian states report that they have criminalized the illegal manufacture of small arms.¹⁰¹

Action against illegal manufacturing

Japan reports that the necessary investigations against groups and individuals engaged in the illegal manufacture of illicit SALW have taken place (2010, p. 12).

99 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan.

100 China, Japan, Republic of Korea.

101 China, Japan, Republic of Korea.

SOUTHERN ASIA

Manufacturing controls

Five states in Southern Asia report that they have manufacturing controls in place,¹⁰² although Sri Lanka reports that it does not manufacture SALW and no licences to manufacture SALW have been granted (2008, p. 2).

Criminalization of illegal manufacturing

Four states report that they have criminalized the illegal manufacture of small arms on their territory.¹⁰³ No information on specific penalties is provided.

Action against illegal manufacturing

Sri Lanka reports that it has identified groups and individuals engaged in the illegal manufacture of illicit SALW (2008, p. 5).

SOUTH-EASTERN ASIA

Manufacturing controls

All six reporting states in South-Eastern Asia report that they have manufacturing controls in place, including Cambodia, though it reports that it does not manufacture arms (2008, p. 2).¹⁰⁴ Indonesia reports that PT Pindad has a monopoly on the manufacture of small arms (2010, p. 5). Thailand reports that it does not manufacture SALW for export, and that only a limited amount of SALW is produced by the army factory (2008, p. 9).

Criminalization of illegal manufacturing

Five states in South-Eastern Asia report that they have criminalized the illegal manufacture of arms.¹⁰⁵

102 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

103 India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

104 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

105 Cambodia (mentions there are “penal consequences” in its 2005 Arms Law (2008, p. 2)), Indonesia, Malaysia, Philippines, Viet Nam.

Action against illegal manufacturing

The Philippines reports that law enforcement agencies are making all efforts to arrest illegal gun manufacturers for violation of its firearms law, including those engaged in manufacturing homemade firearms (2010, p. 7).

WESTERN ASIA

Manufacturing controls

Ten Western Asian states report that they have manufacturing controls in place,¹⁰⁶ including Cyprus, which is one of six Western Asian states that report they do not manufacture firearms on their territory.¹⁰⁷ Saudi Arabia reports that only certain government agencies can manufacture firearms (2006, p. 3).

Criminalization of illegal manufacturing

Seven states in Western Asia report that they have criminalized the illegal manufacture of arms.¹⁰⁸

Action against illegal manufacturing

No Western Asian state reports on this provision.

EUROPE

EASTERN EUROPE

Manufacturing controls

All 10 states in Eastern Europe report that they have laws on manufacturing,¹⁰⁹ including Belarus and the Republic of Moldova, which report that they do not manufacture SALW (Belarus: 2010, p. 5; Republic of Moldova: 2010, p. 7). The Czech Republic reports that military weapon production has stopped, but that civilian weapon manufacture still takes

106 Armenia, Azerbaijan, Cyprus, Georgia, Iraq, Israel, Jordan, Saudi Arabia, Syrian Arab Republic, Turkey.

107 Bahrain, Cyprus, Lebanon, Oman, Qatar, United Arab Emirates.

108 Armenia, Azerbaijan, Georgia, Iraq, Jordan, Saudi Arabia, Turkey.

109 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

place (2007, p. 18). Romania reports that the state has a monopoly over the manufacture and commerce in armaments, ammunition and explosives (2010, p. 2). Similarly, the Republic of Moldova (although not a producer of small arms at this time) ensures that the state has the monopoly over the production of arms (2010, p. 4). The Russian Federation reports that licences to manufacture firearms and ammunition are granted by the Federal Agency for Industry (Rosprom) (2007, p. 2).

Criminalization of illegal manufacturing

All 10 states in Eastern Europe report that they have established illegal manufacturing as a criminal offence.¹¹⁰

Action against illegal manufacturing

The Russian Federation reports that, in 2006, it detected 4,336 crimes relating to illegal manufacture (some 14% of all crimes relating to the illegal trade in SALW detected that year) (2007, p. 19).

NORTHERN EUROPE

Manufacturing controls

Ten states in Northern Europe report that they have manufacturing controls in place,¹¹¹ including Iceland, Ireland, Latvia and Lithuania, which report that they do not manufacture SALW (though licensed gunsmiths may carry out repairs) (Iceland: 2008, p. 8; Ireland: 2010, p. 2; Latvia: 2010, p. 12; Lithuania: 2010, p. 3), and Norway, which reports that it does not manufacture small arms but that it does manufacture ammunition (2010, p. 2).

Denmark reports that, in principle, it is prohibited to manufacture firearms and ammunition, but individual licences for manufacture of weapons may be granted on a case-by-case basis. However, the manufacture ban applies neither to military authorities nor to the police (2010, p. 3). Sweden also reports that, in principle, the manufacture of small arms is prohibited and that permission to manufacture will only be granted if there are security or

110 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

111 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

defence policy reasons, and where this does not come into conflict with Sweden's foreign policy (2010, p. 10).

Criminalization of illegal manufacturing

Nine states in Northern Europe report that they have established illegal manufacturing as a criminal offence.¹¹²

Action against illegal manufacturing

Iceland reports that only in rare cases have groups or individuals been identified that have been engaged in the manufacture in small arms, and that they have been prosecuted (2008, p. 4). Ireland reports that the National Police are "constantly vigilant" in the fight against the illicit manufacture of SALW and that Irish authorities "constantly work to identify groups and individuals engaged in such activities", undertaking regular targeted intelligence-driven operations (2005, p. 3), but it does not provide details of specific action taken against individuals engaged in illegal manufacture.

Latvia is one of the few states that provides specific statistics on criminal procedures against those involved in illegal manufacturing, noting that: in 2009, with respect to the crime of "Unauthorised manufacture, acquisition, storage and sale of weapons, ammunition and explosives" (Article 233 of the Criminal Code), 7 criminal procedures were brought and 9 firearms were seized (2010, p. 9); in 2007, 28 crimes were resolved with regard to manufacture, purchase, storage and use of arms, ammunitions and explosives, mostly related to illegally stored hunting guns, and 227 criminal procedures were brought with respect to Article 233 (2008, p. 7); in 2005, 606 cases of illegal manufacture, acquisition, keeping and sale of guns were registered (2005, p. 5); in January 2003, 39 cases of illegal manufacture, acquisition, possession and sale of firearms were registered; in January 2002, only 31 such cases were registered (2004, p. 8); in 2002, 439 cases of illegal manufacture, acquisition, possession and sale of firearms were registered; in 2001, there were 565 cases (2003, p. 5).

Sweden and the United Kingdom give details of the agencies responsible for identifying groups and individuals associated with illicit small arms activities and for taking action under the appropriate laws. In Sweden,

112 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway (which indicates that "penal sanctions" are included in its legislation (2010, p. 5)), Sweden.

the law enforcement agencies and Customs are responsible for this (2005, p. 3), while in the United Kingdom, Revenue and Customs, the Serious Organised Crime Agency, the Ministry of Defence, police forces and other government agencies cooperate to identify groups associated with illicit SALW activities (2008, p. 5). Neither state gives details of specific action taken in this regard.

SOUTHERN EUROPE

Manufacturing controls

Ten states in Southern Europe report that they have manufacturing controls in place,¹¹³ including Andorra and Malta, which prohibit the manufacture of SALW, Greece, which reports that there are no companies that produce weapons and arms for commercial use, save for one state company that produces arms for the Ministry of National Defence (2008, p. 3), and the former Yugoslav Republic of Macedonia, which reports that it is not a producer of small arms (2011, p. 4).¹¹⁴ Bosnia and Herzegovina reports that there is no private sector production as the manufacturing and marking of weapons and military equipment is under state control (2010, p. 14).

Five states report that they do not manufacture small arms.¹¹⁵ Albania reports that there has been no manufacture of small arms in Albania since 1990, and that Albania does not have a law on production of SALW nor any current policy on the issue (2004, pp. 2, 14) (although it does indicate it has criminalized illegal manufacture (2004, p. 5)). Andorra reports that its legislation prohibits firearms manufacture (2010, p. 2). Malta reports that the government is committed to a policy not to manufacture arms or any other weapons and that the Arms Act (2006) prohibits the manufacturing of arms (2010, p. 3).

113 Andorra, Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal, Serbia, Spain, the former Yugoslav Republic of Macedonia. Additionally, Slovenia reports that it has criminalized illegal manufacture of SALW, implying that it does have manufacturing controls in place.

114 Although it has reported that one company, Suvenir, manufactures ammunition, and makes repairs and remodels a limited quantity of weapons (2004, p. 17).

115 Albania, Andorra, Malta, Slovenia, the former Yugoslav Republic of Macedonia.

Criminalization of illegal manufacturing

Eight states in Southern Europe report that they have established illegal manufacturing as a criminal offence.¹¹⁶

Action against illegal manufacturing

The former Yugoslav Republic of Macedonia reports that in January 2005 the Ministry of Interior established a special section dealing with illegal trade in weapons, ammunition and explosive materials. During 2010 their actions had the following impact: 199 criminal offences of illegal manufacture, possession and trade in weapons and explosive materials were disclosed for which 223 persons were charged, while five charges were initiated against unknown perpetrators (2011, p. 9).

WESTERN EUROPE

Manufacturing controls

Eight states in Western Europe report that they have manufacturing controls in place,¹¹⁷ including Liechtenstein, which reports that, "So far, no authorization for manufacture, trade or brokering has been issued by the competent authorities as regards Liechtenstein" (2005, p. 2),¹¹⁸ Monaco, which reports that no weapons are produced on its territory (2004, p. 2),¹¹⁹ and the Netherlands, which reports that no producers of small arms or light weapons are based on its territory (2010, p. 4). Luxembourg also reports that it does not manufacture small arms (2012, p. 1).

116 Albania, Andorra, Bosnia and Herzegovina, Malta, Portugal, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

117 Austria, Belgium, France, Germany, Liechtenstein, Monaco, Netherlands, Switzerland.

118 Liechtenstein notes that the manufacture of non-military material is mainly regulated by the Swiss Weapons Act and its Ordinance but that, in addition, the Liechtenstein Weapons Act prohibits the manufacture of certain weapons which are considered to cause serious humanitarian concerns and the private manufacture or modification of weapons is prohibited (2008, p. 2).

119 Monaco reports that its manufacturing controls are based on French law (2004, pp. 2–3).

Criminalization of illegal manufacturing

Seven states in Western Europe report that they have established illegal manufacturing as a criminal offence.¹²⁰

Action against illegal manufacturing

Germany provides details of firearms seized and confiscated and notes the following numbers of firearms were seized in connection with illicit manufacture: 2.6% of the cases involving seizure of SALW in 2001 and 2002 were connected to illicit manufacturing (2004, p. 51), 0.5% of the cases involving seizure of SALW in 2004 were connected to illicit manufacturing (2005, p. 51), 8 of 730 SALW seized in 2007 were connected to illicit manufacturing (2008, p. 52), and 4 of 454 SALW seized in 2008 were connected to illicit manufacturing (2009, p. 48).¹²¹ Switzerland reports that competent cantonal authorities (including police and prosecutors) conduct investigations concerning illegal manufacture (2010, p. 10).

OCEANIA

AUSTRALIA AND NEW ZEALAND

Manufacturing controls

New Zealand reports to have only one small-scale and a few ad hoc manufacturers of weapons; any person who wishes to manufacture firearms must hold a dealers licence, which is to be issued by the police (2010, p. 1). Australia reports to have strict manufacturing laws, which are the direct legislative responsibility of the six states and two territory governments (2010, p. 2).

Criminalization of illegal manufacturing

Despite the regulations on manufacturing in both countries, neither state mentions whether illegal manufacturing is a criminal offence in their respective state.

120 Austria, Belgium, France, Germany, Monaco, Netherlands, Switzerland.

121 The text of the 2009 report actually reads "4 of the ... 730 SALW firearms were seized in connection with illicit manufacture" (p. 48). However, this is likely a copying error from the previous report, as only 454 SALW were seized in 2008 (pp. 47–48).

Action against illegal manufacturing

Neither Australia nor New Zealand reports on this provision.

MELANESIA

Manufacturing controls

Fiji, Papua New Guinea and Solomon Islands report that they have manufacturing controls in place, though Papua New Guinea reports that manufacture is prohibited (2005, p. 15), and Fiji notes that it does not have a manufacturing industry (2008, p. 3). Solomon Islands notes that its law “prohibits the manufacture of firearms and ammunition except at an arsenal approved by the Minister, and in accordance with the conditions specified by the Minister in writing” (2004, p. 9).

Criminalization of illegal manufacturing

Papua New Guinea, Fiji and Solomon Islands report that illegal manufacturing on their territory is a criminal offence.

Action against illegal manufacturing

No state in Melanesia reports specifically on action taken against persons engaged in illegal manufacture of arms, although Papua New Guinea reports that its national laws have incriminated and imprisoned persons involved in illegal activities relating to the PoA (2005, p. 11).

MICRONESIA

The Marshall Islands reports that it has laws relating to the manufacturing of firearms that require manufacturing to be licensed.

GLOBAL FINDINGS

The majority of states report that they have manufacturing controls in place, generally including a requirement that manufacturers obtain a licence or authorization from a competent authority. In fact, 61% of reporting states in Africa, 82% of reporting states in Americas, 79% of reporting states in Asia, 93% of reporting states in Europe and 100% of reporting states in Oceania report that they have manufacturing controls in place, including states that do not manufacture SALW. Furthermore, 41% of reporting states in Africa, 71% of reporting states in Americas, 71% of reporting states in

Asia, 83% of reporting states in Europe and 50% of reporting states in Oceania report that they have established illegal manufacture as a criminal offence. The relatively high level of implementation of these commitments among reporting states is surprising given that over 40% of states that have submitted national reports report that they do not manufacture SALW.

Table 3. Manufacture

(no. of states that have reported on provision (% of reporting states))

	Africa	Americas	Asia	Europe	Oceania
Manufacturing controls in place	61%	82%	79%	93%	100%
Does not manufacture	57%	64%	24%	39%	33%
Criminalized illegal manufacture	41%	71%	71%	83%	50%

Nevertheless, there are states that report that they have not established manufacturing controls or that such controls are under development, while others note that their existing manufacturing laws are outdated and in need of amendment. This is especially true of reporting states in Africa, where authorized manufacturing may not take place on a large scale, if at all, but where craft production is taking place outside of state control. Furthermore, very few states report that they have identified and taken action against groups or individuals engaged in illegal manufacture, so there is no clear picture of whether manufacturing controls and particularly criminal penalties are being implemented, based on national reports.

MARKING

Under the International Tracing Instrument, states are required to:

- ensure that appropriate markings are applied at the time of manufacture and either require unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification of the country of manufacture; and encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre (para. 8(a));
- ensure that each imported small arm or light weapon is marked at the time of import, to the extent possible, permitting identification of the country of import and, where possible, the year of import; and require a unique marking, if the imported small arm or light weapon does not already bear such a marking (excluding temporary imports and permanent import of museum artefacts) (para. 8(b));
- ensure, at the time of transfer from government stocks to permanent civilian use of a small arm or light weapon that is not marked in a manner that allows tracing, the appropriate marking permitting identification of the country from whose stocks the transfer of the small arm or light weapon is made (para. 8(c));
- ensure that all small arms and light weapons in the possession of government armed and security forces are duly marked (para. 8(d));
- encourage manufacturers of small arms and light weapons to develop measures against the removal or alteration of markings (para. 8(e)); and
- ensure that all illicit small arms and light weapons that are found on their territory are uniquely marked and recorded, or destroyed, as soon as possible, and are securely stored pending such marking, and recording or destruction (para. 9).

The following section provides an overview of the states, by subregion, that report that they ensure that SALW are marked at the time of manufacture, imported SALW are marked at the time of import, SALW transferred from government stocks to civilian use are marked appropriately, manufacturers develop measures against the removal or alteration of marking, and illicit SALW are uniquely marked and recorded or destroyed, and securely

stored pending their disposal. Annex F includes details of figures on seized, confiscated and destroyed SALW, as included in national reports.

AFRICA

EASTERN AFRICA

Marking at time of manufacture

Nine Eastern Africa states report that they either prohibit the manufacture of arms or do not manufacture arms on their territory, while Kenya reports that it has no significant production facilities, so few states in the subregion report on marking at time of manufacture.¹²²

Ethiopia reports that “due to making [sic] machine still we do not mark small arms” (2008, p. 1), which we assume to mean that marking is not possible due to the lack of machines for marking. It states that in the future it will mark weapons to convey the name of manufacturer, place/country of manufacture, date of manufacture, serial number, model number and calibre (2008, p. 3). Zambia reports it received a marking machine from the Regional Centre on Small Arms and Light Weapons and that “The marking will be unique [to] the lot of manufacture for both Military and Police in the Country” (2010, p. 9).

Marking at import

Mozambique reports that it marks SALW at the time of import, stating that firearms are marked in a range of movements, including during the process of import, export, transit, seizure, confiscation and transfer to the state by citizens (2010, p. 5). No other state in Eastern Africa reports marking weapons at import, however Madagascar has made some legal provisions that must be considered when importing arms. These provisions are reporting the quantity, nature and components of imported arms; reporting the individual numbers of arms; reporting the country of origin of those arms; and the law stipulates that “the number of each arm must be unalterable” (2008, p. 2). Additionally, the United Republic of Tanzania reports that the government plans to remark all of its imported weapons (2006, p. 10).

122 Burundi, Eritrea, Kenya, Madagascar, Mauritius, Mozambique, Rwanda, United Republic of Tanzania, Zimbabwe.

Marking of weapons transferred from state stocks to civilian use

No state in Eastern Africa reports marking weapons when transferring them from state stockpiles to civilian use, with Zimbabwe stating that “Even on transfer of Government stocks to permanent civilian possession, Zimbabwe does not remark weapons, the manufacturer’s marking is sufficient for registration” (2008, p. 2). Mozambique on the other hand, reports that it marks weapons when transferred from a citizen to the state after confiscation of the weapon (2010, p. 5).

Marking of SALW in the possession of government armed and security forces

Ten states in Eastern Africa provide information on the marking of state-held SALW.¹²³ Eritrea reports that all the arms that are now under state control were seized during the war of independence, and all have different marking systems due to being made by different manufacturers (2010, p. 7). Mozambique reports that arms without any manufacture marking shall be numbered with a unique serial system that was created by police headquarters and includes the initials CP (2005, p. 7). In Mauritius, police-held firearms are inspected twice a year to check all the serial numbers against records (indicating they are marked with serial numbers) (2008, p. 1). Uganda reports that it is undertaking a marking exercise, starting with the Ugandan Police and Ugandan Peoples Defense Forces weapons (2010, p. 2). Rwanda reports that it is in the process of marking police and government weapons, and that so far 3,000 police weapons have been marked (2010, p. 1). The United Republic of Tanzania is in the process of marking police weapons and has so far marked about 2,400 weapons (2010, p. 3). Burundi reports that measures have been taken to mark all the legally possessed weapons in the country (2008, p. 1) (presumably this includes weapons in possession of the government). Kenya reports that each armed service branch maintains a record of firearms held, noting the manufacturer’s registration number and weapon type (2006, p. 8).

Measures by manufacturers

Since most states in Eastern Africa either prohibit the manufacture of small arms or no manufacture takes place on their territory, it is not surprising that no Eastern African state reports on this provision. Mauritius, however,

123 Burundi, Eritrea, Kenya, Malawi, Mauritius, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zimbabwe.

reports it has criminal penalties for any person who erases, alters or in any manner tampers with an identification mark (2008, p. 1).

Marking or destruction of illicit weapons

Nine states in Eastern Africa report that illicit weapons found on their territory are marked and registered, or destroyed.¹²⁴ All of these states, except Malawi (which claims to mark illicit weapons), destroy such weapons.

MIDDLE AFRICA

Marking at time of manufacture

The Democratic Republic of the Congo reports that the law does not require manufacturers to mark their firearms and there is no provision regarding standardized identification of SALW (2010, p. 13). It also notes that it does not have the necessary tools to carry out marking operations due to scarce resources. It reports that it uses rudimentary means to mark arms, but that such marking makes it impossible to determine whether the marking is distinctive or not (2010, p. 22).

Marking at import

The Democratic Republic of the Congo reports that imported arms must be marked to facilitate tracing, but does not indicate that they are marked at the time of import (2010, p. 12).

Marking of weapons transferred from state stocks to civilian use

No state in Middle Africa reports marking weapons when transferring them from state stockpiles to civilian use.

Marking of SALW in the possession of government armed and security forces

The Democratic Republic of the Congo reports that it launched a marking operation for state-owned firearms since receiving three marking machines in February 2010 (2010, p. 13).

124 Djibouti, Eritrea, Ethiopia, Kenya, Malawi, Rwanda, Uganda, United Republic of Tanzania, Zimbabwe.

Measures by manufacturers

No state in Middle Africa reports on this provision.

Marking or destruction of illicit weapons

Angola, the Central African Republic, the Democratic Republic of the Congo and the Republic of Congo report that illicit weapons found on their territory are destroyed. Angola also notes that weapons found to be in good technical condition have been registered and stored to later be delivered to the armed forces and national police (2010, p. 4).

NORTHERN AFRICA

Marking at time of manufacture

Algeria and Egypt report that they mark their weapons at manufacture and Libya, Morocco and Tunisia report that weapons are not manufactured on their territory. Algeria requires manufacture markings to permit identification of each weapon by the country of manufacture or import, the year of manufacture and serial number (2010, p. 17). Egypt reports that marking is an integral part of the manufacturing process and that information such as place of manufacture, name or code of manufacturer, lot number and serial number is included (2008, p. 3). The Sudan reports that it received two marking machines and training from the Regional Centre on Small Arms and Light Weapons, and that the marking of weapons in accordance with Nairobi Protocol and the PoA is underway (2010, p. 7).

Marking at import

No state in Northern Africa reports marking weapons at the time of import, although Algeria reports that it prohibits the importation of unmarked arms (2008, p. 22). It also reports that markings made at the time of manufacture must allow the identification of each weapon “by the country of manufacture and/or import, the year of manufacture and serial number” (our translation), indicating that Algerian manufacturers must mark weapons to be exported with the country of import (2010, p. 17).

Marking of weapons transferred from state stocks to civilian use

No state in Northern Africa reports marking weapons when transferring them from state stockpiles to civilian use, although Tunisia reports that the state does not sell its firearms to civilians (2010, p. 3).

Marking of SALW in the possession of government armed and security forces

Algeria reports that “small arms and light weapons owned by the armed forces and security services are systematically marked” (our translation) (2010, p. 17). The Sudan reports that the two marking machines it received from the Regional Centre on Small Arms and Light Weapons are being used to mark police and civilian weapons (2010, p. 7).

Measures by manufacturers

No state in Northern Africa reports on this provision.

Marking or destruction of illicit weapons

Algeria reports that collected weapons are decommissioned and reformed, whereas surplus weapons are destroyed by cutting and smelting (2010, p. 9). The Sudan reports that its draft policy includes elements on the collection of illicit weapons and disposal methods for such stocks (2008, p. 2).

SOUTHERN AFRICA

Marking at time of manufacture

Lesotho, Namibia and Swaziland report that they do not manufacture arms and therefore do not mark at the time of manufacture. Namibia reports that the Arms and Ammunition Act will address marking at the time of manufacture (2008, p. 9). Botswana reports that it does not manufacture SALW, but that new legislation will regulate the manufacture of SALW and will include a requirement for manufacturers to mark weapons with internationally agreed markings, including the manufacturer’s name or logo and the country code (2008, p. 11). South Africa reports that the Firearms Control Act requires that all firearms be marked at the time of manufacture, with information including unique identifying codes for manufacturers and the year of manufacture (2005, p. 4).

Marking at import

South Africa reports that it marks SALW at the time of import, as a requirement of its Firearms Control Act (2005, p. 4). Namibia reports that the Arms and Ammunition Act will address the issue of marking at the time of import (2008, p. 9), and that no firearm is imported if it is not marked with a unique number (2006, p. 6).

Lesotho reports that all firearms imported into the country must have a unique marking of the country of manufacture (2008, p. 2), although in its 2006 report, Lesotho states that the Amendment Bill of 2006 requires that firearms must be marked at the time of import (2006, p. 12). Botswana reports that all weapons imported into the country must be “unambiguously marked” (2008, p. 10).

Marking of weapons transferred from state stocks to civilian use

Namibia reports that it marks weapons transferred from state stockpiles to civilian use (2011, p. 5).

Marking of SALW in the possession of government armed and security forces

Botswana reports that most arms are marked in a manner that allows tracing to a particular unit within a government department (2008, p. 10). Namibia marks government-held weapons on the frame (with “NPW” for Namibian Police Weapons) (2011, p. 5). South Africa reports that it has policies and procedures in place to ensure the unique marking of firearms held by law enforcement agencies and armed forces (2008, p. 3). Lesotho reports that the process of marking SALW in the hands of government and security forces has not been fully implemented (2008, p. 2).

Measures by manufacturers

No state in Southern Africa reports on this provision (although Namibia reports that it would encourage manufacturers to develop measures to prevent the removal or alteration of markings if weapons are produced there in the future) (2011, p. 5).

Marking or destruction of illicit weapons

Five states in Southern Africa report that illicit weapons found on their territory are destroyed,¹²⁵ with Lesotho stating that these weapons are stored safely before they are destroyed (2008, p. 16).

125 Botswana, Lesotho, Namibia, South Africa, Swaziland.

WESTERN AFRICA

Marking at time of manufacture

No state in Western Africa reports marking weapons at the time of manufacture. Côte d'Ivoire reports that a draft bill regulating SALW includes provisions on the tracing, marking and registration of SALW even though Côte d'Ivoire has no formal production facilities (2005, pp. 2–3). Liberia reports that, as the state is still under a United Nations embargo, the United Nations peacekeepers are responsible for all marking tasks (2010, p. 4). Mali reports that there are no formal production facilities, but some craft manufacture still occurs and that these manufacturers will be introduced “into the system of marking of arms” (our translation) (2010, p. 3).

Marking at import

Guinea reports that all imported weapons intended for use in national defence or security are marked and registered (2010, pp. 13–14). Senegal reports that, while imported arms come with their own markings, “Senegal still reserves the right to add an additional number for the management of national stockpiles” (our translation) (2005, p. 16). Togo reports that a weapon “before being delivered to its recipient, be it an individual or a dealer, is marked on the butt with the letter T and a number” affixed by customs officers. The information is kept in a register that also records “the cardholder’s name, the transcript of the arm, the licence number and the date of introduction” (our translation) (2010, p. 20). Ghana reports that, although government and security forces have some guidelines governing the marking on the weapons that they import, there is no law that requires an imported weapon to have particular markings, such as manufacture markings and the importing organization’s initials or logo (although it notes these requirements would be considered in the review process) (2010, p. 6).

Marking of weapons transferred from state stocks to civilian use

No state in Western Africa reports on the issue of marking weapons transferred from state stocks to civilian use. However Burkina Faso reports that it is prohibited to sell military weapons to private individuals (2010, p. 1).

Marking of SALW in the possession of government armed and security forces

As noted above, Guinea reports that all imported weapons intended for use in national defence or security are marked and registered (2010, pp. 13–14). Senegal reports that all state-held weapons are transferred to barracks of the Directorate of the Service of Army Materiel for immediate marking and subsequently records are entered into a database before the weapon is assigned to service (2005, p. 11). As noted above, Togo reports that imported weapons are marked on the butt with the letter T and a number prior to distribution. Presumably this includes weapons distributed to government forces (2010, p. 20).

Measures by manufacturers

No state in Western Africa reports on this provision.

Marking or destruction of illicit weapons

Ten Western African states report that illicit weapons found on their territory are marked and registered, or destroyed.¹²⁶ Guinea reports that illicit weapons are partially registered pending destruction (2010, p. 12). Liberia reports that weapons are handed over to the United Nations Peacekeeping Mission in Liberia and the Liberian National Police for destruction (2010, p. 7). The Niger reports that it stores its illicit weapons “in the same building along with ammunition and other licit or illicit unexploded ordnance. This situation does not allow optimal security” (our translation) (2010, pp. 16–18). Senegal reports that collected arms are stored by the police and gendarmerie for safekeeping (2005, p. 16), and Sierra Leone reports that the United Nations Mission in Sierra Leone assisted with the storage of weapons collected through the Community Arms Collection and Destruction Program (2005, p. 6).

126 Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

AMERICAS

CARIBBEAN

Marking at time of manufacture

Antigua and Barbuda reports that it includes the following information in markings made at the time of manufacture (though it also states small arms are not manufactured on its territory): the name of the manufacturer, country of manufacture, serial number, year of manufacture, weapon type/model and calibre (2010, pp. 5–6).

Marking at import

Antigua and Barbuda reports that the importer must mark SALW with the country of import, year of import, serial number, manufacturer, model number and calibre (2010, p. 12). Antigua and Barbuda also reports that if imported SALW do not bear a unique marking when they arrive, it requires that they be given such a marking (2010, p. 13).

No other Caribbean state reports that it marks SALW at the time of import. However, several states report that they ensure that imported arms are marked by the manufacturer or exporter prior to their importation. For example, Jamaica reports that its armed and security forces request that SALW being imported are properly marked prior to shipment, and that the serial numbers of the weapons being imported are known prior to the shipment and arrival of the weapons into the country (2008, p. 1). Cuba reports that the import of weapons without a serial number is forbidden, and that such weapons are seized by Customs and ultimately handed over to the Ministry of Interior (2010, p. 25). Trinidad and Tobago reports that amendments made to its firearms legislation through the Firearms Amendment Act 2004 include a requirement that all imported firearms be marked by the manufacturer (2004, p. 2).

Marking of weapons transferred from state stocks to civilian use

No state in the Caribbean reports on the issue of marking weapons transferred from state stocks to civilian use. However, Antigua and Barbuda reports that the government does not transfer SALW to civilians or private companies (2010, p. 25).

Marking of SALW in the possession of government armed and security forces

Cuba reports that “all small arms and light weapons in the possession of the armed forces and State security agencies are duly marked and registered” (2008, p. 2). Jamaica reports that the armoury divisions of both the police and the military maintain their own lists of serial numbers of all weapons in the possession of their respective officers (2008, p. 1).

Additionally, Trinidad and Tobago reports that all firearms on its territory are marked (thus implicitly including state-owned weapons), while Antigua and Barbuda reports that it has not taken measures to ensure that all SALW in the possession of government armed and security forces are duly marked (2010, p. 25).

Measures by manufacturers

No Caribbean state reports on this provision.

Marking or destruction of illicit weapons

Five states in the Caribbean report that illicit weapons found on their territory are marked and registered, or destroyed.¹²⁷ Antigua and Barbuda reports that it does not have the facilities to destroy SALW, but that seized and confiscated weapons are marked and recorded (2010, p. 24). The Dominican Republic reports that firearms that are not marked or that have been altered are seized and destroyed (2008, p. 13).

CENTRAL AMERICA

Marking at time of manufacture

Mexico reports that the General Directorate of the Military Industry marks all weapons produced for domestic consumption (for the armed forces and police), and that the markings applied to arms produced in Mexico include the national seal, name of the producer, country of the producer, serial number, model and calibre (2007, p. 2).

127 Antigua and Barbuda, Dominican Republic, Haiti, Jamaica, Trinidad and Tobago.

Marking at import

Mexico reports that when a weapon is imported, the name and address of the importer are engraved on the weapon and submitted to the Federal Weapons Registry (2008, p. 2).

Guatemala reports that it requires all imported arms to be marked by the manufacturer; otherwise, the arm is marked after import by means of stamping (2010, p. 4). It also reports that several steps are taken to verify that the original markings on imported firearms have not been altered, and that when the sale of firearms between private individuals is registered, the Department of Arms and Ammunition Control is authorized to verify that the weapon in question has been accurately and adequately marked and registered (2008, p. 5). In addition, as part of the process of registering every weapon that is imported into Guatemala, the Office for Arms and Ammunition Control marks each arm with the letters GUA (for Guatemala) (2010, pp. 2, 7).

Nicaragua reports that “all firearms that are imported into the country must be marked with the manufacturer’s name, model of weapon, serial number, calibre, and location and year of production” (our translation) (2006, p. 7).

Marking of weapons transferred from state stocks to civilian use

No Central American state reports on the marking of weapons transferred from state stocks to civilian use.

Marking of SALW in the possession of government armed and security forces

Guatemala reports that all government SALW are marked with the letters GUA and must be registered by the Office for Arms and Ammunition Control (2010, pp. 5–6). Guatemala has also introduced measures to ensure all weapons in the possession of civilian security forces for use by the state (Ministry of the Interior) and private security firms are marked and registered, and has established a register of weapons based on their ballistic fingerprint (2008, pp. 5–6).

Mexico reports that all firearms in the possession of government armed and security forces are marked at the time of manufacture with information on the manufacturer, calibre, model, serial number and country of manufacture (2008, p. 2).

Nicaragua reports that national legislation¹²⁸ requires state-owned weapons of war to be marked with the following information: the Nicaraguan coat of arms and the inscription “REPUBLICA DE NICARAGUA”, the year of manufacture, serial number, name of the institution that owns the weapon, country of origin and any technical specifications that might characterize or distinguish the weapon or serve as a means of identification (2008, p. 4). In terms of the implementation of this requirement, Nicaragua noted in its 2008 report that 10% of heavy weapons and 80% of pistols held by the National Police have the name of the institution that owns them engraved (with the latter also bearing the Nicaraguan coat of arms), and that information on weapons in the possession of the National Army and the national prison system was not available (2008, p. 4). In its 2010 report, Nicaragua also stressed that compliance with the marking requirements had not been fully implemented due to a lack of financial, technological and infrastructural resources (2010, pp. 3–4).

Measures by manufacturers

Mexico reports that one of the measures taken by manufacturers to prevent the alteration or removal of marking is to ensure the markings are reproduced on various essential components of a weapon (2008, p. 2).

Nicaragua reports that it is a criminal offence to alter, remove or modify markings without authorization, and the penalty is one to three years of imprisonment plus a fine equalling 12 times the average minimum monthly salary (2008, p. 4).

Marking or destruction of illicit weapons

Seven Central American states report that illicit weapons found on their territory are marked and registered, or destroyed, and provide information on destruction activities that have taken place.¹²⁹

Costa Rica reports in 2003 that confiscated weapons become state property (although few are put into active service, either because of the lack of parts to repair them or because they are not suitable for police work), and that no provision exists for destroying such weapons (2003, p. 5). It also reports that confiscated SALW are stored with the National

128 Article 138 (“Marking and Identification of Weapons”) of the Special Act for the Control and Regulation of Firearms, Ammunition, Explosives and Other Related Materials (Act no. 510).

129 Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

Arsenal for safekeeping until a judicial determination on disposition is made (2003, p. 4). However, in its 2005 report, Costa Rica reports that many confiscated firearms, ammunition and explosives that are transferred to the state are destroyed, once a judicial determination has been made as to their status (i.e. whether they should be transferred to the state or returned to their legal owner) (2005, pp. 2–3).

El Salvador reports that the Ministry of National Defence has statutory authority to destroy all confiscated weapons, and that destruction is executed in the presence of the Attorney General of the Republic and the National Civilian Police (2005, pp. 5–7). Honduras reports that weapons destruction campaigns were carried out in 2003 and 2004 under the auspices of the United Nations Development Programme and the Ministry of Security (2004, p. 5).

Mexico reports that it has developed a confiscations database, hosted by the Federal Weapons Registry and Explosives Control Office, that records information on weapons, munitions and explosives that have been seized (2003, p. 7). It also reports that the Office of the Attorney General monitors weapons that have been seized and keeps a database containing additional information regarding the country of origin and importers of arms (2002, p. 4). With respect to the disposal of confiscated arms, Mexico notes that the marking of seized weapons is not yet contemplated in its national legislation, but that seized arms are either entered in the Federal Register of Arms and reassigned to the police, or (if they are not operational and judicial determination has been made) they are destroyed (2003, p. 4).

Nicaragua reports employing several forms of handling illicit SALW, including marking and record-keeping, as well as destruction. It reports that the Bureau of Weapons, Explosives and Ammunition and Related Materials safeguards all seized and confiscated weapons prior to their disposal. Weapons are either destroyed, which consists of blasting by explosives, and is overseen by the Army and National Police, or are passed onto the National Police inventory, in the case of civilian weapons, or the Nicaraguan Army, in the case of military weapons (2006, pp. 4–5).

Nicaragua reports that, once it is confirmed that weapons seized or confiscated have not been used in a crime and legal ownership is checked, the Bureau of Weapons, Explosives and Ammunition and Related Materials assigns a serial number identifying the weapon; ensures the number is engraved on the main structural component, frame or receiver (by a licensed workshop); and records the serial number in a register (2008,

p. 9).¹³⁰ Panama reports that weapons seized by the state are destroyed in public ceremonies, and that seized weapons are securely stored in the national police armoury prior to destruction (2005, p. 5).

NORTHERN AMERICA

Marking at time of manufacture

Canada and the United States report that manufacturers must apply appropriate markings at the time of manufacture. Table 4 provides an overview of the manufacture markings required by as described in the national reports.¹³¹

Marking at import

The United States reports that all licensed importers are required to mark each imported firearm with the city and state of the importer. Markings must be a specific height (1/16th inch) and depth (0.003 inch) (2010, p. 3). Canada reports that draft regulations have been developed that would require all newly imported firearms to have the word Canada or the letters CA and the last two digits of the year of import permanently stamped or engraved on them, but that adoption of these regulations has been deferred to give importers additional time to comply with the requirements, and for the government to conduct a study of the implementation and potential impact of the regulations (2008, p. 2; 2010, p. 2).

Marking of weapons transferred from state stocks to civilian use

No Northern American state reports that it marks SALW at the time of transfer from state stocks to civilian use. However, Canada reports that public agencies are not permitted to transfer surplus firearms to individuals or businesses (2010, p. 9).

130 Nicaragua's 2008 report indicates that, at the time of writing, the register was in handwritten form, but that an electronic system was under development.

131 The name and identity of the manufacturer will, generally speaking, indirectly identify the country of manufacture, unless the arms are manufactured in a foreign country under licence. Accordingly, where states report that they require the name or identity of the manufacturer to be marked on SALW but do not specify that they require the country of manufacture to be indicated, the symbol “(*)” is inserted to indicate the county of manufacture may be identifiable from the name or identity of the manufacturer.

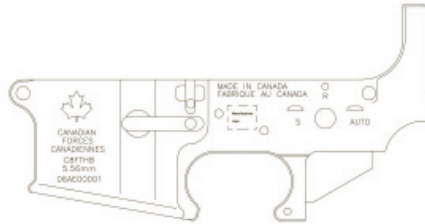
Table 4. Manufacture markings (Northern America)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/type	other
Canada (2010, p. 2)	• (logo)	•	•	•	[•]	•	If applicable: identified as a Canadian Forces Weapon with its calibre also marked. Serial numbers of weapons produced by Colt Canada for international customers also contain a country code (2010, p. 2).
United States (2008, p. 3)	•	(*)	•		•	•	

Marking of SALW in the possession of government armed and security forces

Canada reports that all SALW purchased by the National Defence Department are marked with a unique serial number applied by the manufacturer. The formats of serial numbers include the year of manufacture, country of manufacture, weapon model, weapon type and manufacturer (e.g. the manufacturer's logo). Where applicable, the small arm is clearly identified as a Canadian Forces Weapon with its calibre also marked (2010, p. 2). Canada gives an example of the markings that must be applied by one of its manufacturers, Colt Canada (see figure 1).

Figure 1. Markings by Colt Canada



The firearms of the Royal Canadian Mounted Police are marked with the manufacturer's information and a unique serial number and, where large quantities are purchased, the firearms are also marked as belonging to the Royal Canadian Mounted Police (2010, p. 2).

The United States reports that all SALW are individually registered by serial number in the Department of Defense Central Registry (2010, p. 11), which is administered by the US Army Logistical Support Activity. SALW with missing, obliterated, mutilated or illegible serial numbers are assigned a serial number for registry purposes. It also reports that the marking requirements for police and security forces are equivalent to those for commercial markets—all weapons must be marked with sufficient identifying information (make, model, serial number, etc.) to permit tracing (2008, p. 2).

Measures by manufacturers

The United States reports that manufacturers are legally required to ensure that all markings are made to a specific height and depth so as to be resistant to alteration, obliteration or sanitization. The Bureau of Alcohol, Tobacco, Firearms and Explosives cooperates with the firearms industry to further develop these measures in accordance with the International Tracing Instrument and as new technology and methods are available. Many manufacturers have voluntarily established additional markings on the weapons, not readily apparent, that resist tampering and eradication (2008, p. 1).

Marking or destruction of illicit weapons

The United States reports that confiscated firearms retained for official use are marked if not already marked (2007, p. 2), and that firearms seized by the federal government are destroyed (generally by melting) or retained for official use, while firearms seized in crimes by state or local governments may be destroyed or securely stored pending legal action (2004, p. 6).

Canada reports that firearms that are seized, abandoned or forfeited are deemed to be protected firearms, and may be deemed part of an agency's surplus and must be destroyed, with limited exceptions for public purposes (scientific, research or educational purpose, or for preservation as a historical firearm) or possible transfer to other public agencies (2010, p. 9).

SOUTH AMERICA

Marking at time of manufacture

Four South American states report that they mark SALW at the time of manufacture.¹³² The Plurinational State of Bolivia, which does not manufacture small arms, reports that marking procedures for imported and nationally manufactured arms are included in the draft law under consideration (2007, p. 3). Peru, which also reports that it does not have a manufacturing industry, notes that its legislation provides for the marking of arms and ammunition produced on Peruvian territory for civilian use but that standardized marking procedures for military weapons and ammunition bought by the armed forces and national police are yet to

132 Argentina, Brazil, Colombia, Ecuador.

be established (2010, p. 1). Uruguay reports that its legislation includes requirements for manufacturers to mark SALW, even though there are no firearms manufacturers operating in the country (2008, p. 3).

Table 5 provides an overview of the manufacture markings required by South American states as described in their national reports.¹³³

Argentina reports that manufacturers must mark military weapons with the trademark and a serial number indicating the weapon category, and that the marks must be located on the most prominent parts (barrels, frames, slides, bolts, magazines etc.). Weapons intended for civilian use must bear a trademark and consecutive numbering on a main component so that the latter can be seen without disassembling the weapon. Argentina also reports that the markings must be on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable (as required under International Tracing Instrument paragraphs 7 and 8, but rarely reported on by any state) (2010, p. 6).

Brazil also reports that replacement parts produced for the national market must also be marked with the same numbering used in the weapon they are destined to, preceded by the letter R (2008, p. 3). Colombia reports that arms manufactured by Industria Militar are stamped with the acronym INDUMIL,¹³⁴ the calibre and the serial number (2006, p. 17).

Notably, Argentina, Brazil and Uruguay all report that SALW destined for export must be marked with import markings.

Ammunition marking

The Plurinational State of Bolivia reports that it manufactures NATO conventional ammunition (7.62x51mm and 5.56x45mm), which is marked with the letters FBM (Bolivian Ammunition Factory) (2007, p. 3).

133 The name and identity of the manufacturer will, generally speaking, indirectly identify the country of manufacture, unless the arms are manufactured in a foreign country under licence. Accordingly, where states report that they require the name or identity of the manufacturer to be marked on SALW but do not specify that they require the country of manufacture to be indicated, the symbol “(*)” is inserted to indicate the county of manufacture may be identifiable from the name or identity of the manufacturer.

134 INDUMIL is the short form of “Industria Militar” (Military Industry), and is a state-run, Colombia-based military weapons manufacturer.

Table 5. Manufacture markings (South America)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/type	other
Argentina (2010, p. 6)	•	•	•		•	•	Weapons manufactured for export must be engraved or stamped with a mark identifying the importing country.
Brazil (2008, p. 2)	•	•	•	•	•		Firearms acquired by state agencies must be marked with the Federal Republic blazon as well as the name or initials of the organization. All firearms destined for export must include any marking required by the importing country.
Colombia (2006, p. 17)	•	(*)	•		•		
Ecuador (2006, p. 7)		•	•		•		
Uruguay (2008, p. 4)	•	•	•	•	•	•	Country of import and year of import, name of the importer, name or acronym and coat of arms of the official institution, where applicable.

Brazil reports that, since 2003, all ammunition, whether manufactured locally or abroad, must be placed in packages containing a bar code engraved on the box, to enable the identification of the manufacturer, the purchaser, the type and the delivery lot. Additionally, since 2005, all ammunition manufactured or imported for use by state agents must have individual marks (i.e. on each cartridge or round) that allow for the identification of the production lot and of the purchasing organization (2005, p. 8).

Peru reports that the law requires that the cartridge base must bear an inscription with the name of the factory or logotype and the calibre of the arm or weapon, and that the markings identify the manufacturer but not the country of manufacture, since a manufacturer can have factories in more than one country (2003, p. 11).

Uruguay reports that the letters UY (for Uruguay) are required at the bottom of the packaging batch number. The boxes and packages of ammunition must contain the name or the approval code of the producing country, name or identification approved by the manufacturer, the batch number (the same as on the bottom of the ammunition), the year of production, the approval code of the importing country (the same as shown on the bottom) and the year of import (2010, p. 8).

Marking at import

Several South American states report on marking requirements for imported weapons. Ecuador reports that the Joint Command of the Armed Forces takes part in the registration and marking of SALW both at the time of manufacture and import, but it is not clear whether this means that arms are registered at the time of import or they are registered and marked (2010, p. 2) The Plurinational State of Bolivia reports that laws requiring that imported arms be marked are under consideration or development.¹³⁵ Peru reports that it does not currently require small arms to be marked upon import.¹³⁶

135 Bolivia (Plurinational State of) (2007, p. 3).

136 Peru (“there is currently no legislation in place with regard to the marking of imported firearms and ammunition. The Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use is the agency in charge of controlling marking procedures and it currently only requires that imported arms have an identifying number” (our translation) (2010, p. 18)).

Argentina reports that imported weapons must bear a trademark and serial number, and if these are absent or have been removed, the competent local monitoring authority must intervene. If they are military weapons, they must be marked when they are sent to the National Arms Registry (2010, p. 6).

Brazil reports that all imported firearms to be sold by registered companies must be marked by the manufacturer with the name of the importer. Firearms imported to be used by public bodies are required to have the same marking as those produced in Brazil (2008, pp. 2–3).

Colombia reports that arms imported by Industria Militar should be marked by the manufacturer with the name of the manufacturer, year of manufacture, calibre and model, import year and contract number (2006, pp. 54–55) and a unique identifier code for Colombia (2006, p. 16).

Paraguay reports that imported arms must bear markings indicating the manufacturer, the serial number and the country of manufacture (2007, pp. 9–10), but does not mark weapons itself on import.

Uruguay reports that importers of firearms and ammunition are required to add (in addition to manufacture markings) the name of the importer, the letters UY (for Uruguay) and the year of import, as well as the national emblem and the seal of the agency importing them where they are being imported for official security institutions such as the armed forces and the Ministry of Interior (2008, p. 4).

Marking of weapons transferred from state stocks to civilian use

No South American state reports that it marks SALW at the time of transfer from state stocks to civilian use. Argentina reports that it does not transfer state stocks to civilian use (2010, p. 6).

Marking of SALW in the possession of government armed and security forces

Eight South American states report that they mark SALW in the possession of government and security forces.¹³⁷

In Argentina, in addition to the trademark, military weapons must bear consecutive numbering (a serial number) indicating the weapon category,

¹³⁷ Argentina, Brazil, Chile, Colombia, Guyana, Paraguay, Peru, Uruguay.

located on the most prominent parts (barrels, frames, slides, bolts, magazines, etc.) (2008, p. 6).

Peru reports that the markings on state-held firearms are not consistent with international requirements, and that standardized marking procedures for military weapons and ammunition bought by the Armed Forces and National Police are yet to be established (2010, p. 1).

Measures by manufacturers

Argentina reports that manufacturers must place markings on the main, structural parts and components of SALW (such as frames, trigger circuits, locking and blocking systems, mechanism boxes, barrels, bolts, slides and drums) such that the destruction of these parts would render the arms permanently inoperable (2010, p. 6).

Brazil reports that manufacturers' marking systems are subject to military inspections and all markings must be resistant to removal or alteration attempts. A printing depth of 0.10mm is required by means of mechanical deformation in metallic components (2008, p. 2).

Chile reports that arms manufacturers have taken measures to prevent the removal or alteration of their markings in order to avoid imports or copying that might tarnish the manufacturer's reputation (2008, p. 2), but it does not specify what those measures are.

Uruguay reports that all markings made by manufacturers must be durable, permanent and indelible and that markings shall be applied in such a way as to ensure that the information contained therein remains even if attempts are made to remove or alter it (2008, p. 3).

Three states report that it is a criminal offence for manufacturers to omit markings or to incorrectly mark weapons, and penalties are included as follows: Argentina—a manufacturer who omits to mark a weapon, or assigns identical numbers or engravings to two or more weapons, will be sentenced to three to eight years imprisonment (2008, p. 8); Brazil—erasing or altering markings of SALW or ammunition carries a penalty of three to six years imprisonment and fines (2008, p. 2); Peru—failure to mark arms or ammunition appropriately will be sanctioned through a written notice, fine, seizure, confiscation, withdrawal of possession and use licence, suspension and termination of work permit (2003, p. 4).

Marking or destruction of illicit weapons

Nine South American states report that illicit SALW found on their territory are marked and registered, or destroyed, and many provide information on destruction activities that have taken place.¹³⁸ Brazil reports that no other form of disposition is permitted other than destruction, noting that “The Law expressly forbids any alternative uses for seized weapons” (2005, p. 10). Other states indicate seized firearms may be integrated into state stockpiles. For example, Peru reports that lost, seized and decommissioned SALW are placed in the General Depot of the Joint Command of the Armed Forces, where the Rating Arms Technical Board verifies, sorts and determines their final destination (whether returned to the Armed Forces, National Police or destroyed) (2010, pp. 1–3). Chile reports that seized weapons are generally destroyed, except those of historic, scientific or police interest that are maintained in designated museums (2006, pp. 8–9).

Marking and registration

Illegal SALW found in Argentina are marked and registered in a specific way, stored in a secure place and destroyed as quickly as possible (2010, p. 6). In October 2004, Argentina established a centralized registry—the National Register of Confiscated and Seized Firearms and Controlled Materials—under the National Arms Registry, which records data on seized and confiscated firearms, their parts and spare parts, and ammunition (2008, p. 11).

Ecuador reports that civilian weapons that are confiscated by state agencies are received, registered, inventoried and stored at the Combined Armed Forces Command prior to their destruction (2003, p. 2).

Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use, which stores information on civilian firearms, records information on weapons seized by the Peruvian National Police, and stores such information in physical and electronic files, which are kept for a period of no less than 10 years (2010, pp. 1–3).

Uruguay reports that seized weapons remain in a judicial depot for a period of three years (previously six years, until a legislative amendment

138 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Uruguay, Venezuela (Bolivarian Republic of).

in 2006) pending final resolution by the judiciary, and are then destroyed (2010, pp. 9–10).

Methods of destruction

Five states report that methods used to destroy seized and confiscated SALW include smelting.¹³⁹

ASIA

CENTRAL ASIA

Marking at time of manufacture

Kazakhstan reports that it marks at manufacture with unique markings for the country of manufacture, year of manufacture and a serial number. Arms are marked with letters and numbers and the letter M is marked for Metallist, the small-arms manufacturer. Military SALW are not marked with the country of manufacture (2010, pp. 34–35).

Although it does not produce SALW, Kyrgyzstan reports that provisions are being developed to regulate the process of marking SALW (as well as explosive substances and ammunition) that will require marking at the time of manufacture. Such markings will be registered, the location of the marking will be identified and manufacturers will be required to keep records of the markings (2006, p. 7).

Marking at import

No state in Central Asia reports on this provision.

Marking of weapons transferred from state stocks to civilian use

No Central Asian state reports that it marks SALW at the time of transfer from state stocks to civilian use.

139 Argentina (2010, p. 6), Chile (2006, pp. 8–9), Colombia (2010, pp. 24–25), Peru (2010, p. 23), Uruguay (2010, pp. 9–10).

Marking of SALW in the possession of government armed and security forces

Kyrgyzstan reports that the majority of weapons in possession of paramilitary organizations and the weapons of the armed forces were produced in the times of the Soviet Union and thus contain markings used from that time, with sequences of letters, numbers and an indication of the year of manufacture, along with a serial number (2006, p. 7)

Measures by manufacturers

No state in Central Asia reports on this provision.

Marking or destruction of illicit weapons

Kazakhstan and Kyrgyzstan report that illicit weapons found on their territory are marked and registered, or destroyed. Kazakhstan reports that confiscated, voluntarily surrendered or found weapons are deformed or destroyed, following forensic testing for identification with the national bullet registry and a test fire of the weapon (2010, p. 22).

EASTERN ASIA

Marking at time of manufacture

China, Japan and the Republic of Korea report that they mark SALW at the time of manufacture. China reports that SALW are stamped with a unique marking that provides “a country code, a code of small arms, a manufacturer’s code, a year code of manufacture, and a serial number of manufacturing”. These markings are required to be on the main components of the weapons so that they are durable and easily visible (2010, p. 17). Japan reports that all manufacturers mark a serial number on each firearm, but that the name of the manufacturer is not required to be marked (2010, p. 2). The Republic of Korea reports that military SALW must be marked at the time of manufacture with the calibre, model, serial number and country of manufacture, while SALW manufactured for non-military purposes should be marked on the left side of the receiver with information on the manufacturer, model and calibre, and a serial number on the right side of the receiver. Additionally, the initials of the manufacturer, year of manufacture and serial number should be marked on the trigger (2010, p. 17).

Marking at import

China reports that imported SALW should be stamped with the importing/exporting country code and the code for the year of the import/export (2010, p. 17). The Republic of Korea reports that importers are only permitted to import SALW that have successfully passed certain checks conducted by the Gun and Explosives Safety Technology Association, including criteria that they be appropriately marked. SALW that fail to comply with marking regulations are not permitted to be imported (2010, p. 22).

Marking of weapons transferred from state stocks to civilian use

No Eastern Asian state reports on this provision, although the Republic of Korea reports that civilians are forbidden to possess weapons designed for military use, such as revolvers, pistols, automatic and semi-automatic rifles and machine guns (2010, p. 9), implying such weapons would not be transferred from state stocks.

Marking of SALW in the possession of government armed and security forces

The Republic of Korea reports that the Ministry of National Defence ensures that all military weapons that are produced are marked in accordance with marking regulations of the Internal Rules of the Ministry of National Defence on Management of Weaponry (2010, p. 9). Japan reports that it takes measures to duly mark government firearms (2010, p. 2) and China states that every firearm bears a unique mark (2003, p. 2).

Measures by manufacturers

China, Japan and the Republic of Korea all report that they encourage the development of measures by manufacturers to prevent the removal or alterations of markings. Japan reports that laser technology is used to prevent tampering with markings (2010, p. 4).

Marking or destruction of illicit weapons

China, Japan and the Republic of Korea report that illicit SALW found on their territory are marked and registered, or destroyed. China reports that illicit SALW are confiscated for destruction (2010, p. 14). Japan reports that all SALW, except for those in criminal proceedings, are disposed of by the Public Prosecutor's Office (2010, p. 16). In the Republic of Korea, illicit

SALW are destroyed by cutting and consequently smelting in a furnace by the National Police Agency (2010, p. 14).

SOUTHERN ASIA

Marking at time of manufacture

Five states in Southern Asia state that they require small arms to be marked at the time of manufacture.¹⁴⁰ Bangladesh requires that all weapons manufactured include permanent marks that identify the name of the manufacturer and country of manufacture, and have a unique serial number (2010, p. 1). India reports that SALW are marked by stamping/engraving or laser marking, and manufacture markings must be located on at least one vital component of the weapon and must indicate the country of manufacture, registration number, manufacturer and year of manufacture (2010, p. 2). Pakistan requires markings to include the country of manufacture, the manufacturer's unique mark and the serial number. Marks must be applied to more than one location on the weapon and must be easily recognizable, distinct, visible, reliable and unique (2010, p. 3). Sri Lanka reports that, while it does not manufacture arms, the Firearm Ordinance states that "every gun made by a manufacturer shall bear the name of the manufacturer, together with a consecutive number legibly engraved on the barrel. Any manufacturer who fails to mark any gun made by him shall be guilty of an offence" (2008, p. 7).

Marking at import

No state in Southern Asia reports that it marks SALW at the time of import. However, India reports that if an imported firearm is to be sold by a dealer and it does not have a mark with the manufacturer's name, the importer must engrave their mark onto the weapon (2010, p. 2). Additionally, government procurement agencies have been instructed not to import any SALW that do not have markings indicating country of origin (2010, p. 3).

Marking of weapons transferred from state stocks to civilian use

No state in Southern Asia reports on this provision.

140 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

Marking of SALW in the possession of government armed and security forces

Four states in Southern Asia provide specific information on the marking of state-held weapons.¹⁴¹ Bangladesh reports that all weapons procured from international markets are properly accounted for, marked and securely maintained (2010, p. 1). The Islamic Republic of Iran reports that all weapons within its jurisdiction must be marked, and only the government may possess SALW, since private ownership is prohibited (2005, p. 3). Pakistan reports that all SALW manufactured and sold in Pakistan are uniquely marked to distinguish civilian, law enforcement and armed forces use (2003, p. 2).

Measures by manufacturers

No state in Southern Asia reports on this provision.

Marking or destruction of illicit weapons

Five states in Southern Asia report that illicit weapons found on their territory are marked and registered, or destroyed.¹⁴² Bangladesh reports that if the weapon is still serviceable it will be allocated to government agencies for further use, otherwise it will be destroyed (2003, p. 1). Pakistan reports that all illegal inadequately marked or unmarked weapons are marked in line with national marking systems, or are destroyed (2010, p. 3). The Islamic Republic of Iran either remarks illicit weapons or destroys them after they have been examined and traced (2003, p. 2).

SOUTH-EASTERN ASIA

Marking at time of manufacture

Four South-Eastern Asian states report marking SALW at the time of manufacture.¹⁴³ The sole state-owned producer of weapons in Indonesia uses its own marking system, which consists of a serial number, year of production, model and country of origin (2010, p. 8). In Malaysia marking is not required by law, but most manufacturers generally do mark their weapons (2010, p. 10). In the Philippines manufacturers must mark each weapon with unique marks, model and serial number on three main parts

141 Bangladesh, India, Iran (Islamic Republic of), Pakistan.

142 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

143 Indonesia, Malaysia, Philippines, Viet Nam.

of the firearm (2010, p. 13). In Viet Nam the marking must show the country of manufacture, serial number and weapon type (2006, p. 4).

Marking at import

Thailand reports that it marks SALW at the time of import, stating that the Ministry of Interior “has its own system of gun marking for imported guns” (2008, p. 10).

Marking of weapons transferred from state stocks to civilian use

No South-Eastern Asian state reports on the marking of weapons transferred from state stocks to civilian use.

Marking of SALW in the possession of government armed and security forces

The Philippines and Thailand report that they mark SALW in the possession of government armed and security forces. Cambodia reports that it is currently in the process of implementing instruments that relate to the compulsory marking of armed force weapons, but that it requires technical assistance for this (2008, p. 1).

Measures by manufacturers

The Philippines reports that manufacturers must apply a reliable, easily recognizable and readable mark to each weapon. Any alterations or removals of firearm marking must be noticeable without the use of a technical aid (2010, p. 13). Likewise in Viet Nam markings of firearms must be hard to erase and reapply (2006, p. 4).

Marking or destruction of illicit weapons

Six states in South-Eastern Asia have reported that illicit weapons found on their territory are marked and registered, or destroyed.¹⁴⁴ The Indonesian Army must first report to their headquarters, the Ministry of Defence and the Ministry of Finance before disposal is conducted (2010, p. 7). In Malaysia, relevant ministries must approve the disposal before it can commence; arms are usually destroyed by smelting (2010, p. 8). The Philippines reports that destruction takes place regularly, especially after amnesty periods, and is done through burning and then cutting by acetylene torch, though some arms are destroyed by road roller (2010,

144 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

p. 10). Thailand reports that destruction takes the form of separating weapons into their parts and changing their condition or smelting them (2008, p. 9). Viet Nam also destroys weapons by destroying the barrel and other metal parts (2006, p. 3).

WESTERN ASIA

Marking at time of manufacture

Six states report that they mark their SALW at the time of manufacture.¹⁴⁵ Iraq reports that the marking of weapons at the time of manufacture must include the year and country of manufacture (2011, p. 3). Israel reports that manufacture marking includes information such as the type/name of the weapon, its catalogue number, calibre, serial number, the name of the manufacturer and country of manufacture (2008, pp. 11–12). Saudi Arabia reports that SALW manufactured locally and weapons that are imported in the manufacturing stage are marked, including information such as the serial number, year and country of manufacture (2006, p. 12). Turkey's Ministry of National Defence has circulated regulations on marking standards, which requires that all markings include "T" for Turkey, the manufacturer's logo, production year and serial number in a permanent manner (2008, p. 7). The United Arab Emirates reports that it is preparing for a weapons marking project, which will mark weapons by laser (2011, p. 9)

Although Cyprus does not produce weapons, it reports that in the future manufacturers will be requested to mark the country of manufacture, the manufacturer, the year in a permanent manner (2008, p. 2). Similarly, Oman reports that, although it does not manufacture firearms, "The marking of small arms and light weapons is an integral part of the manufacturing process" (2010, p. 2).

Marking at import

No state in Western Asia reports that it marks their weapons at the time of import. However, Saudi Arabia reports that it ensures that imported weapons are marked with manufacture markings, including the serial number, and year and country of manufacture (2006, p. 12).

145 Armenia, Azerbaijan, Iraq, Israel, Saudi Arabia, Turkey.

Marking of weapons transferred from state stocks to civilian use

No state in Western Asia reports that they mark their weapons at the time of transfer from state stocks to civilian use.

Marking of SALW in the possession of government armed and security forces

Four states in Western Asia report that they mark SALW in the possession of government armed and security forces.¹⁴⁶ Israel reports that SALW “in possession of the Israeli armed forces are duly marked and recorded” (2008, p. 11). Jordan reports that, once weapons are procured, military numbers are assigned to government weapons prior to their distribution or storage (2006, p. 9).

Measures by manufacturers

No state in Western Asia reports on this provision.

Marking or destruction of illicit weapons

Nine states in Western Asia report that illicit weapons found on their territory are marked and registered, or destroyed.¹⁴⁷ In Armenia, illegal unmarked weapons are examined and destroyed by the police (2010, p. 6). Israel ensures the destruction of confiscated, seized or collected SALW at designated facilities and in accordance with accepted procedures and standards. If the weapon is to be re-used it will be marked and recorded (2008, p. 5). Jordan reports that seized weapons are destroyed (2003, p. 3), but also that it requires financial assistance for the collection and disposal of weapons (2010, p. 9). Oman reports that seized and confiscated weapons are melted down (2010, p. 3). Turkey reports that it destroys seized weapons by crushing and subsequently melting the crushed parts and destroying wooden parts so that they cannot be re-used (2008, p. 10).

¹⁴⁶ Bahrain, Israel, Jordan, Saudi Arabia.

¹⁴⁷ Armenia, Azerbaijan, Georgia, Israel, Jordan, Oman, Syrian Arab Republic, Turkey, Yemen.

EUROPE

EASTERN EUROPE

Marking at time of manufacture

Nine states in Eastern Europe report that they require SALW to be marked at the time of manufacture.¹⁴⁸ This includes Belarus, which reports that no companies manufacture SALW, but military weapons and ammunition are produced by specially licensed state-owned entities (2010, p. 5).

Table 6 provides an overview of the markings required by Eastern European states as described in national reports.¹⁴⁹

The Czech Republic reports that it requires that repairs and modifications are marked on the weapon, along with manufacturing marks (2007, p. 20). It highlights that the military and civilian weapons are marked differently, however the name of manufacturer, country of manufacture, serial number, year of manufacture, the weapon type or model and the calibre are marked on all manufactured weapons (2007, p. 14). The Russian Federation reports that the manufacturing of unmarked weapons is prohibited and offenders are prosecuted. It also notes that civilian and military weapons are marked differently (as reflected in table 6) (2010, pp. 1–2).

148 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Romania, Russian Federation, Slovakia, Ukraine.

149 The name and identity of the manufacturer will, generally speaking, indirectly identify the country of manufacture, unless the arms are manufactured in a foreign country under licence. Accordingly, where states report that they require the name or identity of the manufacturer to be marked on SALW but do not specify that they require the country of manufacture to be indicated, the symbol “(*)” is inserted to indicate the county of manufacture may be identifiable from the name or identity of the manufacturer.

Table 6. Manufacture markings (Eastern Europe)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/type	other
Belarus (2010, pp. 4–5)	•	•	•	•			
Bulgaria (2010, pp. 2–3)	•	•	•	•	•	•	
Czech Republic (military) (2007, p. 14)	• (code assigned by Ministry of Defence)	(*)	•	•		•	Military acceptance mark (includes last two digits of year of manufacture).
Czech Republic (non-military) (2007, p. 14)	• (registered trademark)	•	•		•	•	Name/code of person submitting weapon to proof house; proof mark.
Hungary (2010, p. 10)		•	•	•	•	•	CIP proof mark.
Poland (2002, p. 3)	•	(*)	•	•	•		Probe of the military acceptance trial.

Table 6. (following)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/ type	other
Russian Federation (military)	•	(*)	•	•			
Russian Federation (civilian)		•				•	Cartridge use, proof mark (including facility and year of proof), with smooth-bore weapons including additional markings (2010, p. 2).
Slovakia (2010, p. 4)	•	(*)	•	•		•	
Romania (2010, p. 14)	•	•	•	•		• (category)	
Ukraine (2010, p. 1)	•	(*)	•	•			

Marking at import

Three states in Eastern Europe report that they require that imported weapons be marked.¹⁵⁰ The Czech Republic reports that legislation requires arms to be marked at manufacture or import (2007, p. 15). Poland reports that this involves marking the country of import (2006, p. 2). Although Slovakia does not report that it marks arms at the time of import, it does report that imported arms for military use must be marked by the manufacturer before they are imported into the country (2010, p. 4). The Russian Federation reports that it requires the name of the country of manufacture for imported weapons be marked on the weapons prior to import (2010, p. 2). In its 2008 report, the Russian Federation reports that, as the armed forces and state paramilitary organizations only use weapons produced domestically, the issue of import marking does not arise (2008, p. 3).

Marking of weapons transferred from state stocks to civilian use

The Czech Republic reports that surplus police weapons may be transferred to natural persons or legal entities authorized to acquire arms and that such arms “must be marked with a recognized proofmark and their movements are recorded according to the Arms Act” (2007, p. 9).

Marking of SALW in the possession of government armed and security forces

Nine states in Eastern Europe report that they mark weapons in the possession of government armed and security forces.¹⁵¹ The Czech Republic and Poland report that they ensure all weapons are marked at the time of manufacture or import and thus all weapons possessed by the armed forces are properly marked (Czech Republic: 2004, p. 15; Poland: 2006, p. 2). Hungary reports that it has established Decree 32/2007 on the marking and tracing of military products, including SALW (2008, p. 5). The Russian Federation reports that manufacturing of unmarked weapons is prohibited. Additionally the Russian Federation’s armed forces and state paramilitary organizations only use weapons manufactured domestically suggesting that all state-held weapons are marked (2008, p. 3). Slovakia reports that specific military marks are applied to military weapons and that weapons are “marked by a representative of individual

150 Czech Republic, Hungary, Poland.

151 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Russian Federation, Slovakia, Ukraine.

military production” (2010, p. 4). Slovakia also reports it has developed an instrument (information system) in order to mark all SALW in possession of government armed and security forces (2008, p. 1).

Measures by manufacturers

Four states in Eastern Europe report on measures developed by manufacturers to prevent the removal or alteration of markings.¹⁵² The Czech Republic reports that marking technology prevents the removal or alteration of markings of SALW and that original marks can be recovered or determined (2008, p. 4). Hungary reports that it requires that markings must be done in a way that would prevent further use of the weapons if the mark was successfully removed (2008, p. 5). The Russian Federation reports that:

The Russian Institute of Precise Mechanical Engineering in Moscow has developed a firearms marking system in which the surface of the cartridge chamber is microscopically embossed with a symbol containing coded information on the registration number of the weapon. When the weapon is fired, this information is transmitted to the casing in the form of a trace impression, which allows the weapon to be identified from the discharge casing. (2010, p. 3)

Additionally in the Russian Federation every small arm is marked to a depth of 0.2 millimetres on various parts of the weapon (the hammer, trigger, piston, breach lock, stock, gas cylinder and safety catch) and if it is removed mechanically, the mark can be restored through forensic examination (2007, p. 15). Slovakia reports that special embossing and stencilling techniques are used to mark weapons (2003, p. 4).

Two states also report that it is a criminal offence to remove or alter markings. Poland confirms that it is an offence to remove, change or forge a marking, thus the marking needs to be durable (2006, p. 3). Romania reports that the unauthorized removal or modification of markings constitutes an offence punishable with imprisonment from one to five years (2010, p. 5).

152 Czech Republic, Hungary, Russian Federation, Slovakia.

Marking or destruction of illicit weapons

Seven states in Eastern Europe report that illicit weapons found on their territory are marked and registered, or destroyed.¹⁵³ The Czech Republic reports that all illicit weapons that are found must either be marked and registered or destroyed as soon as possible (2007, p. 7). Slovakia reports that illicit weapons are usually destroyed and each destroyed weapon is registered (2003, p. 5). The Ukraine reports that illicit weapons, as well as surplus small arms, are disposed of on a regular basis and generally turned into scrap metal (2005, p. 1).

NORTHERN EUROPE

Marking at time of manufacture

Seven states in Northern Europe report that they require SALW to be marked at the time of manufacture,¹⁵⁴ including Iceland, Latvia and Lithuania, which do not manufacture SALW. Iceland reports that the manufacture of weapons that do not have a serial number is prohibited under relevant legislation (2008, p. 8). Latvia reports that, under certain regulations, “a merchant has an obligation to mark produced firearms or high-energy pneumatic weapons and their [substantive] parts” (2010, p. 12). Lithuania, which reports that it manufactures ammunition but not small arms, reports that manufacturers of arms and ammunition must mark the the weapon’s serial number, the year and country of manufacture, and the manufacturer, and that every weapon must be marked with reliable marking as an integral part of the production process (2006, p. 9).

Table 7 provides an overview of the manufacture markings required by Northern European states as described in national reports.¹⁵⁵

153 Belarus, Bulgaria, Czech Republic, Republic of Moldova, Romania, Slovakia, Ukraine.

154 Estonia, Finland, Iceland, Latvia, Lithuania, Sweden, United Kingdom.

155 The name and identity of the manufacturer will, generally speaking, indirectly identify the country of manufacture, unless the arms are manufactured in a foreign country under licence. Accordingly, where states report that they require the name or identity of the manufacturer to be marked on SALW but do not specify that they require the country of manufacture to be indicated, the symbol “(*)” is inserted to indicate the county of manufacture may be identifiable from the name or identity of the manufacturer.

Table 7. Manufacture markings (Northern Europe)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/ type	other
Estonia (2010, p. 21)	•	• (country code "EST")	•		•	•	
Finland (2010, p. 1)	•	•	•				
Lithuania (2006, p. 9)	•	•	•	•			
Sweden (2010, p. 2)	•	(*)	•				
United Kingdom (military) (2010, p. 6)		•	•				CIP proof mark.
United Kingdom (other firearms) (2010, p. 13)	• (plus trade mark or logo)	(*)	•				CIP proof mark.

Ammunition marking

Although Norway does not manufacture SALW, it does manufacture ammunition, and reports that “In the absence of international standards, ammunition produced in Norway for export is marked with a lot number, in addition to the markings that the purchaser will require” (2010, p. 12). Ammunition procured for the armed forces is marked with the type of ammunition in the Norwegian language and all ammunition belonging to the armed forces is identifiable by its batch production number, which includes information on the production batch, the year of manufacture and the manufacturer. Colour coding is also applied to identify the filling of the ammunition, if any, and its main characteristics, e. g. armour piercing, incendiary, high explosive etc (2010, pp. 12–13). Finland reports that each batch of ammunition and their packaging is marked at the time of manufacture with the country of manufacture, the manufacturer and the batch number (2010, p. 1).

Marking at import

Lithuania reports that the importation of unmarked small arms is prohibited and that all imported firearms of certain categories must be adequately marked with the letters LT (i.e. the country of import), and importers must confirm that arms are adequately marked before they are distributed or transferred (2010, p. 3).

With respect to other states in the subregion, it is not clear whether they apply the markings contemplated by the International Tracing Instrument to imported weapons. For example, Finland reports that it enacted legislation in 2011 that requires that all imported small arms, which bear no markings, are to be marked prior to their marketing or release (2011, p. 1), but does not specify the nature of the markings to be applied. Denmark reports that weapons imported by the armed forces are required to be marked with the country of manufacture, but does not indicate the weapons are specifically marked at the time of import with import markings required under the International Tracing Instrument (2010, p. 4).¹⁵⁶

156 Denmark does report that the Minister of Justice is authorized to lay down provisions to the effect that weapons shall have identification numbers on them, and that the Minister of Justice has authorized the local Chief Constable to order any holder of weapons to apply identification numbers on the weapons, implying additional markings may be added to the weapons post-import (2010, p. 4).

In other instances, states report that they require SALW to be marked prior to their importation or that they do not import unmarked SALW. For example, Iceland reports that weapons are not imported unless they are already marked (2008, p. 3), and that weapons cannot be registered unless they bear the manufacturer's unique serial number embedded in the housing or the barrel (2008, p. 9). Ireland reports that, as it does not manufacture small arms, firearms present in Ireland would be marked at the time of manufacture overseas, but that some older firearms may not be marked, in which case National Police is responsible for marking these (2008, p. 5).

Although it does not report that it marks firearms at the time of import, Latvia does report that, under legislation, firearms and their essential parts should be marked with official abbreviation of the Republic of Latvia ("LV") as well as numbers containing data of production, serial number, calibre and quality control sign (2010, p. 12), but it is not clear if this applies to all firearms in the country (including imported ones) or only those produced in Latvia (although Latvia reports that it does not manufacture small arms).

Marking of weapons transferred from state stocks to civilian use

Iceland reports that the sale of police equipment on the public market is not authorized under legislation (p. 5, 2008).

The United Kingdom reports that the Ministry of Defence operates a total ban on small arms resale to private companies and individuals, and that resale is to be government-to-government only (2010, p. 12).

Lithuania reports that "Surplus, confiscated, collected or seized firearms, after confirmation by the Commission of Experts on their suitability for further use, are handed over to the Weaponry Fund, which marks them with letters LT, duly registers and puts for sale under the established procedure" (2008, p. 3).

Marking of SALW in the possession of government armed and security forces

Ten states in Northern Europe report that they mark weapons in the possession of government armed and security forces.¹⁵⁷

157 Denmark, Estonia, Finland, Iceland (which reports that police arms are marked but that it has no armed forces (2008)), Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

Denmark reports that SALW imported by the Danish Armed Forces after 2001 must be marked with the country of manufacture (2010, p. 4), and that any small arms of the armed forces that are insufficiently marked when imported are remarked by the Danish Acquisition And Logistics Organization (2010, p. 5).

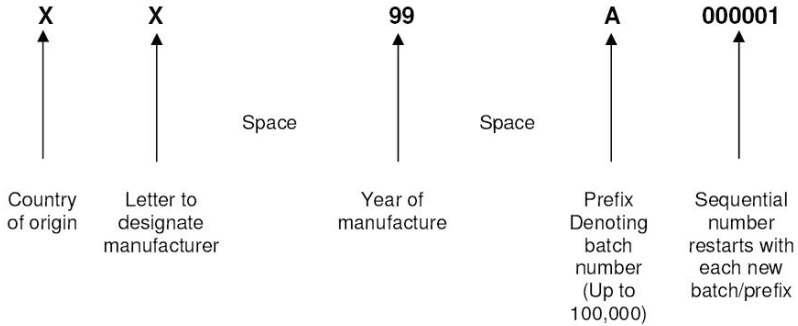
Ireland reports that all small arms held by the Defence Forces are marked in accordance with the Organization for Security and Co-operation in Europe Handbook of Best Practices and that small arms procured by the Defence Forces must have a unique serial number engraved on critical components. It also reports that all weapons procured by the Defence Forces are proof marked with a unique manufacture's stamp (2010, p. 5).

Latvia reports that all weapons purchased by the National Armed Forces since January of 2004 are marked and registered by the Logistics Command of National Armed Forces (2010, p. 12). Lithuania reports that small arms used by the armed forces must be marked with an identification number and the type and model of the weapon, and that all weapons purchased by the armed forces from 2009 must be marked with letters LT. Lithuania also reports that the police forces use firearms that have markings indicating the name of the manufacturer, model, serial number, calibre and, in most cases, manufacturing country and year of manufacture. Since 2005 all guns procured by the police forces are marked with letters LT, indicating the importing state (2010, p. 3).

Norway reports that the markings of small arms held by the armed forces and police consist of the producer's unique numbering and a marking indicating Norway, but that the country of manufacture is not necessarily reflected (2010, p. 11). Sweden reports that, in addition to the manufacturer's markings, all small arms procured by the Swedish Armed Forces are marked at the place of manufacture with the national coat of arms. Some types of weapons (e.g. assault rifles) are also marked with the year of manufacture. All firearms in the possession of the Swedish Police Service are marked with a serial number and with the words "Tillhör polisen" ("Police property") (2010, p. 3), and firearms held by the Swedish Coast Guard are marked with an official logo and a proprietor's text (2010, p. 4).

The United Kingdom reports that it ensures all small arms held by its armed forces are marked by the manufacturer with a unique serial number and, where it is involved in the procurement of a new weapons system, it stipulates the format of the full serial number (see figure 2).

Figure 2. Serial number format for UK military small arms
(UK, 2010, p. 10)



Measures by manufacturers

Estonia reports that manufacturers must mark small arms in such a manner that the removal of the marking would be technically complicated or impossible (2010, p. 7). The United Kingdom reports that markings on UK-manufactured firearms are either punched or engraved and that normally punching is the most satisfactory method as the depth of the punch mark makes it difficult to change or remove the metallurgical signature. “On this basis, the current marking arrangements are deemed satisfactory and it does not appear that there is a requirement to enhance current UK procedures” (2010, p. 11). The United Kingdom also reports that manufacture markings applied to military SALW must be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable (2010, p. 6).

Finland reports that manufacturers have not developed any special measures against removal or alterations of markings (2011, p. 2).

Marking or destruction of illicit weapons

Eight states report that that illicit weapons found on their territory are destroyed,¹⁵⁸ while Latvia reports that they are also marked and registered prior to destruction.

158 Denmark, Estonia, Finland (cutting into small pieces (2010, p. 10)), Iceland, Latvia (through melting (2010, p. 9)), Lithuania, Norway (through milling,

Several states report that other forms of disposition other than destruction are permitted. For example, Estonia reports that confiscated weapons with historical or cultural value are kept in a weapons collection (2010, p. 14). Finland reports that SALW that are confiscated or voluntarily handed over may be given to a museum or a collection, or to private persons (2010, p. 10).

Latvia reports that seized arms are generally destroyed by the police but, in exceptional cases, they may be deactivated or “rendered harmless” by boring a hole in the barrel (2010, p. 9). Lithuania reports that a Commission of Experts evaluates whether confiscated, collected or seized arms or ammunition are suitable for further use, after which they are either transferred to the possession of the Weaponry Fund for destruction or duly marked, registered and put up for sale under the established procedure (2010, p. 9). Norway reports that confiscated, seized or collected small arms will be destroyed except for a limited number that may be kept by the police for training and technical purposes (2010, p. 8).

SOUTHERN EUROPE

Marking at time of manufacture

Eight in Southern Europe report that they require SALW to be marked at the time of manufacture,¹⁵⁹ including Slovenia, which reports that it does not manufacture SALW.¹⁶⁰

Table 8 provides an overview of the manufacture markings required by Southern European states as described in national reports.¹⁶¹

sometimes melting (2010, p. 8)), Sweden (through melting (2010, p. 15)).

159 Bosnia and Herzegovina, Croatia, Greece, Italy, Portugal, Serbia, Slovenia, Spain.

160 Slovenia reports that maintenance and reconditioning of weapons are carried out in Slovenia and that, within this framework, certain calibres of barrels (up to 9mm) for light infantry armament are manufactured (2003, p. 9).

161 The name and identity of the manufacturer will, generally speaking, indirectly identify the country of manufacture, unless the arms are manufactured in a foreign country under licence. Accordingly, where states report that they require the name or identity of the manufacturer to be marked on SALW but do not specify that they require the country of manufacture to be indicated, the symbol “(*)” is inserted to indicate the county of manufacture may be identifiable from the name or identity of the manufacturer.

Table 8. Manufacture markings (Southern Europe)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/ type	other
Bosnia and Herzegovina (2010, p. 13)	•	(*)	•	•			
Croatia (SALW) (2010, pp. 18–19)	•	•	•				
Croatia (pistols) (2010, pp. 18–19)	•	•	•		•	•	
Greece (2004, p. 5)		•	•	•		•	
Italy (civil/ sport weapons) (2010, pp. 3–4)	• (manufacturer's logo)	•	•	•	•	•	National catalogue number, if applicable; national proofing house stamp evidencing an overpressure test; and, for the US market only, the name, city and state of the importer.

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/type	other
Italy (military market) (2010, pp. 3–4)	<ul style="list-style-type: none"> • (manufacturer's logo) 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	If required, national proofing house stamp evidencing an overpressure test; for the US market only, the name, city and state of the importer; if required, a NATO stock number; for Italian government forces, stamping of military quality assurance inspectors.
Portugal (2011, p. 4)	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • (*) 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	The imprint of homological testing.
Serbia (2005, p. 4)	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • (*) 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 	A number composed of the number assigned to the manufacturer; number corresponding to type of weapon; serial number, beginning each year with the number 1; last two digits of the year of manufacture. If purchased for the armed forces or security forces, weapons are numbered separately, and the acronym of the purchasing entity is included. Special numbers may be assigned to weapons supplied to foreign governments, in which case the Civil Guard is informed. CIP proof mark.

Bosnia and Herzegovina reports that manufacture marks are to be on a visible place/part of the equipment and on boxes/packaging, and provides an example and explanation of markings applied: e.g. 1) SRB 8702-01: “SRB” is the code of the producer: Slavko Rodic-Bugojno, “87” represents the two last digits of the production year (1987); “02” indicates the production series, “01” indicates war production series; and 2) 124 0301: “124” is the producer code: Bugojno, “03” indicates the two last digits of the production year (2003), and “01” indicates the production series (2010, p. 13).

Ammunition marking

Bosnia and Herzegovina reports that ammunition markings may include the ammunition type and model, that boxes are marked, and that ammunition can be marked with colour on the top of the bullet (2010, p. 13). The former Yugoslav Republic of Macedonia reports that ammunition produced by the company Suvenir bears the stamp “SMB” (2004, p. 17). Serbia reports that manufacturers mark ammunition by imprinting a lasting mark indicating the manufacturer’s name or trademark or commercial name (2005, p. 4).

Marking at import

The former Yugoslav Republic of Macedonia reports that imported weapons must be marked upon import as required under the International Tracing Instrument, noting that every weapon permanently imported must bear an import marking consisting of “MKD” plus the year of import, otherwise it cannot be put into circulation (2011, p. 7).

Other states comment on markings required with respect to imported SALW. Bosnia and Herzegovina reports that imported weapons and ammunition “are subject to testing, stamping and marking before their release [on] the market” (2010, p. 14), but does not specify what markings are applied to imported weapons. Italy reports that all imported SALW are sent to a verification centre where physical checks and registration are performed. It notes that the data recorded, including the registration number and the contract or purchasing order number, enable the tracking of a weapon’s history, particularly the year of import (2003, p. 4), but it does not appear to mark the imported arms specifically.

Malta reports that it does not mark small arms upon import, noting that the armed forces as a matter of policy does not introduce specific markings to its held stocks or imports of SALW, but all weapons are carefully controlled

through their manufacturer's serial number on delivery and subsequently periodically at unit level (2007, pp. 1–2).

Spain reports that firearms that are imported and bear a recognized proof mark will not have to be marked by the national Proof House, but that if incoming weapons are not stamped, Customs will submit them to the Proof House. If the Proof House does not stamp them because they are not in line with Spanish regulations, they will be returned by Customs to their place of origin, and their import will be prohibited (2010, pp. 21–22).

Marking of weapons transferred from state stocks to civilian use

No state in Southern Europe reports on the marking of weapons transferred from state stockpiles to civilian use.

Marking of SALW in the possession of government armed and security forces

Five states in Southern Europe report that they ensure weapons in the possession of government armed and security forces are duly marked.¹⁶²

As noted above, Malta reports that the armed forces as a matter of policy does not introduce specific markings to its held stocks or imports of SALW, but all weapons are carefully controlled through their manufacturer's serial number (2007, pp. 1–2). Portugal reports that arms imported for military use must be marked with the name of the manufacturer, the country of manufacture and the serial number, and that the marking of additional information such as the year of manufacture, the weapon type or model and the calibre is also encouraged (2011, p. 4).

Slovenia reports that weapons held by state bodies (army, police, prison administration, customs service) have no special or additional imprinted marks (2010, p. 11).

Spain reports that, in addition to the manufacture markings, all SALW in the possession of government armed and security forces must be numbered separately, and must have the acronym of the purchasing entity (2008, p. 9).

¹⁶² Croatia, Italy, Malta, Portugal, Spain.

Measures by manufacturers

Three states in Southern Europe provide details of some of the measures taken to prevent the removal or alteration of markings.¹⁶³

In response to the reporting template query as to whether manufacturers have developed measures against the removal or alternations of markings, Bosnia and Herzegovina replies that all measures against the removal or alternations of markings are implemented in accordance with the existing laws in Bosnia and Herzegovina for testing, stamping and marking of SALW, and companies must be accredited in order to be authorized to test, stamp and mark all manufactured stamp and issue the certificates (2008, p. 1).

Croatia reports that the serial number of every pistol manufactured in Croatia is on three different locations—on a stainless plate cast on the plastic of the handgrip, on the barrel and on the pistol slide—and that it is not possible to take out or replace the plate without breaking the grip. In addition, the depth of engraving on the barrel, grip and slide is such as to prevent unnoticed tampering with the serial number (2010, pp. 18–19).

Spain reports that measures to prevent the elimination or alteration of markings include a requirement that all markings are applied via stamping or another process that guarantees permanent marking, and the following components must be marked—frame: rifles and revolvers, receiver: rifled weapons, and casing and barrels: shotguns. Additionally, proof house stamps must be located on essential components such as the barrels or bolt, and all manufacture markings are verified during the final testing phase by the national Proof House or, in the case of weapons manufactured for the armed forces and security forces, by inspectors of those forces (2010, pp. 9–10).

The former Yugoslav Republic of Macedonia reports that it is a criminal offence to remove or alter small arms markings and that the penalty for deleting, destroying or changing the markings of a firearm or parts of a firearm is imprisonment of one to 10 years (or a monetary fine if the crime is committed by a legal entity) (2011, p. 9). Slovenia also reports that it introduced criminal offences in 2009 for the unlawful destruction, removal or modification of markings (2010, p. 3).

163 Bosnia and Herzegovina, Croatia, Spain.

Marking or destruction of illicit weapons

Seven states report that illicit SALW found on their territory are destroyed.¹⁶⁴ Some states also report that other forms of disposition are permitted. For example, Greece reports that seized and confiscated weapons are handed to the armed forces, following judicial determination, and that the military authorities determine either the use or the destruction of those weapons (2004, p. 3). Greece also reports that some confiscated weapons are being sold, but that new regulations are under consideration to remove this possibility (2005, p. 3).

Portugal reports that, if the original owner of a seized or confiscated weapon cannot be identified, ownership will revert to the state and the weapon will be destroyed or reconverted (2004, p. 3). Slovenia reports that only prohibited, unusable, dangerous and altered weapons must be destroyed. Other weapons, for which documents can be obtained, are sold or donated to a museum, but in practice, 95% of all seized weapons are destroyed (2010, p. 10).

WESTERN EUROPE

Marking at time of manufacture

Seven states report that they require marking at the time of manufacture.¹⁶⁵

Table 9 provides an overview of the manufacture markings required by Western European states as described in national reports.¹⁶⁶

164 Albania, Bosnia and Herzegovina, Italy, Portugal, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

165 Austria, Belgium, France, Germany, Liechtenstein, Netherlands, Switzerland.

166 The name and identity of the manufacturer will, generally speaking, indirectly identify the country of manufacture, unless the arms are manufactured in a foreign country under licence. Accordingly, where states report that they require the name or identity of the manufacturer to be marked on SALW but do not specify that they require the country of manufacture to be indicated, the symbol “(*)” is inserted to indicate the county of manufacture may be identifiable from the name or identity of the manufacturer.

Table 9. Manufacture markings (Western Europe)

	name of manufacturer	country of manufacture	serial number	year of manufacture	calibre	model/type	other
Austria (2010, p. 8)	•	(*)	•				Bore size. e.g. 7x64, .243 Win, 12/70.
France (civilian arms) (2010, p. 5)	•	(*)	•		•		Designation of the calibre or the calibres of each barrel; designation of the calibre of each cylinder of a revolver; if applicable, "pellet gun" indication.
Germany (armed forces) (2010, p. 30)	•	•	•		•	•	Month and year of delivery, proof mark; also possibly maintenance information.
Liechtenstein (2010, p. 5)	•	(*)	•				
Netherlands (2010, p. 14)		•	•			•	
Switzerland (2010, p. 16)	•	(*)					

Several states also report on the nature and location of the markings to be applied. For example, Austria reports that proof houses have to examine whether the marks have been placed in a visible and permanent manner on at least one of the heavy-duty parts of the weapon. France reports that markings are cold pressed by the manufacturer and are stamped on the “structural part” (our translation) of the arm, which is not supplied as a spare part, or a part for exchange (depending on the type of arm: breechblock, frame, tube, barrel). Parts that are not interchangeable or that determine a precise setting are marked with the registration number of the firearm (2010, pp. 14–15).

Marking at import

Germany reports that all war weapons as well as firearms imported or otherwise transferred into the country must be marked with the sign of the producer or the importer (2010, p. 13). Austria reports that when weapons are manufactured in other countries they may be sold commercially in Austria only if they also bear the sign of the business that has sold the weapon in Austria for the first time (2010, p. 8), indicating that the identity of the importer must be marked on the weapon.

In response to the following questions posed in the online reporting template: “Does your country require that SALW imported into your country be marked at the time of import?” and “If marked SALW imported into your country do not bear a unique marking when they arrive, does your country require that they be given such a marking?”, Luxembourg replied “yes” and stated that “Unmarked weapons are not imported” (our translation) (2012, p. 3). In its previous report, Luxembourg reported that it “does not have a system of marking used in the manufacture and/or the importation of small arms” (our translation) (2010, p. 3). Accordingly, it is not clear whether Luxembourg marks imported SALW.

The Netherlands reports that “Each firearm imported into the Netherlands will be marked when the United Nations Firearms protocol is implemented in Dutch national law” (2010, p. 7). In its 2003 report, it noted that “All licensed importers are required to mark each firearm imported into The Netherlands with a serial number, the make, model, and caliber or gauge of the firearm, as well as the name, city, and state or foreign country of the manufacturer or importer” (2003, p. 3). Switzerland reports that persons who want to import firearms must ensure that the firearms are already marked, and that “Since Switzerland only imports marked weapons, no import marking is applied” (although the Federal Council can allow the

temporary import of unmarked weapons for a maximum of one year for certain purposes) (2012, p. 9).

Marking of weapons transferred from state stocks to civilian use

Luxembourg reports that government stocks are not marked when transferred to civilians or private companies (2012, p. 6). Switzerland reports that government stocks are marked when transferred to civilian use, and that data regarding the transfer of small arms of the armed forces to private property is kept for 20 years (2012, p. 16).

Marking of SALW in the possession of government armed and security forces

Six states report that they ensure that SALW in the possession of government armed and security forces are duly marked.¹⁶⁷

Germany provides extensive details of the markings applied to weapons held by different state agencies in addition to manufacture markings as follows:

- Federal Armed Forces: month and year of delivery, proof firing stamp, possibly additional marks, such as maintenance information. Germany has begun the process to introduce the stamp “DE” as a central identification code (2010, p. 30);
- Federal Revenue Administration: weapons in use are permanently marked with the acronym BZV (2010, p. 30); and
- Federal and State Police Forces: a proof firing stamp as well as a property sign—e.g. “BMI” indicating that the weapon is in use with the Federal Ministry of the Interior—are stamped or engraved on all arms used by federal authorities. Arms of the state police forces are marked with a state-specific sign of ownership containing an abbreviation of the respective state or of the name of the institution. For example, the abbreviations “HB” and “Pol.Br.” designate weapons in use with the police force of the Freie Hansestadt Bremen (2010, p. 30).

Luxembourg reports that government-held stocks must be marked with the name of the manufacturer, country of production, serial number, model number of weapon and class (2012, p. 6). The Netherlands reports that small arms held by its armed forces must bear the following markings: the type, country code, serial number and the manufacturer of the item of

167 Austria, France, Germany, Luxembourg, Netherlands, Switzerland.

SALW. Unmarked weapons in the armed forces' stocks are considered illegal and are destroyed. Weapons are also equipped with a passive electronic transponder that can be read with the use of portable terminals and all data are stored in one centralized database (2010, p. 7).

Switzerland reports that it has introduced new markings on small arms held by the armed forces to include four additional pieces of information: the letter A for Armed Forces, the "shield with the Swiss cross" (indicating a service weapon), the letters "W+K" (indicating a weapon approved by the Federal Weapons Control Agency), and the proof firing stamp (2012, p. 4).

Measures by manufacturers

Liechtenstein reports that markings must be applied in a way that can only be modified or removed by mechanical methods (2010, p. 5). Similarly, Switzerland reports that its legislation requires markings be applied in a manner so that they cannot be removed or altered without mechanical treatment (2012, p. 16) and that all arms belonging to the Swiss Armed Forces have been marked in a way that can only be altered or removed by mechanical methods (2012, p. 4).

Three states note that it is a criminal offence to remove or alter small arms markings.¹⁶⁸ France reports that legislation is under review that provides for penalties of five years imprisonment and a €75,000 fine for fraudulently removing, concealing, altering or modifying in any way the markings, proof marks, serial numbers, emblems or signs of any nature affixed to arms or their essential components, or to knowingly possess an arm modified in this way (2011, p. 2). Germany reports that the manufacture of unmarked or inadequately marked SALW is an administrative offence (2010, p. 12).

Switzerland reports that manufacturers and arms traders not observing the legal marking requirement are liable to imprisonment not exceeding three years or a fine. If done with intent to profit, such acts are punishable by imprisonment not exceeding five years (2012, p. 4).

168 France, Germany, Switzerland.

Marking or destruction of illicit weapons

Seven states report that illicit weapons found on their territory are destroyed.¹⁶⁹ Several also report that alternative methods of disposition are permitted. For example, Austria reports that a confiscated, seized or collected small arm with historic or scientific value may be entrusted to museums or state collections as objects for display. Such weapons are demilitarized when displayed outside of museums (2010, p. 7). Belgium reports that a decision may be made, for historical, scientific or educational reasons, not to destroy a confiscated weapon. In that case, the weapon will join the collection of a public museum, a scientific establishment or a police service (2010, p. 8).

France reports that, once a judicial determination is made, seized SALW may be sold, be given to police crime laboratories, or become part of a national collection in a pedagogical or scientific perspective (2010, p. 12). Germany reports that seized weapons that are rare may be retained for the purpose of education and training of Federal Police (2010, p. 19); they may be transferred to study collections maintained by state agencies,¹⁷⁰ or—only in the case of non-military SALW—sold to authorized dealers (2010, p. 20). Switzerland reports that collected firearms may be given to museums if they are of value or confiscated firearms may be resold in order to reimburse their lawful owner (2012, p. 15).

OCEANIA

AUSTRALIA AND NEW ZEALAND

Marking at time of manufacture

Both Australia and New Zealand report that they mark weapons at the time of manufacture. New Zealand reports that it only has small-

169 Austria, Belgium, Germany (e.g. by melting in blast furnaces, shredding, torch cutting, severing (cutting), partly in combination with plastic deformation, using mechanical or thermal separation procedures (2010, p. 19)), Liechtenstein (crushing by hydraulic press in a local plant belonging to a civilian recycling company (2010, p. 5)), Luxembourg, Netherlands, Switzerland (shredding (2012, p. 15)).

170 Such as the Federal Armed Forces, the Federal Criminal Police Bureau, the Federal Police, the official proof-testing agencies, the Customs Criminological Office, the German Customs Museum, the Training Centre of the Federal Revenue Administration, Customs Staff Training Centres (2010, p. 20).

scale manufacturing within its borders. New Zealand reports that an Arms Amendment Bill is before parliament that will make it an offence for any manufacturers to “fail to place on a firearm or part of a firearm manufactured ... an identifying marking”. Although it does not have regulations on how to mark firearms, New Zealand reports that at the time of manufacture firearms are generally marked with serial number, calibre, model and make, which can be marked on various places on the weapon (2010, p. 1).

Marking at import

Neither Australia nor New Zealand and Australia report on whether they mark weapons at the time of import. However, Australia ensures that all imported firearms manufactured after 1900 must have a serial number or other unique identifying mark (2010, p. 6).

Marking of weapons transferred from state stocks to civilian use

Neither Australia nor New Zealand report if weapons that are transferred from state stocks to civilians are marked. However, New Zealand does highlight the need for pistols, military-style semi-automatic firearms and restricted, government prescribed firearms that are transferred between civilians to be marked if the firearm does not already possess markings (2007, p. 5).

Marking of SALW in the possession of government armed and security forces

Australia and New Zealand both mark weapons belonging to the armed forces. Australia reports that Australian Defence Force weapons are “individually numbered and tracked” (2010, p 7). New Zealand reports that New Zealand Police Weapons are commercially produced and are already marked before they are used by the police force (2010, p. 2).

Measures by manufacturers

Australia reports that in 2008 consultations were held between local governments and the firearms industry to develop a regulatory approach to marking by manufacturers (2010, p 5). New Zealand reports that the Arms Amendment Bill before parliament will include offences for modifying markings on a firearm, unless it is for a lawful reason. Such offences will occur when a person alters, falsifies, obliterates or removes an identifying marking (2010, p 2).

Marking or destruction of illicit weapons

Both Australia and New Zealand destroy illicit weapons found on their territory. Australia reports that the weapons that were surrendered in the two buy-back plans in 1996 and 2003 were destroyed. Additionally, state and territory governments occasionally offer amnesties and any firearms that police recover during this period are analysed for criminal involvement and subsequently destroyed. Australia also destroys weapons that have been seized from illegal importing or exporting under the provisions of the Customs Act 1901 (2010, p. 8). New Zealand reports that under the New Zealand Firearms Manual, the police will destroy firearms in the following circumstances: pursuant to a court order, when authorized by the Area Commander, when firearms are surrendered or a firearms licence is revoked, or when a weapon is seized or detained under the Arms Act by the police (2010, p. 11). Both states report that the weapons are stored safely before destruction.

MELANESIA

Marking at time of manufacture

No Melanesian state reports on marking at the time of manufacture.

Marking at import

Fiji reports that small arms that have been manufactured in another state are marked in three places with registration numbers that are unique to every weapon and the place of manufacture, suggesting that imported weapons should be marked before importation (2008, p. 6). Papua New Guinea reports that SALW that have been imported for use by the state are marked with a serial number by the manufacturer (2005, p. 15).

Marking of weapons transferred from state stocks to civilian use

No state in Melanesia reports on the issue of marking weapons transferred from state stocks to civilian use.

Marking of SALW in the possession of government armed and security forces

Solomon Islands reports that it marks police weapons (and that it has no armed forces). The Royal Solomon Islands Police Firearms Policy stipulates that all firearms must be marked on the inside of the butt stock (2004, p. 15).

Measures by manufacturers

No Melanesian state reports on this issue.

Marking or destruction of illicit weapons

Fiji, Papua New Guinea and Solomon Islands report that they have a procedure for destroying illicit weapons found on their territory. Papua New Guinea reports that SALW that are confiscated, seized or collected are first kept in police armouries and lock-ups as court exhibits and are then subsequently destroyed (2005, p. 13).

MICRONESIA**Marking at time of manufacture**

The Marshall Islands reports that it marks weapons at the time of manufacture with unique serial numbers and the country of manufacture (2005, p. 6).

Marking at import

No Micronesian state reports on this issue.

Marking of weapons transferred from state stocks to civilian use

No Micronesian state reports on this issue.

Marking of SALW in the possession of government armed and security forces

No Micronesian state reports on this issue.

Measures by manufacturers

No Micronesian state reports on this issue.

Marking or destruction of illicit weapons

The Marshall Islands reports that all confiscated, seized or collected weapons are normally dumped at sea by the Office of the Police Commissioner (2005, p. 4).

GLOBAL FINDINGS

The overview of reported information contained in states' national reports on marking practices provides a varied picture of efforts to implement the marking commitments under the PoA and, more specifically, the International Tracing Instrument.

MARKING AT TIME OF MANUFACTURE

A large proportion of states report that they mark SALW at the time of manufacture, and the tables on manufacture markings show that many states include the name of the manufacturer, the country of manufacture and the serial number, as required under the International Tracing Instrument. It appears that the majority of states that manufacture SALW are implementing the commitment to mark manufactured SALW with some or all of the information required under the International Tracing Instrument.

MARKING AT IMPORT

Less than 10% of states that have submitted national reports indicate that they ensure that imported SALW are marked at the time of import in such a way as to permit identification of the country of import, with even fewer indicating that they mark the year of import, as encouraged under the International Tracing Instrument.

To some extent, these findings are inconclusive, as many states provide ambiguous information on this issue. Many note, for instance, that "imported arms are marked", without clarifying whether this indicates that they are marked with the requisite import markings, or that states ensure that they are marked by the manufacturer with appropriate markings prior to import. Better information and reporting is needed to obtain an accurate assessment of how many states are implementing this commitment, but a preliminary assessment based on state reports suggests relatively few states have fully implemented this commitment.

MARKING OF WEAPONS TRANSFERRED FROM STATE STOCKS TO CIVILIAN USE

Few states provide information on their practices with respect to the marking of SALW transferred from state stocks to permanent civilian use. In fact, only two states report that they permit the transfer of state surplus

or stocks to civilians, while a handful of states report that they do not transfer state weapons to civilians. In some instances, where state security forces do not hold large or even sufficient quantities of weapons, civilian weapons (that have been seized or confiscated) are transferred to state stocks to supplement these holdings—the inverse of what is contemplated in the International Tracing Instrument.

MARKING OF SALW IN THE POSSESSION OF GOVERNMENT ARMED AND SECURITY FORCES

As shown in table 10, a relatively large proportion of states indicate that they ensure that SALW in the possession of their government and security forces are marked (37% of reporting states in Africa; 57% of reporting states in the Americas; 41% of reporting states in Asia; 71% of reporting states in Europe; and 50% of reporting states in Oceania). Insufficient information was provided in national reports to differentiate and compare the marking practices with respect to police weapons and the marking practices with respect to armed forces weapons.

In most instances, states report that they ensure that state weapons bear appropriate manufacture markings (name of manufacturer, country of manufacture, etc.) or they report that state-held weapons are “duly marked”, without providing details of the content of the markings. Some states report that they mark state-held weapons with their national coat of arms or letters indicating the states that possesses them (which would imply—when state-held arms are imported and not manufactured by the holding state—that the state, effectively, marks them or has them marked by the manufacturer with the country of import).

MEASURES BY MANUFACTURERS

Paragraph 8(e) of the International Tracing Instrument specifically refers to the development of measures *by manufacturers* to prevent the removal or alteration of markings. Given that over 40% of states that have submitted national reports indicate that they do not manufacture SALW, it is not surprising that relatively few states provide information on measures developed by manufacturers to prevent the removal or alteration of markings. Some of the measures reported by states that do report on the issue include:

- markings affixed to an essential component of the firearm, the destruction of which would render the firearm unusable;
- markings applied via a process that guarantees permanent marking;
- markings applied in such a way that they can only be modified or removed by mechanical methods; and
- marking technology that prevents removal or alteration of markings.

Additionally, many states, including states that do not manufacture SALW, have introduced criminal penalties for the unauthorized removal or alteration of markings.

MARKING OR DESTRUCTION OF ILLICIT WEAPONS

While the International Tracing Instrument contemplates that illicit SALW found on a state's territory should be uniquely marked and recorded, or destroyed, most reporting states indicate that illicit SALW and weapons that are seized, confiscated and collected are almost always destroyed. Few states report that such weapons are marked and recorded, although some note that records are kept of their destruction.

Table 10. Marking

(no. of states that have reported on provision (% of reporting states))

	Africa	Americas	Asia	Europe	Oceania
Marking at manufacture	8%	32%	56%	76%	50%
Does not manufacture	57%	64%	24%	39%	33%
Marking at import	8%	18%	6%	17%	0%
Marking of state-held weapons	37%	57%	41%	71%	50%

RECORD-KEEPING

The central provisions in the PoA and the International Tracing Instrument that relate to record-keeping are paragraphs II.9 of the PoA and paragraphs 11 to 13 of the International Tracing Instrument, which provide that states undertake to ensure that comprehensive and accurate records are kept on the manufacture, holding and transfer of SALW under their jurisdiction (II.9 of the PoA); to ensure that records of all marked SALW within their territory are kept indefinitely, to the extent possible, otherwise to ensure the maintenance of manufacturing records for at least 30 years and all other records, including records of import and export, for at least 20 years (paragraphs 11 and 12 of the International Tracing Instrument); and to require that small arms records held by companies that go out of business be forwarded to the state in accordance with its national legislation (paragraph 13 of the International Tracing Instrument).

The following section provides an overview of the information provided by states on their fulfilment of these commitments, by region.

AFRICA

EASTERN AFRICA

Records on manufactured small arms

No state in Eastern Africa reports on record-keeping by manufacturers.

Records on small arms transfers

Madagascar reports that every import and delivery of arms must be registered with all the relevant information (2008, p. 2). Mozambique reports that all records shall be kept for 10 years (2010, p. 6). Zimbabwe reports that records of imports and exports must be kept permanently (2010, p. 2).

Records of holdings

Twelve states in Eastern Africa report that records are kept of military or civilian holdings.¹⁷¹ Burundi reports it has established a computerized record of state-held weapons (2010, p. 3). Malawi reports that it has

171 Burundi, Djibouti, Eritrea, Kenya, Malawi, Mauritius, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

established a Firearms Register of all legally owned firearms (2010, p. 5). In Mauritius there are bi-annual inspections of government stocks, which check all the serial numbers against records (2008, p. 1). Uganda reports it is currently planning the development of an Electronic Central Firearm Register (2010, p. 4). The United Republic of Tanzania reports that it is in the process of entering manual records of civilian holdings into a computerized database, and has so far processed 61,000 out of 93,500 civilian holdings since the process began in 2006. It also reports that it will document other holdings, including government holdings, when additional funds are available (2010, p. 3). Zimbabwe reports that all records of weapons are kept permanently (2008, p. 2).

Records of companies going out of business

No state in Eastern Africa reports on records held by companies going out of business.

MIDDLE AFRICA

Records on manufactured small arms

The Democratic Republic of the Congo reports that arms manufacturers must keep records on the manufacture, possession and transfer of arms to the Democratic Republic of the Congo for 10 years (2010, p. 22).

Records on small arms transfers

As noted above, the Democratic Republic of the Congo reports that arms manufacturers must keep records on the manufacture, possession and transfer of arms to the Democratic Republic of the Congo for 10 years (2010, p. 22).

Records of holdings

The Congo reports that records of weapons used by the public security forces are kept throughout their life cycle, both at the level of the central administration and at the level of operational units, and the following information is recorded: end-user certificates, receipt–delivery reports, daily records, general (national) records, assignment and return records, inventory records, weapons records of units, records of weapons assigned and returned by units, and vouchers for weapons movements and transfers (2010, p. 1). It also reports that it is in the process of establishing electronic records of state-held weapons (2010, p. 2).

Records of companies going out of business

No state in Middle Africa reports on records held by companies going out of business.

NORTHERN AFRICA

Records on manufactured small arms

Algeria requires that the manufacturers of SALW keep records for 15 years, after which time they are archived for “unlimited keeping” (our translation) (2010, p. 18). In Egypt every component of every weapon manufactured is registered after close supervision of the raw materials that are used in the production of the weapon (2008, p. 2). The Sudan reports that it has established a central register of weapons, recording all information on weapons (2008, p. 4).

Records on small arms transfers

According to the law of Algeria, dealers must keep records of registration for 15 years, after which time they are archived for “unlimited keeping” (our translation) (2010, p. 18). In Egypt, any person licensed to trade in arms and ammunitions must keep two sets of records, the first being records of incoming stock, and the second being records of what was done with that stock (2003, p. 2). Morocco reports that authorized firearms dealers must keep a register of imported weapons and munitions, including records of movement specifying the calibre, serial number and manufacturers mark, the name and domicile of the purchaser, and the number and date of the weapons permit or sale licence (2008, pp. 6–7).

Records of holdings

Algeria reports that records of arms held by the armed and security forces are kept for an unlimited period of time in a central register, on paper and electronically. Records of destroyed, lost and stolen weapons are also kept (2010, pp. 17–18). Egypt reports that an inventory of state arsenals is kept, including information on the quantity, type and serial number of weapons (2008, p. 4). Tunisia reports that it keeps records of civilian holdings on paper or electronic registers, including the identity of the holders and the technical characteristics of the firearms (2010, p. 3). The Sudan’s Ministry of Interior (represented by the General Directory of Criminal Investigations) has computerized records keeping all data on legally held civilian weapons (2010, p. 5).

Records of companies going out of business

Algeria reports that “in the case of suspension of activities, [companies] must submit, without delay, these records [on SALW] to the authorities of the State concerned” (our translation) (2010, p. 18).

SOUTHERN AFRICA

Records on manufactured small arms

No state in Southern Africa provides information on record-keeping by manufacturers.

Records on small arms transfers

Botswana reports that records of all of SALW transfers and sales are submitted to the Central Firearms Agency every three months and that there is no time limit for keeping records (2008, p. 9). Namibia reports that exporters and importers keep records of all activities, including the quantity of SALW transferred, the type or model, markings on the weapons, identity of the buyer/seller, country of import/export and the date of delivery. These records must be kept for at least 10 years (2011, p. 2). South Africa reports that the details of all imported, exported and transited firearms are kept by authorities in the Central Firearms Database (2008, p. 3).

Records of holdings

Five states in Southern Africa report that they require records of state-held or civilian weapons to be kept.¹⁷² Namibia reports that it has a Central Firearm Registry, and implies that this covers civilian- and state-held stocks, but that the system is “obsolete, inaccurate and unreliable”, and is undergoing an upgrade (2010, p. 3). In its 2011 report, Namibia requests assistance in establishing an accurate database of state and civilian weapons, and seized and captured weapons. It also reports that records of state-held weapons with details of the owner, type, make and calibre of the firearm are required to be kept for 10 years (2011, pp. 4, 6). Lesotho keeps manual records, and requests 48 computers to help with record-keeping (2008, p. 3). South Africa reports that the details of all firearms and firearm owners in South Africa are recorded in a single Central Firearms Register database (2008, p. 3).

172 Botswana, Lesotho, Namibia, South Africa, Swaziland.

Records of companies going out of business

Botswana and Namibia report that records pertaining to SALW held by companies that go out of business are required to be forwarded to the state. Botswana reports that “Dealers/manufacturers going out of business are to dispose all the available stock and thereafter submit records ... for permanent retention” (2010, p. 14).

WESTERN AFRICA

Records on manufactured small arms

Côte d’Ivoire reports that “All holders of permits for the manufacture of arms or ammunition or for arms repair must keep a special register numbered and initialled on each page by the Defence Minister or his representative” (2008, p. 9). Burkina Faso reports that “the artisanal small arms manufacturers have been registered by the Ministry of Security. However, in as much as they themselves are mostly illiterate, they do not keep records and have no concept of the marking system” (2010, p. 4).

Records on small arms transfers

Five states in Western Africa report on record-keeping on transfers of SALW.¹⁷³ In Benin, small arms that are imported by the state for the National Defence and Security Forces are registered, as well as those imported for individuals (2003, p. 10). Senegal requires dealers to comply with the conditions for record-keeping on entry and exit of arms and ammunition (2007, p. 14).

Records of holdings

Six states in Western Africa report that records are kept of state-held or civilian weapons.¹⁷⁴ Ghana reports that the armed forces keep records of all weapons imported by them; and that the police operates a manual system of recording small arms information, but that UNDP is assisting with the computerization of police records (though Ghana reports that this assistance cannot be extended to the districts and major towns due to resource constraints) (2010, p. 5). Togo reports that a register of weapons held by the national army, gendarmerie and paramilitary forces is maintained by the Ministry of Defence and Veterans’ Affairs; another

173 Benin, Ghana, Senegal, Sierra Leone, Togo.

174 Benin, Ghana, Niger, Senegal, Sierra Leone, Togo.

register, covering weapons held by civilians, is maintained by the Ministry of Security and Civil Protection (2009, p. 3).

Records of companies going out of business

No state in Western Africa reports on records held by companies going out of business.

AMERICAS

CARIBBEAN

Records on manufactured small arms

Antigua and Barbuda reports that, although it does not manufacture small arms, it requires manufacturers to keep records of the following information: the quantity of small arms produced, the type or model of small arms manufactured, markings applied to manufactured small arms, and transactions including sales of manufactured and marked small arms (2010, pp. 6–7).

Records on small arms transfers

Antigua and Barbuda reports that it requires exporters and importers to keep records, and notes the following information must be recorded: the quantity of small arms traded, the type or model of small arms traded, the markings that appear on the transferred weapons, transactions, the identity of the buyer/seller, the country the small arms are to be delivered to or purchased from, and the date of delivery (2010, p. 13).

The Dominican Republic reports that the Ministry of Interior and Police is responsible for authorizing import licences and has the authority to review and audit the books and records of all sales and purchases of firearms and ammunition made by individuals and corporations, which must regularly deposit their records with the Ministry. In addition, the Arms Control Directorate of the Ministry of Interior and Police registers the sale and transfer of firearms, ammunition and other related materials (2008, pp. 9–10). Jamaica reports that the Jamaica Customs Department has a listing of the serial numbers of all small arms entering the country at the ports of entry (2008, p. 1). Trinidad and Tobago reports that the Commissioner of Police keeps a register of imports and exports (2010, p. 7), and that dealers must keep a register of business transactions, and records must be made within 24 hours after the transaction (2003, p. 9).

Duration

Antigua and Barbuda reports that records of transfers must be kept for “over 1 year” (2010, p. 14). Trinidad and Tobago reports that records on imports are kept for a statutory 14 years (2008, p. 5).

Records of holdings

Cuba reports that the Ministry of the Revolutionary Armed Forces maintains a register of armed forces SALW (2003, p. 3). The Dominican Republic reports that armed forces and national police weapons are recorded by their respective institutions (2008, p. 15). Jamaica reports that the armoury divisions of both the police and military maintain their own lists of serial numbers of all weapons in the possession of their respective officers (2008, p. 1). Trinidad and Tobago reports that small arms procured for the armed forces are entered in a database (2010, p. 5).

Cuba, the Dominican Republic and Jamaica also report on records of civilian-held small arms, with Cuba reporting that the Ministry of Interior keeps a register of civilian licences (2010, p. 12), the Dominican Republic reporting that the Ministry of Interior and Police keeps a record of all weapons in the hands of civilians (2008, p. 15), and Jamaica reporting that the Firearm Licensing Authority maintains a record of the serial numbers of all weapons brought into the country and details of the owners (2008, p. 1).

Antigua and Barbuda reports that it keeps records of all marked small arms on its territory (2010, p. 25).

Duration

The Dominican Republic reports that the information on civilian-held firearms maintained by the Ministry of Interior and Police “does not expire” (our translation) (2008, p. 15). It does not mention how long records of arms held by the state are maintained.

Records of companies going out of business

Antigua and Barbuda reports that companies engaged in SALW activities, in the event that they go out of business, are required to submit all records to the government (2010, p. 26).

CENTRAL AMERICA

Records on manufactured small arms

Mexico reports that the Ministry of Defence “strictly monitors the arms manufactured and sold in Mexico” (2002, p. 4) and ensures all weapons in Mexico are recorded in the Federal Weapons Registry (2008, p. 2).

Records on small arms transfers

Guatemala reports that the Department of Arms and Ammunition Control registers all SALW imported into the country on the basis of their ballistic fingerprint and, while doing so, ensures that they are adequately marked (2008, p. 6). Honduras reports that the Criminal Investigation Police are responsible for maintaining records on cases involving individuals arrested for selling, stockpiling or trafficking in SALW (2004, p. 3). Panama reports that the Directorate of Public Security Affairs maintains a register of companies that import arms and ammunition and that these companies are required to send a monthly sales report, along with information on firearm imports (2005, p. 6).

With respect to domestic sales, Mexico reports that dealers who hold sales permits must report their sales activities each month and must also, as required, facilitate inspection visits by the Ministry of Defence (2003, p. 6). Nicaragua reports that “Stores selling firearms and ammunition” must keep a register of the entry and exit of firearms and maintain an internal log containing the following information: client’s name and address; type of weapon; brand, calibre and series; number of sales invoice; identification and signature; and quantity and calibre of ammunition. They must also inform the local Public Security Department on a weekly basis of the identity and address of purchasers and the types and registration numbers of weapons sold (2003, pp. 5–6).

Records of holdings

Military

Seven Central American states report that there are procedures in place for keeping records of state-held weapons, with some providing details of those procedures.¹⁷⁵

175 Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

Costa Rica reports that the Arms Registry maintains a computerized database with all the information on weapons held by the Ministry of Public Security, and under a separate system maintains a register of the weapons that the judiciary hands over to the National Arsenal for safekeeping (2003, p. 4).

El Salvador reports that the Ministry of National Defence keeps a database of all weapons registered in the country, and the National Civilian Police has records of the weapons that have been stolen or lost (2005, p. 5).

Guatemala reports that the Office for Arms and Ammunition Control maintains a register of all imported firearms and records the following data for each weapon: make, model, calibre, registration number, length of barrel or barrels, calibre adaptations and place and date of registration. As part of the registration process, the Office for Arms and Ammunition Control takes two ballistic fingerprints, registers the firearm data and marks the gun with the letters GUA (for Guatemala) (2010, pp. 2, 7).

Honduras reports that the Ministry of Defence keeps a record of all weapons held by the armed forces (2004, p. 8), while the Ministry of Security maintains a general register of all weapons at the disposal of the Preventive Police Department of the Ministry of Security (2004, p. 5).

Mexico reports that all weapons in Mexico are recorded in the Federal Weapons Registry (2008, p. 2), and that, in 2007, 42,335 firearms were registered (2007, p. 2). Nicaragua reports that the National Police, Army and the National Penitentiary System keep records of their firearms (2010, p. 4).

Civilian

Several Central American states also provide information on records kept on civilian-held firearms. Costa Rica reports that it has a centralized register including all information relating to registration and carrying permits pertaining to civilian weapons (2003, p. 3). Guatemala reports that private gun users are registered with the Department of Arms and Ammunition Control, which is under the Ministry of National Defence (2006, p. 19).

Honduras reports that a National Arms Register, created in 2002, records the possession and transfer of small arms in the country, and is managed by the Criminal Investigation Department of the Ministry of Security. An additional register was also created in 2002 for weapons not in legal use that are turned in by private firms to the Preventive Police Department of the Ministry of Security (2004, p. 3).

Nicaragua reports that the Directorate of Firearms, Ammunition, Explosives and Other Related Materials has a complete record of all weapons legally owned in the country (2010, p. 4). Additionally, the National Registry includes information on all the people who are importers, exporters, manufacturers, distributors, traders, brokers, holders, users, carriers and transporters of firearms, ammunition, explosives, and other related materials (2006, pp. 9–10).

Panama reports that the Judicial Technical Police keeps a register of gun licences issued to nationals and foreigners residing in country, also recording the results of ballistic testing and the serial number, calibre and make of weapons (2005, p. 6).

Records of companies going out of business

No Central American state reports on records held by companies going out of business.

NORTHERN AMERICA

Records on manufactured small arms

Canada reports that legislation requires each firearm to be registered against the manufacturer's inventory at the time of production, and at every subsequent transfer (2010, p. 2), and that newly manufactured firearms must be registered in the Canadian Firearms Information System (2010, p. 3).

The United States reports that manufacturers are required to maintain records of the manufacture, export and other acquisition of firearms, and that licensed manufacturers must maintain permanent records of firearms manufactured. Records must be made available to inspection at any time in the course of a criminal investigation and licensees are also subject to annual compliance inspections. Civil penalties for non-compliance with record-keeping obligations include licence revocation and criminal penalties, including fines of up to \$250,000 and imprisonment (2008, p. 2).

Duration

The United States notes that manufacturers must keep records in readable form and available at all times for review by relevant authorities for five

years from the last event or expiration (2010, p. 5), and that the law further requires that these records be kept indefinitely (2008, p. 2).

Records on small arms transfers

Canada reports that legislation requires each firearm to be registered against an importer's inventory at the time of importation, and at every subsequent transfer (2010, p. 2) and that the Department of Foreign Affairs and International Trade holds firearms import and export records (2006, p. 12). The United States reports that licensed importers of all defence articles must keep records of their transactions (2010, p. 5).

Duration

Canada reports that all records associated with the export of firearms and all import permits are stored indefinitely within their respective electronic permit systems. All supporting documents associated with the import of firearms not stored within the electronic permit system are retained for seven years (2010, p. 3). Notably, in its 2006 report, Canada states that the Department of Foreign Affairs and International Trade holds firearms import and export records for seven years, but that "In time, these records are expected be kept indefinitely to satisfy commitments made internationally" (2006, p. 12).

The United States reports that licensed importers of all defence articles must maintain records for six years and exporters and brokers of defence articles and defence services must maintain records for five years, and that all licensed dealers must maintain Firearms Transaction Records of all sales and transfers of firearms for not less than 20 years (2010, p. 5).

Records of holdings

Military

Canada reports that the armed forces have a recording system for small arms based on serial numbers (2010, p. 3). The United States reports that all small arms are individually registered by serial number in the Department of Defense Central Registry (2008, p. 2).

Civilian

Canada reports that the Canadian Firearms Information System keeps records of all licensing information. The records include data on licences, authorizations, registration certificates, prohibition orders and other information collected under the authority of the Firearms Act. With the

coming into force of Canada's Public Agents Firearms Regulations on 31 October 2008, firearms possessed or seized by public service agencies and public agents, with the exception of those held by the Canadian Forces, are required to be reported to the Registrar of Firearms (2010, p. 3).

Duration

Canada reports that the Canadian Firearms Information System keeps records for a minimum of 10 years after the last administrative action has been taken on the information in a record, but that firearms registration information must be kept indefinitely (2010, p. 3).

Records of companies going out of business

The United States reports that when a manufacturing company goes out of business, its records must be turned over to the Bureau of Alcohol, Tobacco, Firearms and Explosives (2008, p. 2).

SOUTH AMERICA

Records on manufactured small arms

Seven South American states report that records of manufactured arms are maintained.¹⁷⁶ Paraguay reports that, although it does not manufacture small arms, there is a database of arms for civilian use for the compiling of complete and accurate records of the manufacture, possession and transfer of SALW within the country, over as long a period as possible (2008, p. 1). Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use keeps records of the manufacture of civilian weapons (2010, p. 15). The Bolivarian Republic of Venezuela reports that it ensures that firearm production records are complete and accurate and that they are kept for as long as possible (2004, p. 4).

Argentina reports that manufacturers are required to submit a monthly weapon production report to the National Arms Registry (2010, pp. 3–4). Brazil reports that manufacturers are required to maintain a register of sales of firearms (2008, p. 3) and to provide the Army Command and Sistema Nacional de Armas with information on the production of weapons and ammunition (2008, p. 3).

176 Argentina, Brazil, Colombia, Ecuador, Mexico, Paraguay, Peru.

Colombia reports that Industria Militar maintains records of all weapons, ammunition and explosives produced (2006, pp. 52–53, 55).

Ecuador reports that all manufactured firearms are registered in a computerized system (2006, p. 7), and that periodic inspections are conducted to ensure that manufacturers and vendors of weapons for civilian use keep registers containing full and accurate information relating to manufacturing and sales (2003, p. 2).

Duration

Argentina reports that records maintained by the National Arms Registry, including manufacturing records, are kept indefinitely (2010, pp. 6–7). Brazil reports that manufacturers must maintain a register of sales indefinitely (2008, p. 3). Colombia reports records on manufactured arms are maintained for a period of five years (2006, pp. 52–53, 55). Ecuador reports that once information on manufactured arms is recorded on the database, it will stay there indefinitely (2006, p. 7). Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use stores the information on civilian firearms in electronic archives for no less than 10 years (2010, pp. 1–3). The Bolivarian Republic of Venezuela reports that manufacturing records are kept for “as long as possible” (our translation) (2004, p. 4), and that small arms records (including production) are kept permanently, but after five years are classified as inactive (2006, pp. 11–12).

Records on small arms transfers

Argentina reports that dealers must register every purchase or sale of weapons in an official register and submit a quarterly report to the National Arms Registry containing details of the buyer (who in turn must be registered as a lawful user with the National Arms Registry) and of the weapons or ammunition being transferred (type of weapon, firing mechanism, make, model, calibre and serial number, or type of ammunition, make, calibre and batch number) (2010, pp. 3–4).

Brazil reports that, with respect to ammunition, manufacturers and importers are required to maintain databases that record the name of the purchaser, sale authorization issued by the Army, product code, ammunition description, delivery lot, sale receipt (number, series, date and amount) and transport authorization (number and date), and that the information must be made available to the appropriate division of the Brazilian Army (2008, p. 3).

The Plurinational State of Bolivia reports that the Ministry of National Defence registers imports, exports, re-exports and trade in conventional arms, ammunition, explosives, classified raw materials aimed at the manufacture of explosives, weapons, fireworks and other related items (2006, p. 22). Furthermore, through the National Register of Firearms, the National Police registers and controls the use and trade of arms and ammunition for sports and hunting (2006, pp. 3–4).

Chile reports that the General National Mobilization Directorate (responsible for authorizing all imports and exports of small arms) keeps an up-to-date registry of export and import agents and traders of arms, as well as data on transfers such as destination, origin, quantity, import agent, export agent, buyer, seller, date of operation and port of entry or departure (2006, p. 10).

Colombia reports that the Customs Authority database contains a full description of the import and export of firearms and explosives since 1994 (2006, pp. 52–53, 55).

Paraguay reports that it has established a database of arms for civilian use for the compiling of complete and accurate records of the transfer of SALW within the country, over as long a period as possible (2008, p. 1).

Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use keeps records of the import, export and transfer of civilian weapons (2010, p. 15).

Uruguay reports that all customs operations relating to the import, export and transit of firearms, ammunition and explosives and related materials must be checked, authorized and properly registered (2008, p. 3), and that the National Arms Register of the National Army Material and Arms Department is to take over the monitoring and recording of imports, exports, marketing, manufacturing and possession of firearms (2010, pp. 2–3).

Duration

Argentina reports that records maintained by the National Arms Registry, including dealers records, are kept indefinitely (2010, pp. 6–7). Brazil reports that manufacturers and importers keep their records for a period of 10 years, at the end of which they should be transferred to the Army and the Federal Police Department (2008, p. 3). In its 2006 report, the Bolivarian Republic of Venezuela reports that small arms records (including

production) are kept permanently, but after five years are classified as inactive (2006, pp. 11–12).

Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use stores the information on civilian firearms (including their import, export and transfer) in electronic archives for no less than 10 years (2010, pp. 1–3).

Uruguay reports that records in the National Firearms Register, which maintains comprehensive information of all transactions, and has existed since 1943, do not expire (2010, p. 16).

Records of holdings

Military

Nine South American states report that they keep records of state-held small arms.¹⁷⁷

Argentina reports that the National Arms Registry keeps an inventory of weapons, ammunition, main spare parts and controlled materials held by the government (2010, pp. 10–11).

Brazil reports that it has two registration systems: the National Arms Registry, created in 1997, and the Military Firearms Management System, created after the entry into force of the Disarmament Statute in 2003. The National Arms Registry was instituted by the Ministry of Justice and is operated by the Federal Police, while the Military Firearms Management System was instituted by the Ministry of Defence and is operated by the Army Command (2008, p. 5). Each holds records of different state agencies. For example, the National Arms Registry registers firearms of the federal police, the federal highway police, the state police and other public bodies, while the Military Firearms Management System registers firearms of the armed forces, the military police, the military fire brigades, the Brazilian Intelligence Agency and the Institutional Security Cabinet of the Presidency (2008, p. 6).

The Plurinational State of Bolivia reports that a registry containing all firearms used by the armed forces and the police was established in 2008 (2010, p. 3). Chile reports that information on SALW used by the armed forces and security forces is recorded in registers maintained by the

177 Argentina, Brazil, Bolivia (Plurinational State of), Chile, Colombia, Guyana, Paraguay, Peru, Uruguay.

institutions in question, separate from the National Arms Registry, which records information on civilian arms (2008, p. 2).

Colombia reports that it established a database in 2008 to store information pertaining to small arms and their owners (civilian, company or government agency). The information on the arm includes technical information (type, brand, calibre, serial number and load capacity), model, photos and category (collection, sport, personal defence, and restricted use). The information on the person includes name, identification number or fiscal code, address, phone, occupation, email, biometric data (electronic fingerprint), photo and personal presentation (2010, pp. 29–30).

Guyana reports that weapon type, maker's name and number are recorded in a special register for each weapon received into the inventory of government agencies (2010, p. 3). Paraguay reports that all arms held by the armed forces and by security agencies are recorded by each state entity, and that there is a computerized registration system recording the specifications, number, model, calibre and type of firearm. It also reports that in 2007 the Commander-in-Chief of the national armed forces formed an ad hoc committee to oversee the comprehensive, item-by-item monitoring of all weapons in order to update the register and computerized registration system (2008, p. 1).

Peru reports that the armed forces maintain records and control of weapons in its possession on the basis of data from their automated control systems. Similarly, the police maintain a register of weapons in their possession (2010, pp. 1–3).

Civilian

Ten South American states report that they keep records of small arms in the hands of civilians.¹⁷⁸

Argentina reports that the National Arms Registry keeps an inventory of weapons, ammunition, main spare parts and controlled materials held by private entities (2010, pp. 10–11).

The Plurinational State of Bolivia reports that the National Register of Firearms, under the Ministry of the Interior, was set up in order to register all civilian weapons, as well as to authorize acquisition, ownership,

178 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia (see above), Ecuador, Guyana, Paraguay, Peru, Uruguay.

carrying, use, circulation, transfer and internal trade, except for the arms used by the armed forces and the national police (2006, p. 26).

Brazil reports that the Sistema Nacional de Armas includes records of firearms acquired by citizens and firearms belonging to private security and transportation companies, while the Military Firearms Management System records firearms belonging to collectors, sport shooters, hunters, as well as diplomatic representations (2008, p. 6).

Chile reports that the General National Mobilization Directorate maintains the National Arms Register, in which it records the identifying characteristics of civilian-held weapons (type of marking, serial number, calibre, number of barrels, position of barrels, use of the weapon, etc.) and owner (2008, p. 2), as well as changes in ownership and records of thefts, loss or destruction (2006, p. 11). Chile reports that as of 31 July 2005 the National Arms Register included 709,186 firearms entries, and that it fulfils approximately 15,000 search inquiries per year from national justice courts (2006, p. 11).

Ecuador reports that the National Arms Control Information System, an electronic database, keeps all official records of small arms, except those for the sole use of the armed forces and national police (2010, p. 2).

Guyana reports that the police keep records of all firearms, including records of ballistic test-firing performed on all weapons (2010, p. 3). Paraguay reports that it has established a database of civilian arms for the compiling of complete and accurate records of the manufacture, possession and transfer of SALW within the country, over as long a period as possible (2008, p. 1).

Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use keeps records on the manufacture, import, export and transfer, as well as the possession and use of civilian weapons (2010, p. 15).

Uruguay reports that one of the purposes of its National Arms Register is to keep a register of civilian weapons and licensed owners, as well as to keep records of public or private persons who import, manufacture, sell, repair or participate in the trade of firearms in civilian use and marketing, and parts, components and ammunition (2010, pp. 11, 13).

Duration

Argentina reports that records maintained by the National Arms Registry, including records of state-held weapons, are kept indefinitely (2010, pp. 6–7).

Peru reports that the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use stores information on civilian firearms (including their import, export and transfer) in electronic archives for no less than 10 years (2010, pp. 1–3), but does not specify how long records of military holdings are kept. Uruguay reports that information maintained by the National Firearms Register, which has existed since 1943, does not expire (2010, p. 16).

Records of companies going out of business

Argentina reports that registers of firearms in the possession of enterprises terminating their operations must be turned over to the National Arms Registry (2010, pp. 6–7).

ASIA

CENTRAL ASIA

Records on manufactured small arms

No state in Central Asia provides information on records of manufactured arms.

Records on small arms transfers

No state in Central Asia provides information on records of arms transfers.

Records of holdings

Kazakhstan, Tajikistan and Turkmenistan all provide information on records of state-held weapons. Turkmenistan hopes to produce an official record book of all relevant information on small arms. This book will be published with models and information on civil and service weapons (2010, p. 2).

Records of companies going out of business

No state in Central Asia reports on records held by companies going out of business.

EASTERN ASIA

Records on manufactured small arms

China reports that manufacturers have systems for keeping complete and detailed records of weapons manufactured (2010, p. 17). The Republic of Korea reports that all information on small arms that are domestically produced is entered into an integrative information system (2010, p. 17). Japan reports that its Ordnance Manufacturing Law ensures that all manufacturers keep records, and almost all manufacturers keep their records for at least 10 years (2010, p. 4).

Records on small arms transfers

China reports that arms trading and manufacturing companies are responsible for keeping records of exports from the point of production to the end users. This information must include the importing country, end user, shipper, transporter, means of transport and number of shipments, shipping manifests, product model, quantity shipped and label numbers (2010, pp. 17–18). China reports that all records of transfers are required to be kept indefinitely (2003, p. 3).

Records of holdings

China, Japan and the Republic of Korea report that records are kept of state-held weapons. China reports that storehouse managers must maintain a rigorous inventory and registration system, where weapon categories, numbers of weapons, batch numbers and models of weapons can be checked on a weekly basis (2010, p. 13). In Japan records are required to be kept for state-held weapons for as long as the life of the firearm plus one year after its disposal (2008, pp. 3–4). The Republic of Korea reports that all authorized possessors keep detailed information, such as country of manufacture, serial number, model, calibre, manufacturer, authorization number, authorized function, personal data of the possessor and manner of storage (2010, p. 18).

Records of companies going out of business

No state in Eastern Asia reports on records held by companies going out of business.

SOUTHERN ASIA

Records on manufactured small arms

Five states in Southern Asia provide information on record-keeping by manufacturers.¹⁷⁹ India reports that all ordnance factories maintain records of their produced weapons. Additionally, private firms and persons authorized to manufacture firearms must keep records of information including serial numbers and date, month and year of manufacture (2010, p. 3). The Islamic Republic of Iran reports that manufacturing records are held in an “organized manner” (2008, p. 2), containing information about type, model, calibre, unique markings, production, possession, use, ownership, stockpiling, movement and end-user information (2008, pp. 2–3). Pakistan keeps records of manufacturing for at least 30 years (2008, p. 10). Sri Lanka reports that, although it does not manufacture arms, records of manufacture, holdings and transfer of SALW are kept for 10 years or more (2010, p. 3).

Records on small arms transfers

Four Southern Asian states report that they retain records of small arms transfers.¹⁸⁰ Pakistan reports that it keeps its records for at least 20 years for all imports and exports of SALW (2008, p. 10). Sri Lanka reports that it keeps records of transfers for 10 years or more (2010, p. 3).

Records of holdings

India reports that all state authorities maintain a permanent record of all weapons in its possession (2010, p. 4). Sri Lanka reports that it keeps records of holdings for at least 10 years (2010, p. 3).

Records of companies going out of business

No state in Southern Asia reports on records held by companies going out of business.

179 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

180 India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

SOUTH-EASTERN ASIA

Records on manufactured small arms

Four states in South-Eastern Asia report that they keep records of SALW manufactured on their territory.¹⁸¹ In Indonesia, the PT PINDAD manufacturing company keeps records of production and transfers for 10 years, including information on type, quantity of production and recipient (2010, p. 8). The Philippines reports that the Commission on Audit supports the idea of nation-wide inventory-taking of firearms (2010, p. 13). In Viet Nam records of manufactured arms will be kept for 30 years (2006, p. 4).

Records on small arms transfers

Indonesia and Malaysia report that they keep records of transfers of SALW. Malaysia reports that its Arms Act, 1960 stipulates that proper records must be kept of arms and licensed owners, and that such records are kept permanently by the Chief of Police of each state (2010, p. 10).

Records of holdings

Five states in South-Eastern Asia report that they keep records of holdings of state-held SALW.¹⁸² In Viet Nam, records of registration must be kept along with a licence from the Ministry of Defence and Ministry of Public Security (2006, p. 4).

Records of companies going out of business

No state in South-Eastern Asia reports on records held by companies going out of business.

WESTERN ASIA

Records on manufactured small arms

Five states report that they keep records on the manufacture of arms on their territory.¹⁸³ Saudi Arabia reports that “the concerned government agencies keep a record of manufactured weapons” (our translation) (2006,

181 Indonesia, Malaysia, Philippines, Viet Nam.

182 Cambodia, Indonesia, Malaysia, Philippines, Viet Nam.

183 Armenia, Azerbaijan, Israel, Saudi Arabia, Turkey.

p. 12). In Turkey marking information is recorded in a database, which is kept by firms producing firearms and periodically checked by the Ministry of Defence, in accordance with Law no. 5201 (2008, p. 4).

Records on small arms transfers

Six states in Western Asia report that they keep records of small arm transfers.¹⁸⁴ Cyprus reports that records of exports must be kept for at least three years from the time of transfer (2008, p. 9). Jordan reports that relevant government departments keep records of serial numbers, year and country of manufacture of SALW (2010, p. 7). Oman reports that licensed traders keep two registers, one recording sales to licensed purchasers and the other an inventory of stocks (2010, p. 2). The Syrian Arab Republic reports that the Ministry of Interior keeps records of all weapons sold of the source, type, calibre quantity, details of the purchaser and details of the documents presented (2007, p. 1). Turkey reports that it keeps export records in both digital and hard copy forms and the records of licences are kept for five years (2008, p. 10).

Records of holdings

Ten states in Western Asia report that they keep records of small arm holdings.¹⁸⁵ Azerbaijan reports that the Ministry of Internal Affairs keeps records that are created from the information submitted to the Ministry and the registration of firearms (2004, p. 5). Bahrain keeps all pertinent data on licensed weapons so that it is possible to renew permits and track all weapons (2010, p. 2). Iraq reports it has established databases and keeps records as preventive measures (2011, p. 3). Oman reports that any person in possession of SALW must keep two registers, one recording sales to licensed purchasers and the other an inventory of stocks (2010, p. 2). The Syrian Arab Republic reports that the Ministry of Interior keeps an inventory of weapons, which is inspected regularly (2010, p. 1). The United Arab Emirates reports that record-keeping is organized at the national level, where all information relevant to firearms is recorded (2011, p. 5).

184 Cyprus, Israel, Jordan, Oman, Syrian Arab Republic, Turkey.

185 Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Jordan, Oman, Syrian Arab Republic, United Arab Emirates.

Records of companies going out of business

No state in Western Asia reports on records held by companies going out of business. However Turkey reports that, if a manufacturer goes bankrupt, there will be suspension, review, renewal and revocation of licences and authorizations (2005, p. 7).

EUROPE

EASTERN EUROPE

Records on manufactured small arms

Eight states in Eastern Europe provide information on record-keeping by manufacturers.¹⁸⁶

Several states provide information on whether manufacturing records must be kept by the manufacturer, the state or both. Firearms manufactured in Romania must be recorded by manufacturers in special registers, which are monitored by the General Inspectorate of the police, and eventually forwarded to the police for archiving (2010, p. 15). Russian manufacturers maintain comprehensive records of manufactured SALW (2010, p. 3). In Slovakia the Ministry of Interior keeps information relating to weapons production (2010, p. 4).

Duration

The Czech Republic reports that licence holders (presumably including dealers and manufacturers) must keep records of transactions for 30 years (2007, p. 12). Hungary reports that manufacturing records must be kept for 20 years (2010, p. 11). Poland reports that it is developing laws that will extend the period that records are kept from 10 years to 20 years (2008, p. 3). Romania reports that registers of manufactured SALW are kept for 10 years by manufacturers and then forwarded to the police for archiving (2010, p. 15). The Russian Federation reports that manufacturing records are maintained at manufacturing enterprises for 10 years and “in the organizations that use [the weapons] for an indefinite period” (2010, p. 3).

186 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Romania, Russian Federation, Slovakia.

The Russian Federation is the only state in Eastern Europe that reports to keep manufacturing records indefinitely, as encouraged under the International Tracing Instrument (although Romania's statement that such records are submitted to the police for archiving suggests that such records are kept indefinitely).

Records on small arms transfers

Eight states in Eastern Europe report that they retain records of small arms transfers.¹⁸⁷ Bulgaria reports that the firearms type, trademark, model, calibre, serial numbers and the names and the address of the supplier and person who is acquiring the firearms must be recorded (2006, p. 3). Romania reports that the Ministry of Foreign Affairs, Directorate General for Export Controls created a Register of SALW Transfers in 2006, which maintains information on all transferred weapons such as the type, model, calibre, serial number and other information that is considered relevant (2010, p. 15). Additionally, importers and exporters are required to keep records of transactions (2010, p. 23). The Russian Federation reports that there is a special register which records weapons movement and holdings by the armed forces, internal affairs agencies, units of the forces of the Interior Ministry and state paramilitary organizations (2007, p. 16). In Slovakia, an updated register on military exports and transfers of weapons is kept, which includes the information on the manufacturer, serial number, model, calibre and elements of the transaction (date, entities involved, and licence) (2010, p. 4).

Duration

As noted above, the Czech Republic reports that licence holders (presumably including dealers and manufacturers) must keep records of transactions for 30 years (2007, p. 12). Hungary reports that records of transfers of SALW must be kept for 20 years (2010, p. 11). In the Republic of Moldova, the Rocket and Artillery Armament Section of the General Staff keeps records of transfers for five years before the records are transferred to military archives (2006, p. 5). Romania reports that importers and exporters are required to keep records of transactions for a minimum of 20 years (2010, p. 23).

187 Belarus, Bulgaria, Czech Republic, Hungary, Republic of Moldova, Romania, Russian Federation, Slovakia.

Records of holdings

Ten states in Eastern Europe report that they keep records of holdings of state-held weapons.¹⁸⁸ Bulgaria reports that the Ministry of Defence and Ministry of the Interior keep strict records of firearms (2005, p. 2). Slovakia reports that the Ministry of Defence keeps records of armed forces weapons, while the Ministry of Interior keeps records of police weapons, with information on the manufacturer, number, model, calibre and elements of the transaction (2010, p. 4).

The Russian Federation reports that the armed forces, internal affairs agencies, units of the force of the Interior Ministry and state paramilitary organizations are required to keep documentation recording the issuance of weapons, model, series, weapons number and date of issue. The Ministry of Defence has complete records for all small arms and these records are constantly updated (2010, p. 3).

Duration

The Czech Republic reports that serial numbers must be recorded for five years in paper format and then a further 15 years in electronic format (2008, p. 5). Hungary reports that records of state-held weapons are kept for at least 20 years (2010, p. 11). The Republic of Moldova reports that records are kept for “five or ten years, depending on the importance of the document (subsidiary or main record)” (2010, p. 21). Romania reports that records of small arms holdings are kept permanently by the Ministry of National Defence (2010, p. 15). The Russian Federation reports that manufacturing companies keep information on firearms for 10 years, and that the organizations that use them will keep the records for an indefinite period (2007, p. 15).

Records of companies going out of business

Romania reports that “If the armourer stops its activity the registers should be taken over by the Romanian Police in less than ten days since the activity stopped” (2010, p. 22).

188 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

NORTHERN EUROPE

Records on manufactured small arms

Five countries in Northern Europe provide information on records of manufactured SALW.¹⁸⁹ Estonia reports that manufacturers of weapons, essential components of firearms, laser sights and ammunition are required to keep separate records of such items in a ledger sealed with the seal of the police prefecture. Estonia also notes that a violation of the procedures for keeping records and registration of weapons is punishable under the Weapons Act (2010, p. 7).

Finland reports that it keeps a comprehensive and accurate register on the manufacture of SALW and ammunition falling under its jurisdiction and control (2010, p. 1). It also reports that manufacturers are required to keep a register including the following information: 1) the amount, type, mode of operation, calibre, the manufacturer's mark, model or number as well as the serial number of the manufactured firearms; 2) the amount, type, calibre of the barrel, the manufacturer's mark, model or number as well as the serial number of the firearm components manufactured if known; 3) the amount, type and calibre of the cartridges and especially dangerous projectiles manufactured; 4) the amount, type and content of the gas sprays manufactured. It also notes that the police may inspect the register upon request (2011, p. 2).

Lithuania reports that licensed manufacturers must keep records of their activities and that information is also reported to the State Arms Register (2006, pp. 9–10). Sweden reports that manufacturers must keep records of manufactured weapons (2010, p. 2). The United Kingdom notes that records of all serial numbers and the history of weapons are held indefinitely (2010, pp. 5–6).

Duration

Estonia reports that the ledgers maintained by manufacturers must be preserved for five years after the date of the last entry being made in the ledger (2010, p. 22). In Finland, records must be maintained by manufacturers for at least 20 years after the last entry, and the Register shall be erased after 50 years of the last entry (2011, p. 2). In earlier reports, Finland noted that manufacture records were required to be kept for 10 years, with new legislation introducing a requirement to maintain them for

189 Estonia, Finland, Lithuania, Sweden, United Kingdom.

20 years being reported in its 2011 report. Lithuania reports that licensed manufacturers must keep records for 10 years (2006, pp. 9–10).

Records on small arms transfers

Eight in Northern Europe report that they retain records of small arms transfers.¹⁹⁰

Denmark reports that an arrangement is being planned by which weapons dealers—importers and gunsmiths—will be required to report to the Police Weapons Register on their purchases and sales of weapons (2010, p. 5). Estonia reports that it keeps a register of all service and civilian weapons, and that weapons are entered in the register upon import or delivery, and upon each registration of the weapon to an owner (2010, p. 22). Estonia also reports that manufacturers must keep a record of sales and acquisitions of weapons, essential components of firearms, laser sights and ammunition (2010, p. 7).

Finland reports that it keeps a comprehensive and accurate register on the transfer of SALW and ammunition falling under its jurisdiction and control (2010, p. 1). It also reports that manufacturers and dealers are required to keep a register of transactions including the following information: 1) the name of the transferee, 2) the time of the transfer, and 3) information concerning the transferee's trade permits for dealing (2011, p. 2). Finland also reports that all documentation on export licences granted by the Ministry of Defence is kept permanently (2011, p. 1). In cases involving international transfers, the following information is recorded: the mark, the issuance and expiration date of the appropriate licences or authorization, the country of export, the country of import, the transit countries if any, and the final recipient and the description and quantity of the articles (2011, p. 2).

Iceland reports that importers of firearms and ammunition are obliged to keep records of acquired and sold merchandise (and authorities can inspect on demand), and that exporters must also keep records (2008, p. 2). In addition, there is a national register of firearms that includes records of all licences issued, including import and export licences (2008, p. 3). Ireland reports that firearm dealers must keep records of each transaction (2008, p. 5).

190 Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Sweden, United Kingdom.

Latvia reports that the Strategic Goods Export Control Division keeps a database of all information related to export, import, transfer or transit of arms, munitions, explosives, pyrotechnics and ammunitions, including information on licences issued or denied, other export control documents issued, the physical export, as well as a list of natural persons and legal entities having applied for licences (2010, p. 13). Latvia also reports that the Ministry of Interior maintains the Official Arms Register, which includes information on arms imported, exported and in transit provided by the State Police and Customs (2010, p. 12).

Lithuania reports that the State Arms Register collects data on all types of arms including all imported and exported arms. The Register contains information on the date of purchase (if the weapon is purchased by the Weaponry Fund); model, calibre, category, serial number; owner, ID number, address; and history of transactions of an arm from its purchase to destruction (2010, p. 3). Norway reports that records of ammunition manufactured and exported are kept (2010, p. 13).

Sweden reports that the Inspectorate of Strategic Products keeps records of exports of all military equipment (2010, p. 2). Additionally, the police authorities keep records of the permits issued to export firearms within the European Union and to states that are members of the Organisation for Economic Co-operation and Development (2010, p. 18). The United Kingdom reports that the Ministry of Defence operates a total ban on small arms resale to private companies and individuals, and that the current policy is that resale is to be government-to-government only. In the event of a resale all serial numbers are kept and held indefinitely (2010, p. 12).

Duration

Estonia reports that the register of civilian weapons (including transfers) is kept for 10 years from the last entry being made in the ledger (2010, p. 22). As noted above, Finland reports that records must be maintained by manufacturers and dealers for at least 20 years after the last entry, and the Register shall be erased after 50 years of the last entry (2011, p. 2). It also reports that all documentation on export licences granted by the Ministry of Defence is kept permanently (2011, p. 1).

Iceland reports that “There are no time limits as to the keeping of records” (2008, p. 9). Ireland reports that dealers must keep records of all transactions for a minimum of five years (2008, p. 5). Latvia reports that the information on international transfers stored on the database maintained by the Strategic Goods Export Control Division is kept permanently (2010,

p. 13). Lithuania reports that data in the State Arms Register is kept until a particular firearm is destroyed and afterwards transferred to the archives, where it is kept for 75 years (2010, p. 3).

Norway reports that records of ammunition manufactured and exported by Norway are kept for 10 years (2010, p. 13). Sweden reports that, in principle, the Inspectorate of Strategic Products keeps records of imports and exports of military arms indefinitely (2010, p. 2). As noted above, the United Kingdom reports that in the event of a resale of small arms, all serial numbers are kept and held indefinitely (2010, p. 12).

Records of holdings

Ten states in Northern Europe report that they keep records of holdings of state-held weapons,¹⁹¹ and five provide information on records kept of civilian holdings.¹⁹²

Military

Denmark reports that the armed forces have kept complete, electronic records of all its SALW since 1996, including records of disposed, lost, stolen and destroyed arms and weapons. Furthermore, all weapons purchased by the Danish police are registered under a specific number and description in an electronic inventory system (2010, p. 5). Estonia reported that military weapons shall be entered in the state register of military weapons which shall be established and that service weapons shall be entered in the state register of service and civilian weapons which shall be established (2010, p. 22). Most recently, Estonia reports that records are kept of SALW in the possession of the armed forces (2012, p. 20).

Finland reports that it keeps a comprehensive and accurate register on the holding of SALW and ammunition falling under its jurisdiction and control (2010, p. 1) and that there is a separate register for firearms in the possession of the police (2011, p. 2).

Iceland reports that all armaments of the police are registered (type of firearm, serial number and controller) and marked with the manufacturer's serial number (2008, p. 9) and that the police maintain records of all armaments in its possession (2008, p. 18). Ireland reports that records of weapons held by the Defence Forces are retained for as long as the

191 Denmark, Estonia, Finland, Iceland (police weapons), Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

192 Denmark, Estonia, Latvia, Lithuania, Sweden.

weapons remain in service and that records of weapons that have been destroyed must be retained for at least seven years, although in practice, they are retained indefinitely (2010, p. 5).

Latvia reports that the Ministry of Interior maintains the Official Arms Register, which includes information on firearms in possession of government; firearms in possession of natural persons and legal entities as well as information of arms imported, exported and in transit provided by the State Police and Customs; and firearms in possession of businesses involved in handling of arms (2010, p. 12).

Lithuania reports that the State Arms Register collects data on all types of arms possessed by the armed forces, police and other special forces, and contains information on the date of purchase (if the weapon is purchased by the Weaponry Fund), model, calibre, category, serial number, owner, ID number, address, and history of transactions of an arm from its purchase to destruction. The Materiel Resources Department of the armed forces is responsible for the gathering and recording information on all weapons used by the armed forces, and inputting the information to the Register (2010, p. 3).

Norway reports that the armed forces hold a complete inventory of all weapons in their possession, which identifies the exact location of each stored weapon, or the individual holding the weapon. The police authorities maintain a similar system (2010, p. 11). Sweden reports that the Police Service holds regional records for all SALW in its possession (2010, p. 2), while the armed forces hold a central register for all SALW in their possession. Similarly, the Coast Guard and the Customs Service maintain their own registers for SALW in their possession (2010, p. 3).

The United Kingdom reports that the Ministry of Defence has a comprehensive marking and accounting system for all small arms and keeps electronic records dating back to 1987 and paper records for many years before that. The electronic system currently in use gives details of weapons receipt, issue and history information (2010, p. 11).

Civilian

Denmark reports that the police maintain a “central electronic register called the Police Weapons Register in which all persons authorized to possess firearms are registered on the basis of applications received for firearms licences and registrations of purchases of smooth-bore shotguns”. The information registered includes: category and type of weapon,

manufacture, model, marking, calibre and special characteristics, and the specific registration identification number given to each small arm upon registration (2010, p. 5). The Register also contains information on all reports on lost and found weapons. Additionally, rifle associations are required to have their own weapons registers on all firearms owned by the associations and their members, and such information will eventually be transferred continuously to the Police Weapons Register (2010, p. 5).

As noted above, Estonia reports that all weapons the use of which is permitted for civilian purposes and all weapons in collections shall be entered in the register of service and civilian weapons (2010, p. 22). Latvia's Official Arms Register includes information on firearms in possession of natural persons and legal entities (2010, p. 12). Lithuania reports that the State Arms Register (see above) collects data on all types of arms including arms possessed by natural persons or legal entities (2010, p. 3). Sweden reports that the National Police Board keeps three central records; 1) record of firearms given a possession permit, 2) record of persons and organizations given a possession permit, and 3) record of persons and organizations given a trade permit. The record of firearms given a possession permit also includes stolen, missing and found firearms (2010, p. 2).

Duration

Estonia reports that service, civilian and military weapons records are kept for 10 years from the date of the last entry being made in the ledger (2010, p. 22). Finland reports that it keeps a comprehensive and accurate register for at least 10 years on the holdings of SALW and ammunition falling under its jurisdiction and control (2010, p. 1). As noted above, Iceland reports that "There are no time limits as to the keeping of records" (2008, p. 9).

Lithuania reports that data in the State Arms Register is kept until a particular firearm is destroyed, and afterwards is transferred to the archives, where it is kept for 75 years (2010, p. 3). Sweden reports that the records of civilian-held weapons retained by the police as well as records retained by state agencies are in principle kept indefinitely (2010, p. 2). The United Kingdom reports that, although there is no specified internal time limit for the holding of records, electronic records will continue to be held indefinitely (2010, p. 11), and that the Ministry of Defence keeps indefinitely records of the serial numbers and the history of MoD owned weapons (2008, p. 9).

Records of companies going out of business

Lithuania reports that, if they go into liquidation, licensed manufacturers and dealers should transfer records to the licence-issuing institution or an institution authorized by it (2006, pp. 9–10). The United Kingdom reports that, upon the cessation of activities, dealers are required to deliver their records to the responsible national authority (2008, p. 9).

SOUTHERN EUROPE

Records on manufactured small arms

Eight states report that records of manufacture are kept.¹⁹³

Bosnia and Herzegovina reports that the Ministry of Foreign Trade and Economic Relations holds and maintains a database of all manufactured SALW and ammunition and their storage (2008, p. 2).

Portugal reports that dealers must keep a register of all acts involving the manufacture and repair of firearms including information on the type of weapon, number, model and calibre. Additionally, dealers must send this information to the Ministry of the Interior (2011, p. 2).

Slovenia reports that, although it does not manufacture SALW, maintenance and reconditioning of weapons are carried out and certain barrels up to calibre 9mm are manufactured for light infantry armament, and there is a system for keeping records of manufactured barrels and reconditioned SALW (2003, p. 9).

Duration

Croatia reports that records of the companies authorized to manufacture arms shall be kept permanently (2008, p. 2). The former Yugoslav Republic of Macedonia reports that records on manufacture are kept for an unlimited time and for at least 10 years (2011, p. 13). Slovenia reports that manufacture records are kept permanently (2010, p. 5).

Italy reports that manufacturers are required to keep registers of their daily activities and that, while formerly registers were to be kept for five years, they must now be kept for 10 years (to facilitate ratification of the Firearms

193 Bosnia and Herzegovina, Croatia, Italy, Portugal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

Protocol¹⁹⁴) (2008, p. 3). Portugal reports that dealers are required to keep records of manufactured arms for a period of 10 years (2011, p. 2). Serbia reports that manufacturing records are kept for 10 years (2005, p. 4).

Records on small arms transfers

Six states report that they require records to be kept on SALW transfers.¹⁹⁵

Bosnia and Herzegovina reports that the Ministry of Foreign Trade and Economic Relations maintains a database of all licences issued for export and import of SALW and that annual reports of export and import of SALW, military equipment and dual-use items are submitted to Parliament (2008, p. 2). Bosnia and Herzegovina and Croatia report that they are in the process of implementing the US TRACKER system,¹⁹⁶ which will ensure complete and centralized monitoring of data on weapons that are imported, exported and in transit (Bosnia and Herzegovina: 2010, p. 15; Croatia: 2008, p. 2).

The former Yugoslav Republic of Macedonia reports that importers must keep a precise register of imported weapons and that all the relevant documentation and data are kept in the Ministry of Interior (2003, p. 2). Greece reports that the Ministry of Interior, which is the central authority for information-sharing, maintains an electronic database of all legally traded and possessed weapons. All investigated weapons (lost, stolen, confiscated, etc.) are also entered into this database (2008, p. 1). Italy reports that manufacturers and dealers are required to keep a register of daily activities, including transactions and persons involved. Dealers must provide the local authority for public security, on a monthly basis, with details of the names of people or companies to whom arms have been sold, types and number of arms sold, and authorization documents shown by purchasers (2004, p. 4).

In Portugal, the Ministry of Defence keeps a register on transfers of weapons for military use. The Ministry of the Interior is responsible for the register of small arms for civil use, which contains information on arms

194 Article 7 of the Firearms Protocol requires states parties to keep relevant records for “not less than ten years”.

195 Bosnia and Herzegovina, Croatia, Greece, Italy, Portugal, Spain.

196 This is an automated export licensing system developed by the United States’ Office of Export Controls Cooperation to electronically review export license applications for dual-use and controlled items (for more information see <www.state.gov/t/isn/ecc/c27915.htm>).

produced, imported, exported and transferred. Each register includes information on manufacturer, number, model, calibre and elements of the transaction (date, entities involved, licence). Theft, loss and confiscation of arms are also recorded on the register (2011, p. 5).

Spain reports that dealers must keep records of all firearms received and sold with information identifying each weapon, in particular the type, make, model, calibre and serial number, as well as the name and address of the supplier and purchaser. The Civil Guard Central Weapons and Explosives Office periodically monitors dealer compliance with this obligation (2008, p. 21). Additionally, Spain reports that persons engaged in the export, import and brokering of small arms must be recorded in a special register of exporters of defence materiel and dual-use goods held by the General Secretariat of Foreign Trade before their activities can be authorized. Thus, to be legal, all activities must be entered in the register (2010, pp. 28–29).

Duration

As noted above, Italy reports that it has extended the period for which manufacturers and traders must maintain registers of their activities from 5 years to 10 years (to facilitate ratification of the Firearms Protocol¹⁹⁷) (2008, p. 3). It also reports that it introduced a computerized system, called SPACE, in 2009 that will make it possible to trace electronically every firearm bound for the civil market, manufactured, imported, exported or held by Italian companies or nationals (2008, p. 3).

Spain reports that dealers are required to keep records for five years, even if their operations have ceased, and then submit them to the Civil Guard Central Weapons and Explosives Office (2008, p. 21). Slovenia reports that all records on the transfer of SALW are kept permanently (2010, p. 12).

The former Yugoslav Republic of Macedonia and Slovenia report that all records on the transfer of SALW are kept permanently (Slovenia: 2010, p. 12), with the former Yugoslav Republic of Macedonia noting that all the relevant documentation and data are kept in the Ministry of Interior permanently, although there is no centralized computerized registering system in place (2003, p. 2).

197 Article 7 of the Firearms Protocol requires states parties to keep relevant records for “not less than ten years”.

Records of holdings

Seven states in Southern Europe report that they keep records of holdings of state-held weapons,¹⁹⁸ and six provide information on records kept of civilian holdings.¹⁹⁹ Monaco reported in 2004 that a national registry of owners of firearms was planned, for the purpose of ensuring regular and effective monitoring of changes in ownership of weapons (2004, p. 3). Monaco has not reported since then.

Military

Andorra reports that it does not have an army (2008, p. 2), but that the police keeps records of its weapons as well as firearms in the possession of the Customs Service and forest rangers (2010, pp. 2–3). Bosnia and Herzegovina reports that the Ministry of Defence possesses a central database of all SALW in military stocks and that records of police stocks are also held (2008, p. 1). Croatia reports that the Ministry of Defence and the Armed Forces keeps records of SALW issued to each member of the armed forces, containing all information necessary to uniquely identify the item issued and the person that has been issued the item (2010, p. 19).

Portugal reports that the Ministry of Defence keeps a register on weapons held and stocked by armed and security forces (2011, p. 5). Serbia reports that the Ministry of Defence and the Armed Forces, and the Ministry of Internal Affairs catalogue SALW in their possession (2005, p. 3).²⁰⁰

Slovenia reports that the police and prison services keep records of their weapons (2010, p. 9). All state weapons are entered in a register according to type and serial number, which provides information on the origin of the weapons, including the country of manufacture, name of manufacturer, city and state of manufacturer, model and calibre (2010, p. 12).

198 Albania, Andorra, Bosnia and Herzegovina, Croatia, Portugal, Serbia, Slovenia.

199 Andorra, Bosnia and Herzegovina, Greece, Portugal, Spain, the former Yugoslav Republic of Macedonia.

200 The 2005 report of Serbia covers Serbia and Montenegro, prior to Montenegro becoming a United Nations Member State. The report indicates that the “Ministry of Defence and the Armed Forces of Serbia and Montenegro and the Ministries of Internal Affairs of the Republic of Serbia and the Republic of Montenegro catalogue small arms and light weapons in their possession” (2005, p. 2).

Civilian

Andorra reports that the police maintains registers and archives containing all data, such as the marking, calibre and serial number, on firearms held by the population (2010, pp. 2–3).

Bosnia and Herzegovina reports that purchase, carrying and possession of arms and ammunition by citizens and legal entities are not regulated at the state level; rather they are regulated on the level of entity (for Republika Srpska), canton (for Federation Bosnia and Herzegovina) and district (Brčko District), and that the entity ministries of interior, cantonal ministries of interior and Brčko District Police have mandates to keep records on issued permits for weapons and ammunition in the hands of civilians (2010, p. 2). It also notes that the Ministry of Security is working to develop a central registry for civilian-held SALW, with the support of UNDP (2008, p. 2).

The former Yugoslav Republic of Macedonia reports that all firearms owners must be licensed and all firearms must be registered in the National Firearms Register, and that the programme of registration of firearms and owners is to be completed by 2017 (2011, p. 2). As noted above, Greece reports that the Ministry of Interior maintains an electronic database on all legally traded and possessed weapons, as well as investigated weapons (2008, p. 1). As noted above, in Portugal the Ministry of the Interior is responsible for the register of small arms for civil use, which contains information on arms produced, imported, exported and transferred (2011, p. 5).

Spain reports that the Central Weapons and Explosives Office under the General Directorate of the Civil Guard (Ministry of the Interior) has an obligation to keep all weapons and ammunition recorded in the Central Firearms Register (2008, p. 10), which includes information to track a weapon from the time it leaves the factory until it is legally purchased by an individual and the various phases of this process (including depots, ownership permits and certificates of non-use); and to control weapons and documentation on their entry into and exit from national territory (including transfers, prior authorizations and transit bonds) (2010, pp. 10–11).

Duration

Albania reports that armed forces records are kept for a period of 10 years at battalion level, and permanently at the brigade, division and army levels (2004, p. 10). The former Yugoslav Republic of Macedonia reports that records on holdings are kept for an unlimited time and for at least 10 years

(2011, p. 13), while it specifies that all records of military holdings are kept for an unlimited period of time (2011, p. 10). Slovenia reports that all records on the holding of SALW are kept permanently (2010, p. 12).

Records of companies going out of business

Croatia reports that records of companies authorized to manufacture, transport, repair and modify, as well as those authorized to operate civilian shooting ranges, shall be kept permanently, and when such companies cease operations, the records shall be submitted to the local Police Department (2008, p. 2). Spain reports that dealers must keep records for five years, even if their operations cease, and then submit them to the Civil Guard Central Weapons and Explosives Office (2008, p. 21).

WESTERN EUROPE

Records on manufactured small arms

Eight states report that records of manufacture are kept.²⁰¹

Austria reports that manufacturers must keep records that show, among other things, when arms were received, sold or returned (2010, p. 8). Belgium reports that all firearms manufactured must be registered in the Central Register of Firearms, in which a unique identification number is allocated to each firearm (2010, p. 4). Furthermore, licensed manufacturers must keep a register where they record firearms which they acquire, manufacture, possess or transfer (2011, p. 7).

Germany reports that every arms manufacturer is obliged to keep a manufacturing register and a register of trade in arms. These registers contain information on the production of arms, the recipients of the arms, the production numbers, and the production signs (e.g. registered trademarks or the name of the manufacturer). For non-military weapons, inspections by the competent regional administrative authority take place once a year; for war weapons, companies must submit bi-annual statements to the Federal Office of Economics and Export Control on all registered transactions. Every second year the Office carries out inspections based on these statements. Records are also kept in the back-up register of SALW maintained by the Federal Police (2010, p. 31).

201 Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Netherlands, Switzerland.

Liechtenstein reports that records must be kept regarding both the manufacture and the sale of military materiel. This record-keeping must cover incoming and outgoing consignments and inventories; names and addresses of suppliers, customers and contractual partners; and the dates and objects of the transactions involved (2008, pp. 1–2). Luxembourg reports that manufacturers of firearms and ammunition have to keep records, which must contain the information concerning the entrance and exit of firearms, as well as the marking, calibre and serial number of each firearm, and the name and address of the supplier and purchaser. The records must also indicate the serial number and the date of the ministerial authorization. It must be shown on demand to an agent of the public authorities. Manufacturers can be ordered to deliver a copy of their records to the Ministry of Justice (2010, p. 3).

The Netherlands reports that, although it does not manufacture small arms, there is a requirement for persons who are licensed to manufacture arms to keep a record of transaction dates; the amounts, types and manufacturers of the arms traded; the names and addresses of the buyers and sellers of the arms; and administrative type and number of the authorization of the buyer or seller (2010, p. 1).

Switzerland reports that manufacturers keep records on the manufacture, modification, acquisition and transfer of small arms, including details of the quantity, the type or model, the markings applied, transactions (e.g. sales of manufactured and marked SALW), and personal data of buyer as well as stocks (2012, p. 4).

Duration

Austria reports that there is “no time limit as to how long [records] must be kept”, and states that they must either be returned to the authority after expiry of a business licence or may be returned to the authority after 10 years after the last entry (2010, p. 8).

France reports that manufacturers must keep records for the duration of the commercial activity and, thereafter, records must be left at the police station or the gendarmerie brigade in their area of operation. The Ministry of Defence keeps archives of all authorizations of manufacture, importation, exportation, brokering and destruction delivered by the state. These archives are kept “without any limitation in duration” (i.e. indefinitely) (2011, p. 2).

Germany reports that manufacturers must keep records for at least 10 years, but that records are kept in the back-up register of SALW maintained by the Federal Police for an unlimited time (2010, p. 31). Liechtenstein reports that there is no time limit to the obligation to keep records of manufacture and states that, in addition, records must be kept, for a period of 10 years, of suppliers' invoices, copies of invoices to customers and contractual partners, and, where payment is in cash, receipts signed by customers for the goods (2008, p. 2).

Switzerland reports that manufacturers keep records for 10 years, after which they are submitted to the cantonal authorities which electronically store the information for 20 years (2012, p. 4).

Records on small arms transfers

Eight states in Western Europe report that they require records to be kept on SALW transfers.²⁰²

In Austria, businesses authorized to process, repair or trade SALW must keep records that show, among other things, when arms were received, sold or returned (2010, p. 8). Belgium reports that all firearms imported must be registered in the Central Register of Firearms, in which a unique identification number is allocated to each firearm (2010, p. 4). Furthermore, licensees must keep a register of firearms which they acquire, manufacture, possess or transfer (2011, p. 7).

As noted above, France reports that persons authorized to trade in arms must keep records for the duration of their commercial activity, and thereafter the records must be left at the police station or the gendarmerie brigade in their area of operation. The Ministry of Defence also keeps indefinitely archives of all authorizations of manufacture, importation, exportation, brokering and destruction delivered by the state (2011, p. 2).

As noted above, Germany reports that manufacturers must keep a register of trade in arms, containing information on the production of arms, the recipients of the arms, the production numbers, and the production signs (e.g. registered trademarks or the name of the manufacturer) (2010, p. 31).

202 Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Netherlands, Switzerland.

Liechtenstein reports that authorized traders are required to maintain a list covering sales of handguns and automatic or semi-automatic weapons, indicating the date of the sale, the exact personal details of the purchaser, and the type and manufacturer's serial number of the weapon. The weapon acquisition permit must also be attached to this list (2005, p. 2).

Luxembourg reports that dealers of firearms and ammunition have to keep records, which must contain the information concerning the entrance and exit of firearms, as well as the marking, calibre, serial number of each firearm, and the name and address of the supplier and purchaser. The records must also indicate the date of the ministerial authorization (2010, p. 3). Luxembourg also states that importers and exporters must keep records of the quantity of SALW traded, the type or model of SALW traded, the markings appearing on transferred SALW, transactions, the identity of the buyer/seller, the country of delivery or purchase, and the date of delivery (2012, p. 3).

The Netherlands reports that licensed traders must keep a record of transaction dates; the amounts, types and manufacturers of the arms traded; the names and addresses of the buyers and sellers of the arms; and administrative type and number of the authorization of the buyer or seller (2010, p. 1). It also reports that the Import and Exports Licensing Office keeps records of small arms transfers that are subject to notification or licensing under the Decree on Import and Export of Strategic Goods (2010, p. 14). Furthermore, the Customs Licensing Office keeps a record of transfers of small arms if and when the transfer is subject to notification or licensing (2010, p. 15).

Switzerland reports that, in addition to manufacturers keeping records of sales and transactions (as outlined above), brokers must keep relevant documents available for inspection for a period of 10 years in order to substantiate records. Additionally, the state itself keeps records of all granted licences in paper form for at least 30 years, either by the State Secretariat for Economic Affairs or the Swiss Federal Archives. In addition, all essential documents relating to the export of goods must be retained for five years from the date of customs clearance and must be submitted to the responsible authorities on request (2012, p. 9). The information recorded includes the quantity of SALW traded, the type or model of SALW traded, transactions, the identity of buyer/seller, the country of delivery or purchase, and the date of delivery (2012, p. 10).

Duration

Austria reports that there is “no time limit as to how long [records] must be kept” by traders, and notes that they must either be returned to the authority after expiry of a business licence or may be returned to the authority after expiry of 10 years after the last entry (2010, p. 8).

As noted above, Germany reports that manufacturers must keep records, including records of trade, for at least 10 years, but that records are kept indefinitely in the back-up register of SALW maintained by the Federal Police (2010, p. 31).

Liechtenstein reports that records books and copies of weapons acquisition permits are to be kept by traders for a period of 10 years and then handed over to the authorities (police) (2005, p. 2). Luxembourg reports that importers and exporters are required to keep records for five years (2012, p. 3).

The Netherlands reports that a record of licences issued and licences denied is kept for a period of 10 years (2010, p. 15). As noted above, Switzerland requires brokers to keep relevant documents available for inspection for a period of 10 years, and records of all granted licences kept by the state are retained for at least 30 years (2012, p. 9).

Records of holdings

Five states in Western Europe report that they keep records of holdings of state-held weapons and provide information on records kept of civilian holdings.²⁰³ Monaco reported in 2004 that a national registry of owners of firearms was planned, for the purpose of ensuring regular and effective monitoring of changes in ownership of weapons (2004, p. 3). Monaco has not reported since then.

203 Belgium, France, Germany, Netherlands, Switzerland.

Military

Belgium reports that its armed forces maintain their own records of arms in their possession, while weapons owned by all other state agencies²⁰⁴ are registered in the Central Register of Firearms (2010, p. 6). In addition, the police keeps records of where each police weapon is, linked to the name of the officer who possesses the weapon (2011, p. 11). Germany notes that all police weaponry is centrally registered in Federal Police and Federal Criminal Police Bureau records (2010, p. 10) and that the Federal Armed Forces maintain an inventory of weapons (2010, p. 18). The Netherlands reports that within the defence organization full records are kept of holdings, use, expenditure of disposal of SALW, as well as reported losses and thefts. For the police forces, central and regional records are kept on holdings and use (2010, p. 14).

Civilian

Belgium reports that the Central Register of Arms, created in 1989 and managed by the General Management of Operational Support of the Federal Police, stores all data on firearms. It includes data on registration (the type, brand, model, calibre and serial number, and the names and addresses of the supplier and the person who acquires or possesses a weapon) and authorizations (2011, pp. 10–11).

France reports that it has a computerized file called AGRIPPA (Application for the Management of the Computerized Register of Owners and Holders of Firearms) that stores data on authorized firearms and owners (2010, p. 16). The Netherlands reports that the Chief of Police keeps a record of licensed weapons holders (who renew their permits every five years) (2010, p. 14).

Switzerland reports that each canton has a competent authority which grants permission to individuals for the acquisition of weapons. Information

204 The other state agencies that hold weapons include: Police Services, Customs and Taxes, General Management of Prisons, Administration State Security, Agency for Nature and Forests within the Flemish Ministry of Environment, Nature and Energy, Forest Department of Nature and Forests as well as the officers of the Department of Police and Controls of the Operational General Management Agriculture, Natural Resources and Environment of the Wallonia public service, engineers and assistants of the forestry department of the “Nature, Water and Forestry” Division of the Brussels Institute for Environment Management in the Region of Brussels-Capital and safety inspectors of the Aeronautical and Airport Police Inspection (2011, pp. 10–11).

about the weapons, purchaser and seller are kept in a computerized database for at least 30 years (2012, p. 5).

Duration

Belgium reports that records in the Central Register of Firearms are stored for 20 years (2011, p. 10). France reports that information concerning the firearm owner, parts of a firearm and ammunition are kept for 20 years, from the date when the person concerned has ceased to be in possession for reasons other than loss or theft, or from the date of declaration of loss or theft (2010, p. 2). Germany reports that records in the back-up register of SALW maintained by the Federal Police are kept indefinitely (2010, p. 31). Switzerland reports that records of armed forces holdings are kept for 10 years after destruction, after which the records are eliminated in accordance and with the permission of armasuisse (2012, p. 4).

Records of companies going out of business

Austria reports that manufacturers, traders and repairers must give their records to the authorities after expiry of a business licence or 10 years after the last entry (2010, p. 8). France reports that persons authorized to manufacture or trade in firearms must submit their records to the police following the cessation of their commercial activities (2011, p. 2). After the cessation of the commercial activity, the registers are partly centralized by the Ministry of Defence (for brokers), and partly handed to the territorially competent police stations and gendarmerie brigades (2010, p. 16). Switzerland reports that companies engaged in SALW activities that go out of business are required to submit all records held by them to the government (2012, p. 16).

OCEANIA

AUSTRALIA AND NEW ZEALAND

Records on manufactured small arms

New Zealand reports that records are kept of the identification number of newly manufactured firearms (though it produces few weapons domestically) (2008, p. 2).

Records on small arms transfers

Australia reports that the regulations on recording export and import have tightened in order to ensure that unregistered parts cannot be assembled into firearms (2003, p. 5). New Zealand reports that dealers that are responsible for keeping records of firearms that they sell or manufacture (2010, p. 6).

Records of holdings

Australia reports that the states and territories are responsible for the record-keeping of SALW holdings, which include the weapon type and serial number (2010, p. 7). New Zealand reports that information on Defence Force weapons (i.e. which unit they belong to) is recorded (2010, p. 7) and that, though the police do not routinely carry firearms, they do keep detailed records of their firearms and their movement (i.e. their issue and return to storage) (2008, p. 7). New Zealand also reports that these records need to be held indefinitely.

Records of companies going out of business

Neither Australia nor New Zealand report on this provision.

MELANESIA**Records on manufactured small arms**

No state in Melanesia reports on this provision.

Records on small arms transfers

Fiji and Papua New Guinea report that they keep records on transfers of arms. Papua New Guinea states that the record-keeping of transfers is computerized (2005, p. 16).

Records of holdings

Fiji reports that all weapons records are kept in a central register by the military and police, and are reconciled periodically (2008, p. 6). Papua New Guinea reports that the holding of licensed firearms is computerized and that the Registrar of firearms who issues licenses keeps records of serial numbers and licence numbers (2005, p. 16). Solomon Islands reports that police firearms are numbered and all numbers are recorded against serial numbers in the Police Weapons Register, but that, currently, only members

of the International Assistance Mission are authorized to hold SALW (2004, p. 15).

Records of companies going out of business

No state in Melanesia reports on this provision.

MICRONESIA

Records on manufactured small arms

No state in Micronesia reports on this provision.

Records on small arms transfers

No state in Micronesia reports on this provision.

Records of holdings

The Marshall Islands reports that the Office of the Attorney General is responsible for the register of firearms, though it does not elaborate on the nature or content of the records to be stored in the register. Data must be kept permanently unless there is evidence that the firearm has been destroyed (2005, p. 7).

Records of companies going out of business

No state in Micronesia reports on this provision.

GLOBAL FINDINGS

RECORDS ON MANUFACTURED SMALL ARMS

Most states that officially manufacture SALW report that manufacturers are required to keep records of their transactions, and that the state is entitled to inspect such records to ensure they are adequate and comprehensive or manufacturers are required to send regular reports on their activities. Some also report that manufacturers must send their records to the state for archiving after a certain period of time or upon cessation of their business activities.

With respect to the duration of record-keeping, almost half of the reporting states indicate that manufacturing records must be kept indefinitely, and a few specify they are kept for at least 30 years, as is required under

the International Tracing Instrument. Most of these states are located in the Americas and Europe. However, more than half of states that give information on the length of time manufacturing records must be kept indicate that records must be kept for 10 years only. In some instances, states specifically note that this time frame has been introduced to ensure compliance with the Firearms Protocol (art. 7), which requires the maintenance of records for “not less than ten years”.

RECORDS ON SMALL ARMS TRANSFERS

States that submitted national reports include a range of information relevant to the PoA commitment to keep records of “transfers”, including records of international transfers (import, export and transit) as well as information on domestic sales and trading. In the context of the former, records are generally kept by the state, which records details of import, export and transit licence applications, and licences granted or denied. In the context of the latter, the obligation to keep records generally rests with authorized dealers (which are often also manufacturers) and traders, which maintain registers of their transactions and submit reports to the relevant authorities.

With respect to the duration of record-keeping, almost half of the reporting states indicate that records on transfer must be kept indefinitely, with a few noting that such records must be kept for at least 20 years, as is required under the International Tracing Instrument. Most of these states are located in the Americas and Europe. However, more than half of states that give information on the length of time manufacturing records must be kept indicate that records must be kept for 10 years only.

RECORDS OF HOLDINGS

Most states report that they keep records of holdings—military or civilian—with most records of military holdings forming part of inventory management procedures within stockpile management systems.

RECORDS OF COMPANIES GOING OUT OF BUSINESS

Few reporting states confirm that they require companies that go out of business to forward their records pertaining to SALW to the state, as required under paragraph 13 of the International Tracing Instrument. Even fewer provide sufficient information to indicate such a requirement

is included in national legislation (as is also required under paragraph 13). Some states do report, however, that companies engaged in SALW activities are required to report their activities to the state, or permit the state to inspect their records, and several require such companies to forward their records to the state for archiving regardless of whether they are going out of business.

TRACING

The central provisions in the International Tracing Instrument pertaining to tracing are contained in Part V of the instrument, and include commitments with respect to tracing and cooperation, cooperation with INTERPOL, and formulating tracing requests and tracing responses.

The following section provides an overview of the information provided by states on their fulfilment of these commitments, by region. The provisions in the International Tracing Instrument relating to tracing requests and responses are very detailed. However, states do not provide extensive descriptions of how they conduct or respond to such requests. Accordingly, the analysis provided under this subheading gives an account of the number of tracing requests and responses states report initiating or providing, and general comments made by states in this regard.

AFRICA

EASTERN AFRICA

Tracing and cooperation

Three states in Eastern Africa report on procedures to trace small arms and measures to facilitate cooperation in tracing.²⁰⁵ Eritrea reports that it has pertinent national administrative procedures that regulate the management and tracing of SALW (2009, p. 3). Uganda reports that it has a computerized database that enhances accountability for firearms and is useful in tracing firearms (2010).

Cooperation with INTERPOL

Seven states in Eastern Africa report that they cooperate with INTERPOL in the tracing of illicit SALW.²⁰⁶

Tracing requests and responses

No Eastern African state reports on this provision.

205 Eritrea, Uganda, United Republic of Tanzania.

206 Djibouti, Madagascar, Mozambique, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

MIDDLE AFRICA

Tracing and cooperation

No Eastern African state provides details on tracing and cooperation activities in national reports, other than to indicate that the marking of weapons assists with tracing.

Cooperation with INTERPOL

The Democratic Republic of the Congo reports that it collaborates closely with INTERPOL and that, since 2005, INTERPOL is a member of several commissions created by the state in the fight against the illicit trade in small arms and especially the identification of groups and individuals engaged in this trade (2010, p. 31).

Tracing requests and responses

No Eastern African state reports on this provision.

NORTHERN AFRICA

Tracing and cooperation

Algeria and Egypt report that they have developed measures to trace state-held weapons. Algeria reports that weapons that are recovered or seized are subjected to tracing, which is done through comparing identification and markings (if they are present) with those registered in the national records and subsequent investigations by the competent state services. If these weapons are found to be illegal or not recorded in national records, then a regional or international trace will be conducted through INTERPOL or other authorities or agencies designated by the state (2010, p. 18).

Cooperation with INTERPOL

Algeria and the Sudan report that they cooperate with INTERPOL in the tracing of illicit SALW.

Tracing requests and responses

No state in Northern Africa reports on this provision.

SOUTHERN AFRICA

Tracing and cooperation

Botswana, Namibia and South Africa report that they have procedures in place to trace small arms, and measures to facilitate cooperation in tracing. South Africa reports that their Central Firearms registry is the single control system to trace firearms (2008, p. 3). Namibia and Lesotho have requested assistance in tracing (Namibia: 2011, p. 7; Lesotho: 2010, p. 4).

Cooperation with INTERPOL

Botswana, Lesotho and Namibia report that they cooperate with INTERPOL in the tracing of illicit small arms. Namibia reports that it uses INTERPOL's Firearms Tracing System for tracing SALW (2011, p. 7).

Tracing requests and responses

Although Namibia reports that it has never issued an international tracing request regarding SALW, the Police Force (INTERPOL National Central Bureau) is the agency responsible for making such requests and must include information such as circumstances under which the weapon was found, reasons why the weapon is considered to be illegal or illicit, the intended use of the information being sought, any markings on the weapon and the type/calibre of the weapon. Additionally, during the 2011 reporting period, Namibia received five tracing requests (2011, p. 6).

WESTERN AFRICA

Tracing and cooperation

Guinea reports that imported firearms are traced by following the movements of firearms in Military Units and Public Security Forces, for example movement records, exit and entry of goods, places and times of use, etc. (2010, pp. 13–14). Benin reports that "Traces of firearms imported by the state are followed by the procedure designed for the movement of firearms in the military units and Public Security Forces. Records of their movement, vouchers for their exit or entrance, locations and delays of use, and the occasional users are subject to daily reports to the upper hierarchy" (our translation) (2003, p. 10). Côte d'Ivoire reports that the bill regulating small arms makes provisions for the tracing of SALW, in order to follow the route of the arm from manufacturer to purchaser (2005, p. 2). Gambia reports that the marking and tracing of firearms is

done in collaboration with the police, using police records and databases (2005, p. 3). The Niger reports that, because it receives all its arms from other states through official channels, it is able to trace imported arms (2010, pp. 19–20). Senegal reports that it can trace its firearms through the use of end-user certificates, registers, licences and movement orders, among other things (2010, p. 17). Senegal also reserves the right to mark all weapons on importation so that it can trace them (2005, pp. 16–17). Additionally, there are routine checks by the security and defence forces; the coordination of governmental policies; and information exchange through INTERPOL, the Organization of African Gendarmeries, the network of national commissions, and the Committee of Chiefs of Police of West Africa (2010, p. 17).

Cooperation with INTERPOL

Nine states report that they cooperate with INTERPOL in the tracing of illicit small arms.²⁰⁷

Tracing requests and responses

No state in Western Africa reports on this provision.

AMERICAS

CARIBBEAN

Tracing and cooperation

Antigua and Barbuda reports that the Royal Police Force is responsible for initiating and responding to tracing requests, and that it has measures in place to trace small arms (2010).

Jamaica and Trinidad and Tobago report that they each have bilateral memorandum of understanding (MoU) with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives to facilitate the accurate tracing of arms and ammunition smuggled into their territory from the United States (Jamaica, 2005, p. 6; Trinidad and Tobago, 2010, p. 5). The United States reports that it has established such MoUs with 14 Caribbean states in order to identify illicit trafficking and illicit trafficking routes in the Caribbean (2009, p. 4).

207 Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, Niger, Nigeria, Senegal, Togo.

Cooperation with INTERPOL

Four Caribbean states report that they cooperate with INTERPOL in the tracing of illicit small arms.²⁰⁸

Tracing requests and responses

Two Caribbean states report on tracing requests made or received. Antigua and Barbuda reports that it received five tracing requests during the 2010 reporting period, though it does not elaborate on whether or how it responded to those requests. In its 2005 national report, Jamaica reports that between January 2000 and August 2004 some 900 tracing requests were processed by the United States' Bureau of Alcohol, Tobacco, Firearms and Explosives for firearms recovered in Jamaica, with 310 being traced to the state of Florida in the United States as the point of origin (2005, p. 6).

CENTRAL AMERICA

Tracing and cooperation

Mexico reports that the Attorney-General's Office and its Centre for Drug Control Planning have set up joint border liaison posts with the United States under bilateral agreements, in order to obtain information on the source, flow routes, stockpiling centres and final destination of weapons. Information is also exchanged on weapons seizures (2003, p. 8).

Cooperation with INTERPOL

Five Central American states report that they cooperate with INTERPOL in the tracing of illicit small arms.²⁰⁹

Tracing requests and responses

Mexico reports that it has issued tracing requests to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives through the eTrace system, noting that, between 1 December 2006 and 7 December 2009, 58,371 firearm traces were requested (2010, p. 14). In an earlier report, Mexico noted that between 2000 and 2002, there were 18,602 traces requested (2003, p. 8).

208 Antigua and Barbuda, Cuba, Dominican Republic, Jamaica.

209 El Salvador, Guatemala, Mexico, Nicaragua, Panama.

NORTHERN AMERICA

Tracing and cooperation

Canada reports that the Canadian National Firearms Tracing Centre assists domestic police with the tracing of imported firearms, and foreign police with the tracing of exported Canadian firearms, and is the national point of contact for the INTERPOL Firearms Tracing System (2010, p. 4). The United States provides figures on the number of tracing requests it receives and responds to (see below), and notes that the Department of Justice participates in biannual Senior Law Enforcement Plenary meetings with counterparts in Mexico, and the annual US–Canada Cross-Border Crime Forum to address cross-border firearms trafficking and other bilateral issues (2010, p. 5). It also reports that the Department of Homeland Security/Immigration and Customs Enforcement has officers stationed abroad who cooperate with host government authorities and INTERPOL, and that the Federal Bureau of Investigation has a similar arrangement, as do Customs authorities. The Bureau of Alcohol, Tobacco, Firearms and Explosives attachés stationed in Canada, Colombia, Mexico and Iraq provide technical and liaison assistance in firearms trafficking efforts (2010, p. 19).

Cooperation with INTERPOL

Canada reports that it cooperates with INTERPOL in the tracing of illicit small arms. Canada also reports that the Royal Canadian Mounted Police has also supplied the Firearms Reference Table to INTERPOL,²¹⁰ which has now formally adopted it as its system for identifying firearms (2010, p. 4). The United States reports that the Bureau of Alcohol, Tobacco, Firearms and Explosives maintains a representative at INTERPOL and at Europol (2010, p. 17), that it has contributed financially to the development of the INTERPOL Firearms Tracing System database, and is also working with INTERPOL in the development of a web-based tracing mechanism for SALW (2010, p. 24).

210 The Firearms Reference Table is a comprehensive catalogue of historical and present-day firearms now used as a standard, operational tool by investigators and law enforcement agencies to identify firearms accurately (Canada, 2010, p. 4).

Tracing requests and responses

The United States reports that between 1994 and 2006 the Bureau of Alcohol, Tobacco, Firearms and Explosives responded to over 200,000 requests from foreign law enforcement agencies for assistance in tracing illegal firearms. It reports that, on average, the Bureau receives 300,000 requests per year, 50,000 of which are from foreign law enforcement agencies, and that the Department of Justice participates in biannual meetings with law enforcement counterparts in Mexico and annual meetings with Canadian counterparts through the US–Canada Cross-Border Crime Forum to address cross-border firearms trafficking issues (2010, p. 5).

SOUTH AMERICA

Tracing and cooperation

Guyana reports that it has signed a bilateral eTrace MoU with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives to facilitate the accurate tracing of arms and ammunition (2010, p. 5). As noted above, Guyana is one of 14 Caribbean states with which the United States reports that it has established an eTrace MoU (2009, p. 4).

Paraguay reports that it is establishing the National Centre for the Tracing of Firearms, Ammunition, Explosives, and Ancillary and Related Items, which will coordinate the collection of data and information and the generation of information, and promote the exchange of information with similar centres within and outside the region. Paraguay also reports that it has a bilateral agreement with Brazil providing for the exchange of reports in the context of cooperation in tracing weapons (2008, p. 2).

Cooperation with INTERPOL

Peru reports that requests for information on firearms from worldwide INTERPOL offices are received by the system 1/24 7 (information received 24 hours a day, 7 days a week), and they are recorded and processed through the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use (2010, p. 25).

Colombia reports that the Security Management Department, through the INTERPOL office of the Inter-institutional Anti-terrorist Analysis Group, has been trained in marking, tracing and explosives (2006, pp. 47–48) and that, through the National Central Office of INTERPOL in Colombia, the

Security Management Department has cooperated in identifying groups and individuals engaged in the illicit trafficking in SALW in all its aspects and that, in 2005, 1,912 illicit weapons were traced and seized by various state agencies (2006, pp. 50–51).

Tracing requests and responses

Colombia reports that the number of requests made to other states for information on shipments of firearms, ammunition and explosives increased from 1,666 applications in 2002 to 3,483 in 2003. Colombia received 982 responses to requests in 2002, and 2,547 responses in 2003 (2006, pp. 52–53, 55).

In terms of tracing requests made, Peru reports that in 2008 there were 10 requests for information at the international level regarding records of firearms, and in 2009 there was only one request. In terms of tracing requests received, Peru reports that in 2008 there were 21, while in 2009 there were 15 received via INTERPOL (2010, p. 25).

ASIA

CENTRAL ASIA

Tracing and cooperation

Kazakhstan reports that, in accordance with the International Tracing Instrument, “measures were taken to create accurate and comprehensive databases for all marked SALW” (2008, p. 5).

Cooperation with INTERPOL

Turkmenistan reports that it cooperates with INTERPOL in the tracing of SALW (2010, p. 11).

Tracing requests and responses

Turkmenistan reports that the Criminal Procedural Code of 2009 provides that law-enforcement authorities may assist in criminal matters with the requests of foreign states directed to the tracing and seizure of illicit weapons (2010, p. 6).

EASTERN ASIA

Tracing and cooperation

China, Japan and the Republic of Korea report on procedures to trace small arms and measures to facilitate cooperation in tracing. China reports that every firearm has a unique marking that enables national agencies to trace the weapon (2003, pp. 2–3). Japan reports that there is a marking system and records that help in the tracing of SALW (2003, p. 3).

Cooperation with INTERPOL

China, Japan and the Republic of Korea report that they cooperate with INTERPOL in the tracing of illicit small arms.

Tracing requests and responses

No state in Eastern Asia reports on this provision.

SOUTHERN ASIA

Tracing and cooperation

No Southern Asian state provides details of tracing and cooperation activities in national reports, other than to indicate that the marking of weapons assists with tracing. For example, the Islamic Republic of Iran reports that marking is part of the manufacturing process, to facilitate the easy identification and tracing of weapons (2010, p. 3).

Cooperation with INTERPOL

Pakistan reports that it cooperates with INTERPOL in the tracing of illicit small arms (2010, p. 8). The Islamic Republic of Iran expresses its readiness to cooperate with INTERPOL (2010, p. 5).

Tracing requests and responses

No state in Southern Asia reports on this provision.

SOUTH-EASTERN ASIA

Tracing and cooperation

Indonesia reports that tracing of SALW is possible because every armed forces and police weapon is licensed and approved through ballistic tests (2010, p. 8). Malaysia reports that it records all weapons in order to trace SALW and has introduced two systems for tracing weapons: MyBid (ballistic identification) and the Firearms Licensing Application Monitoring and Enquiry System (electronic maintenance of records) (2010, p. 10). The Philippines reports it has records of all firearms and possessors and these can be traced and updated. Firearms data are recorded in the Firearms Information Management System of the Firearms and Explosives Division of the Philippine National Police in coordination with the Crime Laboratory (2010, p. 13). Additionally the state utilizes the Firearms Ballistics Information System to match the ballistic fingerprint of firearms (2010, p. 11). Thailand reports that it has its own system of marking imported weapons that is “sufficiently accurate” for tracing purposes (2008, p. 1). Viet Nam reports that there are various possibilities for tracing firearms. If the request is made by another state, the Ministry of Public Security is focal point to receive and process the information and then various departments of the Ministry will investigate and reply to the request. If the trace is domestic, the investigations will be chaired by the Investigation Bureau of the Ministry of Defence, if the case relates to the Ministry. Other cases will be investigated by the Investigation Bureau of the Ministry of Public Security (2006, p. 5).

Cooperation with INTERPOL

Five states in South-Eastern Asia report that they cooperate with INTERPOL in the tracing of SALW.²¹¹

Tracing requests and responses

Indonesia reports that NCB INTERPOL Indonesia has received various requests relating to lost or stolen weapons from other states and uses the INTERPOL Global Police Communication System to share information securely and efficiently and to submit notices (2010, p. 11).

211 Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

WESTERN ASIA

Tracing and cooperation

Jordan and Turkey report on procedures to trace small arms and measures to facilitate cooperation in tracing. Jordan reports that it is “Developing the forensic labs especially in the domains of: gunshot residue, use of modern technology, computer systems, to check, [preserve] and code ... weapons” (2003, p. 3). Turkey reports that its weapons are marked at the time of manufacture to allow for tracing (2008, p. 4).

Cooperation with INTERPOL

Bahrain, Georgia and Jordan report that they cooperate with INTERPOL in the tracing of SALW. Additionally, Saudi Arabia reports that it is willing to help improve international cooperation, which includes enhancing the INTERPOL information system (2005, p. 1).

Tracing requests and responses

Israel reports that it has received or responded to tracing requests, with the police force having received 33 tracing requests in 2005, 22 in 2006, 20 in 2007 and 11 in the first three months of 2008 (2008, p. 13).

EUROPE

EASTERN EUROPE

Tracing and cooperation

Nine states in Eastern Europe report on procedures to trace small arms and measures to facilitate cooperation in tracing.²¹² In most instances, states include information on their marking and record-keeping systems as measures that enable them to identify and trace SALW.

212 Belarus, Bulgaria, Czech Republic, Hungary, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

Cooperation with INTERPOL

Six states report that they cooperate with INTERPOL in the tracing of illicit weapons,²¹³ with the Russian Federation reporting that it uses the INTERPOL Firearms Tracing System (2010, p. 4).

Tracing requests and responses

The Russian Federation reports that, in 2008, 164 traces were conducted on foreign-made firearms. From April 2008 to October 2009, 277 tracing communications were sent to INTERPOL, and law enforcement agencies of foreign states sent 909 pieces of information on firearms to the Russian Ministry of Internal Affairs (2010, p. 4). Romania reports that it cooperates and exchanges information concerning the circulation of arms with similar institutions within the European Union. The Ministry of Foreign Affairs / Directorate General for Export Controls has participated in an information exchange mechanism with interested South American states regarding the export of SALW (2010, p. 16).

NORTHERN EUROPE

Tracing and cooperation

Denmark reports that a common weapons tracing system has been established among the Nordic states that makes it possible to trace weapons directly through a common database. Information on missing weapons may also be provided to the Schengen Information System. It also notes that it is cooperating under the European Network of Forensic Science Institutes, which has developed common standards for the exchange of information on tracing of weapons (2010, p. 11).

Ireland reports on inter-agency tracing cooperation that has taken place domestically, noting that the Customs Drugs Law Enforcement Unit is the customs contact point on firearms and ammunition and that information and intelligence exchange in relation to suspect importations takes place on a regular basis between detecting customs enforcement officers, nominated officers of this unit and nominated officers in the Crime and Security Branch at police headquarters, to determine whether suspect

213 Czech Republic, Hungary, Republic of Moldova, Poland, Romania, Russian Federation.

importations relate to simple licensing breaches or have an organized crime dimension (2008, p. 3).

Norway reports that it participates in the Schengen Information System, and uses that system regularly to trace SALW (2010, p. 13).

Cooperation with INTERPOL

Eight states in Northern Europe report that they cooperate with INTERPOL (or Europol) in the tracing of illicit SALW.²¹⁴ Eight states report that they have access to or have used the INTERPOL Firearms Tracing System,²¹⁵ though some report that they have not had the opportunity to use it yet.²¹⁶ Several also mention that they have access to and use INTERPOL's Firearms Reference Table.²¹⁷

Estonia reports that authorities took part in the International Police Operation DILIGENCE, one of the aims of which was to detect the illicit trafficking of SALW in 2008 (2010, p. 23). Ireland reports that in late 2008 the Customs Drugs Law Enforcement Unit took part in a Europol-supported 24-hour High-Impact Firearms Operation in conjunction with the National Police Service and other European agencies, which resulted in the seizure of one firearm and associated ammunition by Customs (2010, p. 3).

Latvia reports that the INTERPOL National Bureau performs functions of coordination between the Baltic Sea Region Task Force on Organised Crime and the law enforcement institutions of Latvia (2010, pp. 15–16).

Lithuania reports that its national INTERPOL bureau shares information with other national bureaus or through INTERPOL General Secretariat by submitting inquiries concerning arms identification or detection of individuals involved in the illicit arms trade (2010, p. 4). Norway reports that the police cooperate closely with INTERPOL and that the INTERPOL channel is being used regularly in actual cases (2010, p. 18).

Sweden reports that it cooperates with INTERPOL within the regular work of the law-enforcement agencies and cooperates on a regular basis with

214 Denmark, Estonia, Iceland, Ireland, Latvia, Lithuania, Sweden, United Kingdom.

215 Denmark (2010, p. 11), Estonia (2010, p. 27), Iceland (2008, p. 12), Latvia (2010, pp. 15–16), Lithuania (2010, p. 4), Norway, Sweden, United Kingdom (2008, p. 33).

216 Estonia (2010, p. 27), Norway (2010, p. 18), Sweden (2010, p. 27).

217 Latvia (2010, pp. 15–16).

Europol. It notes that the Police Service sends and responds to tracing requests and has been engaged in the elaboration of the European Tracing Manual (2010, p. 27). The United Kingdom reports that the Serious Organised Crime Agency conducts tracing requests online with the INTERPOL Firearms Tracing System database and that the United Kingdom shares information on a bilateral basis and with INTERPOL (2008, p. 33).

Tracing requests and responses

No state in Northern Europe reports on this provision, although Lithuania does provide information on the processing of Orange Notices through INTERPOL (2010, pp. 15–16).

SOUTHERN EUROPE

Tracing and cooperation

Italy reports that in December 2009 a computerized system, named SPACE, was introduced that will make it possible to electronically track every firearm in Italy (2008, p. 3), and presumably this will assist cooperation in tracing.

Cooperation with INTERPOL

Nine states in Southern Europe report that they cooperate with INTERPOL in the tracing of illicit small arms.²¹⁸ Slovenia reports that it has no practical experience with the operation of the INTERPOL Firearms Tracing System and its applicability (2010, p. 15).

Greece reports that it has entered into transnational agreements of police cooperation with its neighbouring states and is participating in international, regional and bilateral arrangements (Adriatic–Ionian Initiative, Southeast European Law Enforcement Center, Europol, INTERPOL) (2008, p. 2).

Slovenia reports that through the INTERPOL system, information is exchanged between member states on major quantities of seized weapons or thefts of weapons in Slovenia, verification of the origin of weapons seized or found in Slovenia, and acquisitions of legal weapons in third countries by Slovenian residents or legal entities (on the basis of provisions of the European Convention on the Control of Acquisition and Possession

218 Albania, Bosnia and Herzegovina, Croatia, Greece, Portugal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

of Firearms by Individuals). All major cases of seized weapons or thefts of weapons in Slovenia are reported to INTERPOL (2010, p. 15).

Tracing requests and responses

No state in Southern Europe reports on this provision.

WESTERN EUROPE

Tracing and cooperation

France reports that AGRIPPA (its computerized database of authorized firearms and owners) automatically supplies information to the Schengen Information System, is directly accessible by all partner states, and also can supply the European Database Information System (2011, p. 3).

Cooperation with INTERPOL

Six states in Western Europe report that they cooperate with INTERPOL in the tracing of illicit small arms.²¹⁹

France reports that the Central Bureau for Combating Organized Crime is the National Coordination Bureau of INTERPOL–France for firearms trafficking, explosives and sensitive materials. Intelligence exchanges are constant and information flows into France via the Europol National Unit, located within the Central Directorate of Judicial Police, which provides representation of all services (police, gendarmerie, Customs) to the European organization (2011, p. 3).

Tracing requests and responses

Belgium reports that in 2010, the ARMES service of the Federal Judicial Police, Crime against Property Branch, dealt with requests concerning 610 firearms (104 firearms produced in Belgium and 506 firearms not produced in Belgium). For the tracing of these firearms, the ARMES service uses the Central Register of Firearms (national) and the General National Database of the police, resorting to manual checks in the register of firearm dealers, firearm manufacturers and collectors (2011, pp. 13–14).

Germany reports that all measures to trace illegal SALW are undertaken by the Federal Criminal Police Bureau. When the Bureau receives a tracing request because the weapon in question appears to be manufactured in

219 Austria, Belgium, France, Germany, Netherlands, Switzerland.

Germany, investigations involve the manufacturer as well as the Federal Ministry of Economics and Technology as licensing authority and the Federal Office of Economics and Export Control as control authority. If the tracing request indicates that the weapon carries a federal or state authority marking, the state registers are consulted. If the enquiries reveal that a seized firearm was sold to a foreign country or that it was produced by a foreign manufacturer, a request to determine the sales history of the firearm is sent to the Federal Criminal Police Office, which acts as an intermediary between Germany's State Police and the foreign police services if the firearm concerned was produced, sold or purchased in a foreign country (2010, p. 32).

Luxembourg reports that, although it has never issued an international tracing request regarding SALW, the procedure in place for issuing a tracing request is as follows: the Ministry of Justice, Prohibited Arms Service is the agency responsible for making a tracing request to another state, and will include information in the request, such as the circumstances under which the SALW was found, the reasons why the SALW is considered to be illegal or illicit, any markings on the SALW, and the type/calibre of the SALW. Luxembourg also reports that, with respect to information received in response to a tracing request, it ensures all restrictions placed on its use are respected, and the confidentiality of such information is guaranteed (2012, p. 7).

Switzerland reports on the procedures for initiating and responding to tracing requests, noting that the Federal Department of Justice and Police is the government agency responsible for making a tracing request to another state, and the information provided in a tracing request includes: the circumstances under which the SALW was found, the reasons why the SALW is considered to be illegal or illicit, the intended use of the information being sought, any markings on the SALW, and the type/calibre of SALW. Switzerland reports that, when receiving information related to SALW as a result of a tracing request, it has procedures in place to ensure that all restrictions placed on its use are respected, and the confidentiality of such information is guaranteed. With respect to the number of tracing requests received, Switzerland reports that, generally, the tracing request is linked to a criminal offence and therefore it comes via INTERPOL to the Federal Office of Police and is sent directly to the competent cantonal authority and accordingly the number of requests is not known (2012, p. 17).

OCEANIA

AUSTRALIA AND NEW ZEALAND

Tracing and cooperation

Australia and New Zealand report on procedures in place to trace small arms. At the end of 2004 Australia commenced work on a National Firearms Management System, which is being developed to provide comprehensive “national tracking of all firearms from point of import/manufacture to the point of export/destruction” (2007, p. 5). Additionally, Australia and the United States share an MoU on the sharing of information in relation to firearm trafficking issues (2010, p. 6). Australia is also developing a historical database of firearm transaction records, which will help identify whether illicit firearms were ever on the licit market (2010, p. 6).

New Zealand reports that the Defence Force is in charge of tracking/tracing all SALW through their computerized Enterprise Resource Planning System, and logistic and paper systems (2010, p. 2).

Cooperation with INTERPOL

Neither Australia nor New Zealand report on this provision.

Tracing requests and responses

Neither Australia nor New Zealand report on this provision.

MELANESIA

Tracing and cooperation

Papua New Guinea reports that it has computerized records to aid in tracing and “The known form of cooperation is through [INTERPOL] and the Trans-national Crime Centre” (2005, p. 16). Fiji suggests that the registration numbers, which are located in three separate places on a firearm, allow authorities to identify and trace the weapon (2008, p. 6).

Cooperation with INTERPOL

Fiji and Papua New Guinea report that they cooperate with INTERPOL in the tracing of illicit small arms.

Tracing requests and responses

No state in Melanesia reports on this provision.

MICRONESIA

Tracing and cooperation

The Marshall Islands reports that authorities are able to identify and trace relevant weapons by “referring to the serial number and the name and address of the manufacturer” (2005, p. 6).

Cooperation with INTERPOL

The Marshall Islands reports that it cooperates with INTERPOL.

Tracing requests and responses

No state in Micronesia reports on this provision.

GLOBAL FINDINGS

While sporadic examples of bilateral and regional cooperation in tracing are provided by states in their national reports, few states give details of the procedures followed in initiating and responding to tracing requests (as outlined in the International Tracing Instrument). Some states report on the number of tracing requests they have received or issued, but not enough information is available in national reports to get a sense of the scale or frequency of tracing activities between states. Nevertheless, the majority of states report that they work with INTERPOL in some capacity. For the most part this involves processing tracing requests through INTERPOL, but in some instances, states’ reported engagement with INTERPOL consists of participating in workshops and briefings hosted by INTERPOL.

Given states’ detailed reporting on and commitment to the marking and record-keeping elements in the tracing equation, and their acknowledgement of the importance of marking and record-keeping for the purposes of tracing, it is somewhat surprising that more information is not included in reports on actual tracing activities. Additional information on the processes followed for tracing SALW, as well as details of challenges faced in submitting or responding to tracing requests, would be a welcome inclusion in national reports.

INTERNATIONAL TRANSFER

The central provisions in the PoA that relate to international transfers are paragraphs II.2, II.3, II.11, II.12 and II.13, which provide that states undertake to:

- establish adequate laws, regulations and administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW (II.2), including an effective national system of export and import licensing or authorization, as well as measures on international transit (II.11), and the use of authenticated end-user certificates and effective legal and enforcement measures with respect to the export and transit of small arms (II.12);
- establish the illegal trade in SALW within their areas of jurisdiction as criminal offences under their domestic law (II.3);
- assess applications for export authorizations according to strict national regulations and procedures that cover all SALW and are consistent with the existing responsibilities under relevant international law (II.11);
- make every effort to notify the original exporting state in accordance with their bilateral agreements before the retransfer of previously imported weapons (II.13); and
- identify groups and individuals engaged in the illegal trade and transfer of illicit SALW, and take action under appropriate national law against such groups and individuals (II.6).

The following section provides an overview of the information provided by states on their fulfilment of these commitments, by region. The section is divided into four subsections: export, import, transit and other. Details of the applicable penalties for illegal trade and trafficking provided in national reports are included in Annex E.

AFRICA

EXPORT

Eastern Africa

Adequate laws, regulations and administrative procedures

Eleven Eastern African states report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms,²²⁰ with Ethiopia reporting that it prohibits trading in firearms (2008, p. 1), Burundi reporting that there is a ban on the export of prohibited firearms, other than those held by the armed forces or in special circumstances (2005, p. 3), and Kenya and the United Republic of Tanzania indicating they have draft legislation on this issue. Six states report that they do not export arms,²²¹ although they may have laws on the issue nevertheless.

Assessment of export applications

No state in Eastern Africa reported on this provision.

Use of authenticated end-user certificates

No state in Eastern Africa reports on this provision. However, the United Republic of Tanzania reports that its draft legislation covers the provisions of end-user certificates (2010, p. 4).

Notification of original exporting state prior to re-export

No state in Eastern Africa reports on this provision.

Middle Africa

Adequate laws, regulations and administrative procedures

Three states in Middle Africa report that they have laws, regulations and administrative procedures to exercise control over export,²²² though the Congo notes that its laws need to be updated.

220 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

221 Eritrea, Ethiopia, Mozambique, Rwanda, Uganda, Zambia.

222 Congo, Democratic Republic of the Congo, Gabon (“exit” of arms—our translation (2005, p. 1)).

Assessment of export applications

The Democratic Republic of the Congo reports that it does not have legislative provisions prohibiting the export of arms to states that are not respectful of human rights, fundamental freedoms and international humanitarian law (2010, p. 12).

Use of authenticated end-user certificates

The Democratic Republic of the Congo reports that it uses authenticated end-user certificates (EUCs) as part of its transfer controls (2010, pp. 20–21).

Notification of original exporting state prior to re-export

The Democratic Republic of the Congo reports that it does not have national regulation on the re-export of arms (2010, p. 13), but does indicate that it notifies the original exporting state when re-exporting SALW (2010, pp. 20–21).

Northern Africa*Adequate laws, regulations and administrative procedures*

Five states in Northern Africa report that they have laws, regulations and administrative procedures to exercise effective control over export,²²³ including Libya, which reports that it has enacted a law that prohibits the transfer or diversion of SALW (2010, p. 1). Egypt reports that the state, as the only manufacturer of SALW, is the only authorized exporter of small arms (2010, p. 5). Morocco reports that it prohibits the import, export, transit and trans-shipment of war materials and that the trade in all other weapons of war must be licensed by the General Director of National Security (2010, p. 6). The Sudan notes that its export laws are under development (2008, p. 2).

Assessment of export applications

Algeria reports that it considers relevant international commitments when assessing an application for an export authorization, including United Nations arms embargoes (2008, p. 14).

223 Algeria, Egypt, Libya, Morocco, Tunisia.

Use of authenticated end-user certificates

Algeria and Egypt report that they require an end-user certificate to be provided prior to authorizing the export of small arms, with Egypt noting that end-user certificates must be approved by the relevant authorities of the importing state (2008, p. 3), and Algeria noting that authorities routinely require end-user certificates to be authenticated and certified for the entire export operation (2010, pp. 9–10). Both states report that they issue EUCs for imported SALW.

Notification of original exporting state prior to re-export

Algeria and Egypt report that they notify the original exporting state prior to re-export, with Algeria noting that it adheres strictly to the commitments undertaken in the signed end-user certificate and, if necessary, notifies the exporting state of origin prior to re-export or trans-shipment of imported weapons (2010, p. 10). Egypt notes the procedure for re-export is defined by bilateral treaties with the exporting country (2010, p. 5).

Southern Africa*Adequate laws, regulations and administrative procedures*

Four states report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms,²²⁴ although Lesotho states that it does not export small arms.

Assessment of export applications

Namibia reports that it considers relevant international commitments, such as the Southern Africa Development Community Protocol on the Control of Firearms, Ammunition, and Other Related Materials and the Bamako Declaration on an African Common Position on the Illicit Proliferation and Trafficking of Small Arms and Light Weapons in All its Aspects when assessing an export application (2011, p. 2).

Use of authenticated end-user certificates

Botswana reports that it requires an end-user certificate to be provided prior to authorizing the export of small arms to another country. Namibia acknowledges the PoA requirement for end-user certificates and reports that it is considering introducing a requirement that end-user certificates take the form of a legally binding commitment as part of its legislative

224 Botswana, Lesotho, Namibia, South Africa.

review (2006, p. 7). In its 2011 report, Namibia states that it does not manufacture firearms, but does require an import permit from importing countries, verifies the relevant documents and subsequently contacts the importing authority to verify the authenticity of the importers (2011, p. 2).

Notification of original exporting state prior to re-export
No Southern African state reports on this provision.

Western Africa

Adequate laws, regulations and administrative procedures

Ten states in Western Africa report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms,²²⁵ although Guinea reports that the export regulations it has in place are not entirely in conformity with the requirements of the Economic Community of West African States Convention (2010, pp. 7–8).

Ghana reports that all exports must be accompanied by a licence granted by the Minister of the Interior (2010, pp. 3–4), while Liberia reports that all transfers of weapons must be done with the consent or through the United Nations mission in Liberia (2010, p. 5). Senegal reports that it prohibits the export of firearms and ammunition (as well as their import, trade, stockpiling, transfer, acquisition, possession and transportation), unless it is for the Defence and Security Forces (2010, p. 15).

Six Western African states report that they do not export arms.²²⁶ Mali reports that it does not export (or import) arms, although exports or imports may be authorized if “a regular title is produced, authorizing the import or export and applicable to the goods declared” or the rules on restrictions of import or export and on quality are respected, “or on completion of special formalities” (our translation) (2003, pp. 4–5).

Assessment of export applications

No state in Western Africa reports on this provision.

225 Burkina Faso, Côte d’Ivoire, Gambia, Ghana, Guinea, Liberia, Mali, Niger, Senegal, Sierra Leone.

226 Burkina Faso, Côte d’Ivoire, Mali, Niger, Sierra Leone, Togo.

Use of authenticated end-user certificates

No state in Western Africa reports on this provision. However Senegal reports that it uses authenticated end-user certificates for arms imports (2008, p. 13).

Notification of original exporting state prior to re-export

Senegal reports that it notifies the original exporting state prior to re-exporting previously imported weapons (2010, p. 16).

IMPORT**Eastern Africa***Adequate laws, regulations and administrative procedures*

Thirteen states in Eastern Africa report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms,²²⁷ including Eritrea and Ethiopia, which report that they prohibit the import of SALW (Eritrea 2010, p. 6; Ethiopia 2008, p. 1). Burundi reports that there is a ban on the import of prohibited firearms, other than those held by the armed forces or in special circumstances (2005, p. 3).

Middle Africa*Adequate laws, regulations and administrative procedures*

Five states in Middle Africa report that they have laws, regulations and administrative procedures to exercise control over export,²²⁸ though the Congo notes that its laws need to be updated. Angola reports that it prohibits the import and sale of firearms and hunting and recreation weapons, but that a study on the current legislation conducted in 2008 by the government concluded that it could “no longer meet current challenges”, and that new legislation is under consideration (2010, p. 2).

227 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

228 Angola, Cameroon, Chad, Congo, Democratic Republic of the Congo (which notes that import authorizations are granted by the President of the Republic (2010, pp. 20–21)).

Northern Africa

Adequate laws, regulations and administrative procedures

Five states in Northern Africa report that they have laws, regulations and administrative procedures to exercise effective control over the import of SALW.²²⁹ Additionally the Sudan reports that laws on import are under development (2008, p. 2).

Southern Africa

Adequate laws, regulations and administrative procedures

Five states in Southern Africa report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.²³⁰ However Namibia reports that revisions of its national laws are necessary to adhere to international and regional commitments (2006, p. 5).

Western Africa

Adequate laws, regulations and administrative procedures

Eleven states in Western Africa report that they have adequate laws, regulations and administrative procedures to exercise effective control over import.²³¹ Such measures include a requirement that a licence, permit or other form of authorization be obtained from the relevant authority in respect of the proposed import of small arms.²³²

Several West African states report that the import of small arms is, essentially, prohibited. As noted above, Mali reports that it does not import arms except under special circumstances, while Senegal reports that the import of arms is prohibited, other than arms destined for the Defence Forces. In Liberia, weapons are only imported for use by the Special Security Services, police and the military, and they must be approved by

229 Algeria, Egypt, Libya, Morocco, Tunisia (authorization from the Ministry of the Interior and Local Development must be obtained (2010, p. 2)).

230 Botswana, Lesotho, Namibia, South Africa, Swaziland.

231 Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Liberia, Mali, Niger, Senegal, Togo.

232 E.g. Ghana (Minister of the Interior (2010, pp. 3–4)), Gambia (Inspector General of Police approves import applications (2005, p. 4)), Togo (Minister of the Interior grants authorization to import following consultation with the Consultative Commission (2010, pp. 19–20)).

the United Nations Security Council in line with Economic Community of West African States procedures (2010, p. 4). Niger reports that it does not import SALW, but that it does receive donations from friendly states in the framework of bilateral cooperation (2010, p. 11).

TRANSIT

Eastern Africa

Adequate laws, regulations and administrative procedures

Ten states in Eastern Africa report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.²³³ Burundi reports that there is a ban on the transit of prohibited firearms, other than those held by the armed forces or in special circumstances (2005, p. 3). Ethiopia reports that it prohibits the trade in firearms, thus including transit (2008, p. 1). When weapons are transited in Mauritius, the company or individual should have the appropriate licence, authorities should be notified in advance and verification must take place before the delivery to the consignee by customs and appropriate officers (2005, p. 1). The United Republic of Tanzania reports that there is draft legislation that covers transit (2010, p. 5).

Use of authenticated end-user certificates

Zambia reports that, as a general rule, original end-user documentation is required (2010, p. 8). The United Republic of Tanzania reports that there is draft legislation that includes provisions for end-user certificates as provided in the Bamako Declaration (2010, p. 4).

Middle Africa

Adequate laws, regulations and administrative procedures

The Democratic Republic of the Congo reports that small arms in transit without authorization or permit can be subject to seizure and that the transit of arms is subject to a declaration from the state where such arms and ammunition will be used (2010, pp. 12–13).

233 Burundi, Djibouti, Ethiopia, Kenya, Mauritius, Mozambique, Uganda, United Republic of Tanzania, Zimbabwe, Zambia.

Use of authenticated end-user certificates

No state in Middle Africa reports on this provision.

Northern Africa*Adequate laws, regulations and administrative procedures*

Algeria reports that it has laws, regulations and administrative procedures to exercise effective control over transit,²³⁴ while Libya reports that it all transfers or diversions of SALW are prohibited (2010, p. 1). The Sudan reports that it has developed a draft policy that regulates the transnational movement of weapons (2008, p. 2).

Use of authenticated end-user certificates

No state in Northern Africa reports on this provision.

Southern Africa*Adequate laws, regulations and administrative procedures*

Botswana, Lesotho and South Africa report that they have laws, regulations and administration procedures in place to exercise control over the transit of small arms, while Namibia reports that transit laws are under development (2008, p. 8).

Use of authenticated end-user certificates

No state in Southern Africa reports on this provision.

Western Africa*Adequate laws, regulations and administrative procedures*

Six states in Western Africa report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms,²³⁵ with Ghana, Liberia and Sierra Leone reporting that they do not allow the transit of weapons through their territory.

Use of authenticated end-user certificates

Senegal reports that it requires an EUC for transit (2010, p. 16).

234 Algeria reports that the transit of weapons is controlled through Ordinance no. 97-06 of 21 January 1997 (2010, pp. 4–5).

235 Burkina Faso, Gambia, Ghana, Liberia, Senegal, Sierra Leone.

OTHER

Eastern Africa

Criminalize the illegal trade in SALW

No state in Eastern Africa reports on this provision, although Mozambique and Zambia report that it is a criminal offence to breach arms embargoes (see below).

Action against illegal trade

No state in Eastern Africa reports on this provision.

Measures against violations of embargoes

According to Mozambique's Arms and Ammunition Act, the Ministries of the Interior, National Defence, Foreign Affairs and Cooperation and Finance have the responsibility to enforce United Nations arms embargoes, and violations of these is a criminal offence (2010, p. 8). In Zambia it is a criminal offence to breach United Nations Security Council embargoes, punishable by fines or imprisonment for up to three years (2010, p. 5). Zimbabwe reports that measures on arms embargoes are covered by the Firearms Act (2008, p. 9).

Middle Africa

Criminalize the illegal trade in SALW

Two states in Middle Africa report that they have criminalized illicit trafficking in small arms.²³⁶

Action against illegal trade

No state in Middle Africa reports on this provision.

Measures against violations of embargoes

No state in Middle Africa reports on this provision, although the Democratic Republic of the Congo reports that it is the subject of an embargo and is cooperating with the Group of Experts engaged to investigate violations of the embargo (2010, p. 16).

²³⁶ Congo (which reports it has established illegal trafficking in military small arms as a criminal offence (2010, p. 4)), Sao Tome and Principe.

Northern Africa

Criminalize the illegal trade in SALW

Algeria, Morocco and Tunisia report that they have established illegal trafficking as a criminal offence.

Action against illegal trade

Algeria reports that it identified people engaged in illicit trafficking in 2008, but does not provide details.

Measures against violations of embargoes

Algeria reports that it has laws and administrative measures against activities that violate arms embargoes, stating that Ordinance no. 97-06 of 21 January 1997 concerning war materials, arms and munitions and Executive Decree no. 98-96 of 18 March 1998 provide legal implementation of United Nations arms embargoes (2008, p. 13).

Southern Africa

Criminalize the illegal trade in SALW

Namibia reports that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers of SALW (2011, p. 2).

Action against illegal trade

Namibia reports that action was taken against groups and individuals engaged in transferring SALW illegally, stating that there was failure to adhere to reporting provisions, which may result in prosecution (2011, p. 3).

Measures against violations of embargoes

No Southern African state reports on this provision.

Western Africa

Criminalize the illegal trade in SALW

Five states in Western Africa report that they have established illegal trade or trafficking as a criminal offence.²³⁷

237 Côte d'Ivoire, Mali, Senegal, Sierra Leone, Togo.

Action against illegal trade

No state in Western Africa reports on this provision.

Measures against violations of embargoes

Côte d'Ivoire reports that the authorities cooperate with the United Nations operation in Côte d'Ivoire with respect to enforcement of the arms embargo (2010, p. 12).

AMERICAS**EXPORT****Caribbean***Adequate laws, regulations and administrative procedures*

Six Caribbean states report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms,²³⁸ although two report that they do not export (or re-export) small arms.²³⁹ Several states identify the authority responsible for authorizing SALW exports.²⁴⁰

Assessment of export applications

Antigua and Barbuda reports on the relevant international commitments it considers when assessing an application for export authorization (2010, p. 9).

Use of authenticated end-user certificates

Antigua and Barbuda reports that it requires an end-user certificate be provided prior to authorizing the export of small arms to another country, and that it requires detailed information of the transaction in the EUC (2010, pp. 9–10). Cuba reports that, “as a pre-requisite to processing the export, the interested party should present to the Interior Ministry

238 Antigua and Barbuda, Cuba (other than temporary exports of sports shooting firearms), Dominican Republic, Haiti, Jamaica, Trinidad and Tobago.

239 Antigua and Barbuda, Cuba.

240 Cuba (the Ministry of the Revolutionary Armed Forces approves exports for the defence forces and firearms licensed to natural or legal persons; the Ministry of Interior approves temporary exports (2010, pp. 11–12)), Jamaica (Ministry of National Security (2008, p. 3)), Trinidad and Tobago (Commissioner of Police (2010, p. 7)).

the legal document certifying the authorization of entry in the country of destination of the firearms, accessories and ammunition” (our translation) (2010, p. 11), indicating that an import permit or EUC is required.

Notification of original exporting state prior to re-export
No Caribbean state reports on this provision.

Central America

Adequate laws, regulations and administrative procedures

Six Central American states report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms.²⁴¹ Four of these report that they do not export (or re-export) small arms,²⁴² and one reports that exports are not a common occurrence.²⁴³ Panama reports that it does not have legislation or administrative procedures governing the export of small arms.²⁴⁴ Several states identify the statutory authority responsible for authorizing exports of small arms, should they occur.²⁴⁵

Assessment of export applications

No Central American state reports on this provision.

Use of authenticated end-user certificates

No Central American state reports on this provision. However, Mexico reports that an exporter must submit the import licences of the country of destination to the Ministry of National Defence (2010, p. 10), and that military personnel inspect the materiel being exported and verify that it corresponds to the permits issued by the Ministry of Defence and oversee

241 Costa Rica, El Salvador, Guatemala, Honduras, Mexico (does not re-export), Nicaragua.

242 Costa Rica, El Salvador, Guatemala, Honduras.

243 Mexico, which notes that it produces only the armaments needed to meet the demands of its national market (2003, p. 7).

244 Panama reports that “The Tax Code provides that only what is being exported is manufactured in the country, so as weapons and ammunition are not manufactured there is no export of these goods” and that “No legislation exists” in the context of arms exports (our translation) (2010, p. 2).

245 Guatemala (Department of Arms and Munitions Control (2006, p. 23)), Honduras (Ministry of Defence (2004, p. 4)), Mexico (Ministry of National Defence), Nicaragua (Bureau of Weapons, Explosives and Ammunition and Related Materials (2006, p. 6)).

the delivery of arms, munitions and explosives and check the quantities and specifications of the material authorized when material arrives (2003, p. 7).

Several states in Central America report that they use or provide end-user certificates when importing small arms (for example, Mexico (2010, p. 5) and Panama (2010, p. 8)). Guatemala reports that “end-user certificates are not covered by Guatemalan law” (our translation) (2006, p. 23).

Notification of original exporting state prior to re-export

El Salvador reports that the situation has never arisen (presumably because it does not re-export small arms) but that, if it did, the retransfer of the weapons would be reported to the original exporting state, to prevent the diversion to another state (2005, p. 6). Mexico reports that it does not re-export small arms (2010, p. 5).

Northern America

Adequate laws, regulations and administrative procedures

Canada and the United States report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms.

Canada reports that export permits are issued by the Minister of Foreign Affairs through the Export Controls Division of the Department of Foreign Affairs, and are required for the export of all small arms (other than to the United States, in which case a permit is required only for the export of prohibited firearms).²⁴⁶ Permits to export automatic firearms can be issued only for export to destinations that are included on the Automatic Firearms Country Control List, which includes only those states with which Canada has an intergovernmental defence, research, development or production arrangement (2010, p. 10).

The United States reports that the Department of State Directorate of Defense Trade Controls controls the export, temporary import and brokering of defence articles and defence services and that, by law, all exporters and temporary importers must be registered; all exports and

246 Although Canada also comments that “All permanently exported firearms to all destinations will require authorizations to export once the *Importation and Exportation of Firearms Regulations* under the *Firearms Act* enter into force” (2010, p. 10).

temporary imports of SALW and ammunition must be authorized by the Directorate of Defense Trade Controls and all imports by the Bureau of Alcohol, Tobacco, Firearms and Explosives (2010, p. 6).

Assessment of export applications

Canada is a member of the Wassenaar Arrangement, and reports that small arms exported from Canada are consistent with the provisions of the Wassenaar Arrangement (2010, p. 10). It reports that before decisions are made on export permit applications, consultations may be held among human rights, military and industry experts within Foreign Affairs and International Trade Canada, National Defence, Industry Canada, and other government departments and agencies. Canada reports that it pays attention to the end-use documentation provided to ensure the goods are going to legitimate end-users and will not be diverted. Differentiation between destinations occurs as Canada has fast-track procedures for most North Atlantic Treaty Organization (NATO) and Organisation for Economic Co-operation and Development states where Canada has fewer concerns about their export control regimes and the risk of diversion (2010, p. 11).

The United States reports that the Arms Export Control Act has both foreign policy and national security objectives and restraints regarding the decisions to import and export defence articles and defence services. Consideration is given to whether the export of an article would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control, non-proliferation agreements or other arrangements (2008, p. 3).

Use of authenticated end-user certificates

Canada reports that exporters must provide verifiable end-user certificates, international import certificates or import licences for exports of firearms in order for a permit to be issued. In some cases, Canada accepts end-use statements from importing commercial enterprises, but in such cases a member of the local Canadian mission visits the commercial enterprise to ensure that it is a reputable business operating in a lawful manner (2010, p. 11).

The United States reports that it uses EUCs as part of its export controls and that through the “Blue Lantern” programme, US embassy staff worldwide conduct periodic end-use checks on commercial SALW exports to ensure that the exported items are being used according to the terms

authorized by the licence and by a bona fide end-user. Such checks may include interviews with end-users, site visits and physical inspections. It also reports that almost 10,000 end-use checks have been performed since the inception of this programme in 1990, including 771 in nearly 100 countries during 2009, and that unfavourable checks can result in denial or revocation of export licences, debarment and criminal or civil penalties. The United States also reports that it has established the “Golden Sentry” programme to perform similar checks on military-to-military arms transfers. It also reports that it conducts full annual on-site inventories of man-portable air defence systems exported to foreign end-users (2010, p. 7).

Notification of original exporting state prior to re-export

Canada reports that it requires proof of US re-export authorization prior to export from Canada if the firearm is of US origin and is an automatic weapon or is greater than .50 calibre (2010, p. 11). The United States reports that all US defence exports are subject to retransfer approval (2010, p. 8), indicating that it requires importers to notify it prior to re-exporting arms originally exported by the United States.

South America

Adequate laws, regulations and administrative procedures

Eleven South American states report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms,²⁴⁷ including Guyana and Uruguay, which report that they do not export. Eight states identify the statutory authority responsible for authorizing exports of small arms, should they occur.²⁴⁸

247 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

248 Argentina (RENAR for exports of civilian arms, the National Commission for the Control of Sensitive Exports and Military Material, which is composed of the Ministries of Foreign Affairs, Defence and the Economy, for exports of military items (2010, pp. 4–5)), Brazil (the Army (2008, p. 5)), Bolivia (Plurinational State of) (Ministry of National Defence (2006, p. 20)), Chile (General National Mobilization Directorate (2006, p. 3)), Colombia (INDUMIL (2006, pp. 14–15)), Peru (Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use—Ministry of the Interior authorizes exports of firearms and ammunition for private use before favourable opinion from the Joint Command of the Armed forces of the Ministry of Defence is obtained (2005, p. 20)), Uruguay (exporters require an export licence issued by the

Argentina reports that once an export licence has been issued, before the merchandise leaves the country, it must be controlled by a verification commission composed of officials from the National Arms Registry, Customs and the security force in charge at the point of exit (i.e. Airport Security Police, Coast Guard or National Gendarmerie), and the exporter's representative. Once the material has been verified, a certificate is issued giving details of the exported material and the information in the verification certificate, which must be identical to that contained in the EUC, and which are then entered into the national database maintained by the National Arms Registry (2010, pp. 4–5).

Brazil reports that military inspection of arms exports is mandatory at point of entry and of exit, and that military arms are subject to additional controls under the National Exportation Policy for Military-Use Materials (2008, p. 5).

Assessment of export applications

Argentina reports that requests for export licences are considered on a case-by-case basis, with the final decision taking account of Argentina's firm commitment to non-proliferation, international conditions (individual and regional framework, etc.) and the specific conditions of each case. Argentina also reports that it is a participating state in the Wassenaar Arrangement (2010, pp. 4–5), implying that it applies the transfer criteria adopted by the Wassenaar Arrangement.²⁴⁹

National Army Materiel and Arms Department as well as an export permit issued by the Ministry of National Defence (2010, p. 2)), Venezuela (Bolivarian Republic of) (the Directorate of Armaments of the National Armed Forces (2006, pp. 9–10)).

249 The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies establishes guidelines and procedures governing the transfer of conventional arms and dual-use items that are designed to promote transparency and greater responsibility in transfer. These include the following guidelines specific to SALW: *Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW)*, and *Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons (SALW) through Air Transport*. Participating states to the Wassenaar Arrangement are Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian

Chile reports that the following criteria will be taken into account when considering granting a licence for export: compliance with international commitments on export of war-use material, and the international policy interests of the government (2006, pp. 9–10). The Bolivarian Republic of Venezuela reports that it evaluates import, export and re-export applications in accordance with strict national rules and procedures that are consistent with relevant international law, taking into account the risk of weapons being diverted through illicit trafficking (2004, p. 4).

Use of authenticated end-user certificates

Eight South American states report that they use authenticated end-user certificates as part of their export control system.²⁵⁰ Guyana reports that the use of end-user certificates is not applicable because it does not export small arms (2010, p. 2).

Argentina reports that the Argentine consulate in the country of destination must authenticate the certificate and certify that the signatures on the document pertain to the competent authority. With respect to exports of military material, the end-user certificate must include an undertaking that the material will not be re-exported without the authorization of the competent authorities of Argentina, and must contain a certification from the Ministry of Defence or other competent authority of the state issuing it, including information on the buyer and the end-user of the military material being sold (2010, pp. 4–5).

Brazil reports that requests for export licences must be accompanied by one of the following documents: a) import licence or equivalent, issued by authorities of the importing state; b) end-user certificate; c) declaration by the Brazilian diplomatic mission located in the importing state that arms importation is allowed in that state (2008, p. 5).

The Plurinational State of Bolivia and Uruguay report that they issue EUCs for imported SALW (Bolivia (Plurinational State of): 2006, p. 3; Uruguay: 2010, p. 14).

Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States.

250 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Peru (2003, p. 11), Uruguay (2010, p. 13), Venezuela (Bolivarian Republic of) (2004, p. 4).

Notification of original exporting state prior to re-export

Two South American states report that they notify the original exporting state prior to re-export.²⁵¹ Uruguay reports that it does not authorize the re-export of weapons or components without prior written permission of the original producer or exporter state (2010, p. 3). The Bolivarian Republic of Venezuela reports that it makes every effort when re-exporting firearms that have previously been imported to notify the original exporting state in accordance with bilateral agreements before the retransfer of those weapons (2004, p. 4).

Peru reports that it does not notify the original exporting state prior to re-export.²⁵² Colombia reports that it does not re-export small arms that it imports, noting that this is a commitment that is required when issuing an end-user certificate (2006, p. 16).

Argentina reports that the export licence issued by the National Arms Registry bears a stamp indicating that the controlled item may not be re-exported without the prior authorization of the National Arms Registry (2010, pp. 4–5).

IMPORT

Caribbean

Adequate laws, regulations and administrative procedures

Seven Caribbean states report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.²⁵³ Four states identify the statutory authority responsible for authorizing import of SALW, which in most instances is the same authority that authorizes imports.²⁵⁴

251 Uruguay, Venezuela (Bolivarian Republic of).

252 Peru (2003, p. 11).

253 Antigua and Barbuda, Cuba, Dominican Republic, Grenada, Haiti, Jamaica, Trinidad and Tobago.

254 Cuba (Ministry of the Revolutionary Armed Forces approves imports for the defence forces and firearms licensed to natural or legal persons, while the Ministry of Interior approves temporary imports (2010, pp. 11–12)), Dominican Republic (Ministry of Interior and Police (2008, p. 17)), Jamaica (Ministry of National Security (2008, p. 3)), Trinidad and Tobago (Commissioner of Police (2010, p. 7)).

The Dominican Republic reports that the Ministry of Interior and Police issues a certificate of final destination for each transaction, addressed to the relevant agency in the exporting country through the Secretary of State for Foreign Affairs, and notifies the state security agencies of all the import permits granted (2008, p. 17).

Central America

Adequate laws, regulations and administrative procedures

Seven Central American states report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.²⁵⁵ Six states identify the statutory authority responsible for authorizing import of SALW, which in most instances is the same authority that authorizes exports.²⁵⁶

Costa Rica reports that arms shipments are guarded by the police upon their arrival at a port until they reach a bonded warehouse or are cleared through customs (2003, p. 4). Regular importers who also hold a licence to sell firearms may obtain an annual licence to import firearms, but they will be required to apply for import and customs clearance permits for each transaction/delivery (2003, p. 5).

Mexico reports that the Ministry of Defence ensures that military personnel inspect and verify that the nature and quantity of the materiel being imported correspond to the specifications of the permits issued by the Ministry of Defence, and that during the transfer of arms, military personnel inspect the vehicles, verifying that the material being transported has been authorized. When the material is being removed from facilities, military personnel also oversee the removal of arms, munitions and explosives and

255 Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

256 Costa Rica (Armaments Directorate (2003, p. 4)), El Salvador (Ministry of National Defence authorizes imports and National Civil Police enforces procedures established under the law for their import and sale (2003, p. 3)), Guatemala (Department of Arms and Munitions Control (2006, p. 23)), Mexico (Ministry of Defence (2003, p. 7)), Nicaragua (Bureau of Weapons, Explosives and Ammunition and Related Materials (2006, p. 6)); National Police issue licences for civilians wishing to import firearms, ammunition and accessories that have been legally purchased overseas, as well as temporary imports of firearms by foreigners (2008, p. 4)), Panama (Directorate of Institutional Affairs in the Ministry of Public Security and Public Safety (2010, p. 8)).

check the quantities and specifications of the material authorized (2003, p. 7).

Northern America

Adequate laws, regulations and administrative procedures

Canada and the United States report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms. Canada reports that individuals and businesses may import firearms, other than prohibited firearms, without an import permit, however firearms imported for police or military use require an import permit (2010, p. 11).²⁵⁷

Canada also reports that individuals must hold a valid firearms licence as well as a registration certificate for the type of firearm being imported. For restricted firearms, individuals must also obtain an Authorization to Transport from the provincial Chief Firearms Officer. Residents are not entitled to import prohibited firearms unless they have been exempted (2010, p. 12).

Canadian businesses wishing to import firearms commercially must have a Canadian Firearms Business Licence, which prescribes the class of firearm that the business wishes to import (“non-restricted”, “restricted”, “prohibited”). Prohibited firearms, typically, may only be imported for use by police authorities, public agencies, the military or museums, or for cinematic or theatrical use (2010, p. 12).

The United States reports that the Department of Defense Directorate of Defense Trade Controls is charged with controlling the export, temporary import, and brokering of defence articles and defence services and that, by law, all exporters and temporary importers must be registered; all exports and temporary imports of SALW and ammunition must be authorized pursuant to implementing regulations administered by the Directorate of Defense Trade Controls and all imports by the Bureau of Alcohol, Tobacco, Firearms and Explosives (2010, p. 6).

257 Canada also reports that “Individuals and businesses wishing to import firearms will be required to obtain an Authorization to Import issued by the Registrar of Firearms, once *Importation and Exportation of Firearms Regulations* come into force” (2010, p. 12).

South America

Adequate laws, regulations and administrative procedures

Eleven South American states report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.²⁵⁸ Five states identify the statutory authority responsible for authorizing import of SALW, which in most instances is the same authority that authorizes exports.²⁵⁹

Argentina reports that importers must be registered as lawful commercial users and authorized to perform the operation in question before applying for an import permit, and must submit the following documentation: original invoice, cargo manifest, bill of lading, packing list and official customs clearance form. As with exports, imports must be controlled by the verification commission, which issues a verification certificate. The information contained in that certificate is then entered into the National Arms Registry database (2008, p. 5).

The Plurinational State of Bolivia reports that it has banned the import of civilian weapons into its territory, though exceptions are made for registered hunting and shooting clubs and the security services of high dignitaries of state and diplomatic delegations (2010, p. 4). In its 2008 report, Ecuador reported that it temporarily suspended the issuance of import permits to enable the institutions concerned to harmonize the relevant regulations with the procedures and measures in an effort to strengthen and optimize functioning of the National Arms Control System (2008, p. 3).

Guyana reports that when arms or ammunition (other than those destined for the military) arrive in country, they are detained by the relevant customs

258 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

259 Bolivia (Plurinational State of) (Ministry of Defence authorizes imports of military weapons for use by the defence forces (2010, pp. 3–4)), Colombia (only the state can import weapons, and INDUMIL is the agency responsible for authorizing imports (2006, pp. 14–15)), Ecuador (joint command of the armed forces is responsible for authorizing imports of small arms (2008, p. 3)), Peru (Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use–Ministry of the Interior authorizes imports of firearms and ammunition for private use before favourable opinion from the Joint Command of the Armed forces of the Ministry of Defence is obtained. Only the Armed Forces and National Police may import military arms (weapons of war) (2005, p. 20)), Uruguay (Ministry of National Defence (2010, p. 2)).

authority and stored by the police until the relevant documentation is produced. Furthermore, no person can withdraw the firearms from the customs warehouse or police station unless and until the firearm has been marked with a distinguishing mark or number (2010, p. 2), suggesting that imported arms may be marked (at least those destined for the civilian market).

TRANSIT

Caribbean

Adequate laws, regulations and administrative procedures

Seven Caribbean states report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.²⁶⁰

Cuba reports that the transit of firearms and ammunition from other countries through its national territory to third countries is forbidden (2010, p. 25). The Dominican Republic reports that transit is regulated but not recorded (2008, p. 17). Grenada reports that any armaments of any kind transiting Grenada without a transshipment permit may be seized and forfeited (2004, p. 1). Jamaica reports that shipping companies and agents must obtain prior permission from the Ministry of National Security for the transit or trans-shipment of all arms and ammunition and dangerous cargo coming via the island's ports and that other administrative measures are in place to control the transit of small arms, particularly via the seaports (2008, p. 3).

Use of authenticated end-user certificates

No Caribbean state reports on this provision.

Central America

Adequate laws, regulations and administrative procedures

Four Central American states report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.²⁶¹ Costa Rica reports that arms shipments must be guarded by

260 Antigua and Barbuda, Cuba, Dominican Republic, Grenada, Haiti, Jamaica, Trinidad and Tobago.

261 Costa Rica, Mexico, Nicaragua, Panama.

police officers from the point of entry to the exit point (2003, p. 5). Two states identify the statutory authority responsible for authorizing the transit of SALW.²⁶²

Nicaragua reports that the following information and documentation is required for transit authorization: the certificate or import permit from the country of final destination; identification of legal representative or his manager and a copy of the instrument establishing the name of the exporter or their legal representative, if it is a legal person; details of the batches of firearms and ammunition, including the quantities and characteristics of the firearms and ammunition; the name of the importer or their legal representative, if it is a legal person; and identification of the company responsible for transport, and the presentation of the certificate or permit of transit of cargo by the country concerned if that were the case (2006, p. 8).

Guatemala reports that the transit of firearms and ammunition is not regulated (2006, p. 23).

Use of authenticated end-user certificates

Uruguay reports that for every import, export or transit operation, a Certificate of Final Destination is always required, issued by the competent authority of the exporting country and those states through which the goods are transported. In turn, end-user certificates are issued by the National Army Material and Arms Department for imports and transits (and exports if any) (2010, pp. 13–14).

Northern America

Adequate laws, regulations and administrative procedures

Canada reports that non-residents wishing to bring their firearms to Canada to hunt, attend sport-shooting events or military re-enactments or who are in transit through Canada must declare all their firearms in writing by completing a Non-Resident Firearm Declaration form, which acts as a temporary licence and registration and is valid for up to 60 days (2010, p. 6). With respect to international transit, Canada reports that, under its

262 Nicaragua (the Bureau of Weapons, Explosives and Ammunition and Related Materials authorizes the transit of weapons and ammunition, in coordination with the Directorate General of Customs (2006, p. 8)), Panama (Directorate of Institutional Affairs in the Ministry of Public Security and Public Safety (2010, p. 8)).

Criminal Code, section 84(1), the term “export” “includes the exportation of goods from Canada that are imported into Canada and shipped in transit through Canada”, and the term “import” “includes the importation of goods into Canada that are shipped in transit through Canada and exported from Canada” (2006, p. 28). In other words, the transit of SALW is controlled through the import and export control system.

Use of authenticated end-user certificates

Neither Canada nor the United States reports on this provision.

South America

Adequate laws, regulations and administrative procedures

Seven South American states report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.²⁶³ Three states identify the statutory authority responsible for authorizing the transit of small arms.²⁶⁴ Colombia reports that the transit of weapons across its territory is not permitted (2006, pp. 14–15).

Peru reports that there are no specific regulations regarding transit of firearms, except those considered temporary imports (2008, pp. 29–30).²⁶⁵

Use of authenticated end-user certificates

Argentina reports that, before granting authorization to transit weapons, the National Arms Registry must have been provided with the end-user certificate issued by the competent authority in the country of destination (duly certified by the Argentine consulate in that country) and the export permit issued by the competent authority in the country of origin (duly authenticated by the Argentine consulate in that country) (2008, p. 5). Brazil reports that all civilian arms transit operations can only be conducted by authorized dealers (including brokers) and require previous export

263 Argentina, Brazil, Colombia, Guyana, Paraguay, Uruguay, Venezuela (Bolivarian Republic of).

264 Argentina (prior authorization from RENAR (2008, p. 5)), Uruguay (Ministry of National Defence (2010, p. 2)), Venezuela (Bolivarian Republic of) (Directorate of Armaments of the National Armed Forces (2006, pp. 9–10)).

265 Act no. 25054, which is annexed to Peru’s 2003 report, indicates that a transit permit will be required to accompany arms being transported across the territory for export (article 64) as well as those arms that are imported and being transported to storage facilities (article 58).

licensing by the army. Requests for licences must be accompanied by one of the following documents: a) import licence or equivalent, issued by authorities of the importing state, b) end-user certificate, or c) declaration by the Brazilian Diplomatic Mission located in the importing state that arms importation is allowed in that state (2008, p. 5).

The Bolivarian Republic of Venezuela reports that its transit control procedures include the use of authenticated end-user certificates (2004, p. 4).

OTHER

Caribbean

Criminalize the illegal trade in SALW

Antigua and Barbuda reports that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers (2010, p. 9).

Action against illegal trade

Antigua and Barbuda reports that it has taken action against groups and individuals engaged in transferring small arms illegally, noting that during the reporting period it imposed fines on such persons (2010, p. 14).

Measures against violations of embargoes

No Caribbean state reports on this provision.

Central America

Criminalize the illegal trade in SALW

Six Central American states report that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers.²⁶⁶

Action against illegal trade

El Salvador reports that its National Civilian Police has investigative units which have records on cases, groups and individuals involved in trade, stockpiling, transfer and possession of illicit SALW (2005, p. 4).

266 Costa Rica (“trafficking of illicit arms” (our translation) (2005, p. 2)), El Salvador, Guatemala, Mexico, Nicaragua, Panama.

Guatemala provides details of an illicit arms trafficking case uncovered in 2002, involving a Guatemalan arms manufacturer, concerning the diversion of 3,000 rifles and 2.5 million rounds of ammunition from the arsenal of the Government of Nicaragua to the United Self-Defence Forces of Colombia. Guatemala reports that in 2003 it cancelled the licence of the Guatemalan company that was implicated and that in February 2006 the State Prosecutor ordered an investigation that resulted in an arrest warrant being issued (2006, p. 16).

Measures against violations of embargoes

El Salvador reports that the competent national authorities adopt the necessary administrative measures for effective enforcement of an embargo imposed by the United Nations (while noting that El Salvador is not an arms-producing country) (2003, p. 4). Honduras reports that, since it does not produce or export weapons, it has not implemented an embargo on exports at the regional or international level (2004, p. 9).

Mexico reports that, through the Ministry of Foreign Affairs and the Ministry of Economy, it has jointly issued an agreement which prohibits the export or import of various commodities to states, entities or persons that are subject to sanctions by the United Nations Security Council (2010, p. 14). Panama reports that the Executive of the Republic of Panama complies with the resolutions issued by the United Nations Security Council through Executive Order 195 (2010, p. 5).

Northern America

Criminalize the illegal trade in SALW

Canada and the United States report that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers (Canada, 2010, p. 12; United States, 2010, p. 7).

Action against illegal trade

Neither Canada nor the United States reports on this provision.

Measures against violations of embargoes

Canada reports that United Nations Security Council decisions to impose embargoes are implemented in domestic law through regulations made under the United Nations Act (2010, p. 12). The United States reports that it enforces United Nations Security Council embargoes and levies criminal penalties for violations (2010, p. 9).

South America

Criminalize the illegal trade in SALW

Nine South American states report that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers.²⁶⁷ Uruguay reports that it has not criminalized the illicit trafficking of small arms (2010, pp. 6–7).

Action against illegal trade

Colombia reports that the number of persons convicted for the possession and trafficking of firearms, ammunition or explosives increased from 169 in 2002 to 179 in 2003 (2006, p. 53).

In its 2008 report Ecuador mentions that 761 trials were under way in 2007 in connection with its Act on the Manufacture, Import, Export, Marketing and Possession of Arms, Ammunition, Explosives and Related Materials and related legislation, and that rulings had already been handed down in 132 of those cases (2008, p. 1), though it is not clear how many of these cases related to illicit trafficking specifically.

Paraguay reports that the intelligence work performed by the Directorate of War Material enables it to identify groups and individuals engaged in the transfer of firearms and related materials (2007, p. 7), but does not provide details of arrests or convictions. Peru reports that in 2008 and 2009 there were 13 and 14 court cases, respectively, involving illicit trafficking in weapons (2010, pp. 14–15). It also provides examples of action taken between 2008 and 2009 against persons involved in the smuggling of firearms and ammunition—in 2006, a Peruvian woman was arrested with 31,000 rounds ammunition in her possession, and was later accused of being a supplier of weapons and ammunition to the Fuerzas Armadas Revolucionarias de Colombia.

Measures against violations of embargoes

Five South America states report that they have adopted legal and administrative measures against activities that violate arms embargoes.²⁶⁸ Such measures include publicizing the existence of the embargo and

267 Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Venezuela (Bolivarian Republic of).

268 Argentina, Brazil, Colombia, Peru, Venezuela (Bolivarian Republic of).

informing the relevant state agencies,²⁶⁹ and incorporating the embargo into national legislation.²⁷⁰

ASIA

EXPORT

Central Asia

Adequate laws, regulations and administrative procedures

Four states in Central Asia report that they have laws, regulations and administrative procedures to exercise effective control over export.²⁷¹

Assessment of export applications

No state in Central Asia reports on this provision.

Use of authenticated end-user certificates

Kazakhstan reports that EUCs must include an undertaking on the part of the importing state not to re-export the arms without Kazakhstan's approval. The end-user certificates must be authenticated by the seal of the exporter (or importer) (2010, pp. 32–33).

Notification of original exporting state prior to re-export

Kazakhstan reports that it notifies the original exporting state prior to re-exporting, stating that it is a prerequisite for the issuance of an export licence (2010, p. 33).

Eastern Asia

Adequate laws, regulations and administrative procedures

China, Japan and the Republic of Korea report that they have laws, regulations and administrative procedures to exercise effective control over export, and identify the statutory authority responsible for authorizing exports of small arms and the relevant legislation.²⁷²

269 Argentina (2010, pp. 7–9), Peru (2010, pp. 22–3).

270 Brazil (2005, p. 11).

271 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan.

272 Japan (Minister of Economy, Trade and Industry in accordance with the Export Trade Order and the Foreign Exchange and Foreign Trade Law (2010, pp. 8–9)), China (export is controlled under the Regulations of the People's

China reports that any group wishing to export arms must obtain authorization and that individual persons are prohibited from engaging in arms export activities (2008, p. 9).

Assessment of export applications

Japan reports that it has established “Three Principles on Arms Export” as a guideline for implementing the Foreign Exchange and Foreign Trade Law, which includes the principles Japan considers when authorizing SALW exports. It notes that SALW exports must not go to “communist” states or states that are or are likely to be involved in a conflict, and they must not violate United Nations Security Council arms embargoes (2010, pp. 8–9). China reports that arms exports must meet the requirements of the legitimate self-defence capabilities of the recipient states, they must not undermine the peace and security and stability of the region concerned or the world as a whole, and they must not be used to interfere in the politics of another country (2010, pp. 14–15).

Use of authenticated end-user certificates

China (2010, p. 15) and the Republic of Korea (2010, p. 14) report that they require an end-user certificate to be provided prior to authorizing the export of small arms to another country.

Notification of original exporting state prior to re-export

No Eastern Asian state reports on this provision.

Southern Asia

Adequate laws, regulations and administrative procedures

All five reporting states in Southern Asia report that they have laws, regulations and administrative procedures to exercise effective control over exports,²⁷³ although the Islamic Republic of Iran and Sri Lanka report

Republic of China on the Administration of Arms Exports (2010, p. 9)), Republic of Korea (the Act on Defence Acquisition, its Presidential Decree and its Execution Regulation controls exports of SALW for military use, which are authorized by the Commissioner of the Defence Acquisition Programme Administration; non-military-use exports are controlled by the Act on the Control of Firearms, Swords, Explosives, etc. and its Presidential Decree and its Execution Regulation, and are authorized by the Commissioner General of the National Police (2010, p. 4)).

273 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

that they do not to export SALW. India identifies the statutory authority responsible for authorizing exports of small arms and the relevant legislation.²⁷⁴

Assessment of export applications

India reports that, when considering whether it has an objection to a proposed export, the Ministry of Defence will consider foreign policy objectives, including adherence to United Nations Security Council arms embargoes (2008, p. 6).

Use of authenticated end-user certificates

Bangladesh, India and Pakistan report that they require an end-user certificate to be provided prior to authorizing the export of small arms to another country. Pakistan reports that end-use and end-user verifications are essential to export applications (2010, p. 2).

Notification of original exporting state prior to re-export

Pakistan reports that it notifies the original exporting state prior to re-exporting small arms (2010, p. 2).

South-Eastern Asia

Adequate laws, regulations and administrative procedures

Six South-Eastern Asian states report that they have laws, regulations and administrative procedures to exercise effective control over export,²⁷⁵ with Cambodia and Viet Nam reporting that they prohibit SALW exports.²⁷⁶ Three states identify the statutory authority responsible for authorizing exports of small arms and the relevant legislation.²⁷⁷

274 India (the Arms Act and Arms Rules govern the export of firearms; export licenses are issued by the Ministry of Defense in consultation with the Ministry of External Affairs (2010, p. 7)).

275 Cambodia, Indonesia (Law on Fire Arms of 1936 and its implementing regulations no. 27 (2010, p. 4)), Malaysia (Arms Act of 1960 (2010, p. 1)), Philippines, Thailand, Viet Nam.

276 Cambodia (2004, p. 3), Viet Nam (which notes, however, that temporary imports of SALW are re-exported with permission from the Ministry of Trade (2006, p. 1)).

277 Indonesia (Ministry of Defence (2010, p. 4)), Philippines (Bureau of Customs administers exports (2010, pp. 3, 11)), Thailand (Ministry of Interior, the Ministry of Defence, and the Ministry of Finance are responsible for the regulation of export (2008, pp. 9–10)).

Thailand reports that it does not manufacture firearms for export, but that the export of SALW is regulated. It provides details of measures taken to avoid illegal arms trafficking, including adoption of the new watch list of dual-use goods and measures under the International Ship and Port Facility Security Code, and the establishment of Bangkok/Laem Chabang Efficient and Secure Trade (BEST), set up to implement the Container Security Initiative. BEST's tracking methods require carriers to report the contents of containers and other data 24 hours prior to loading (2008, pp. 9–10).

Assessment of export applications

The Philippines reports that SALW are only exported to states that have diplomatic relations with the Philippines, and will be prohibited if the export has adverse affects on foreign relations (2010, pp. 11–12).

Use of authenticated end-user certificates

Indonesia and the Philippines report that they require EUCs as part of the export licensing application (with the Philippines stating that it requires authenticated EUCs) (Indonesia: 2010, p. 4; Philippines: 2010, pp. 11–12).

Notification of original exporting state prior to re-export

No South-Eastern Asian state reports on this provision.

Western Asia

Adequate laws, regulations and administrative procedures

Twelve Western Asian states report that they have laws, regulations and administrative procedures to exercise effective control over export.²⁷⁸ Three states identify the statutory authority responsible for authorizing exports of small arms.²⁷⁹

Israel reports that it requires exporters to obtain licences at two stages of the export process: one for the marketing phase and one for the actual export (2008, p. 2). Qatar and Saudi Arabia report that their regulations do not allow individuals to export (Qatar: 2008, p. 1; Saudi Arabia 2006, p. 4). Saudi Arabia also reports that the re-export of weapons and ammunition

278 Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Israel, Jordan, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates.

279 Georgia (Ministry of Defence (2010, p. 2)), Qatar (Minister of the Interior (2008, p. 1)), Turkey (Ministry of National Defence (2008, pp. 8–9)).

may be permitted without prior permission if it is reported before being checked at customs points, and during a period not exceeding six months (2006, p. 5).

Assessment of export applications

Six Western Asian states report that they assess export authorizations in light of relevant international commitments.²⁸⁰ Turkey reports that export applications take into account whether the importing country is subjected to any United Nations imposed restrictions or embargoes, all export control arrangements to which Turkey is a party, and the overall implications for global security and stability (2008, p. 9).

Use of authenticated end-user certificates

Four Western Asian states report that they require an end-user certificate to be provided prior to authorizing the export of small arms to another country,²⁸¹ with two providing details of the information included in EUCs.²⁸² Saudi Arabia reports that end-user certificates are authenticated by the responsible officials in case of import and are required to be authenticated by the exporting country (2006, p. 6).

Notification of original exporting state prior to re-export

No Western Asian state reports on this provision.

IMPORT

Central Asia

Adequate laws, regulations and administrative procedures

Four states in Central Asia report that they have laws, regulations and administration procedures to exercise effective control over import,²⁸³ with Tajikistan reporting that importation of SALW must be carried out by enterprises having the appropriate permit authorized by the Ministry of Interior (2003, p. 2).

280 Armenia, Cyprus, Georgia, Israel, Turkey, Yemen.

281 Cyprus, Israel, Saudi Arabia, Turkey.

282 Cyprus (2008, p. 8), Turkey (2010, p. 10).

283 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan.

Eastern Asia

Adequate laws, regulations and administrative procedures

China, Japan and the Republic of Korea report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms. The Republic of Korea reports that the Commissioner of the Defence Acquisition Programme Administration is responsible for authorizing imports of military-use items, while the Commissioner General of the National Police issues permits for the import of non-military use items (2010, p 4).

Southern Asia

Adequate laws, regulations and administrative procedures

Five states in Southern Asia report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.²⁸⁴ India reports that all imports must be licensed and that the transfer of imported firearms is not permitted during the importers/ licensees lifetime (2010, p. 8). The Islamic Republic of Iran reports that it does not import SALW, but that all activities relating to imports are carried out by the Ministry of Defence (2010, p. 3).

South-Eastern Asia

Adequate laws, regulations and administrative procedures

Six states in South-Eastern Asia report that they have laws, regulations and administrative procedures to exercise effective control over import.²⁸⁵ Three states identify the statutory authority responsible for authorizing imports of small arms and the relevant legislation.²⁸⁶

284 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

285 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

286 Indonesia (Law on Firearms of 1936; licensing authority is the Head of the Indonesian National Police (2010, p. 5)), Malaysia (Arms Act of 1960 (2010, p. 1)), Viet Nam (Governmental Decrees no. 02/CP of 1995, no. 11/ND of 1999 and no. 12/ND-CP of 2006; licensing authority is the Ministry of Trade (2006, p. 1)).

Western Asia

Adequate laws, regulations and administrative procedures

Thirteen states in Western Asia report that they have laws, regulations and administrative procedures to exercise effective control over import.²⁸⁷ Two states identify the statutory authority responsible for authorizing imports of small arms.²⁸⁸ Azerbaijan reports that all imports must be conducted by legal entities and imported weapons must bear a stamp or marking (2004, p. 2). Oman reports that all weapons must have the approval of the security agencies and must be imported through legitimate licensed companies (2010, p. 2). Saudi Arabia reports that only government agencies can import SALW (2006, p. 3). The Syrian Arab Republic reports that only a company or an institution that has already been authorized by the Ministry of National Defence (or the state itself) can import SALW (2008, p. 10).

TRANSIT

Central Asia

Adequate laws, regulations and administrative procedures

Kazakhstan reports that transit is controlled by the Act on State Control of the Circulation of Certain Types of Weapons and the Decree on measures implementing that Act (2010, p. 6). Tajikistan reports that transit through its territory is controlled by the Ministry of Foreign Affairs in conjunction with the Ministry of Interior, with agreement from the government (2003, p. 2).

Use of authenticated end-user certificates

No Central Asian state reports on this provision.

Eastern Asia

Adequate laws, regulations and administrative procedures

Japan and the Republic of Korea report that they have laws, regulations and administrative procedures in place to exercise effective control over the

287 Armenia, Azerbaijan, Bahrain, Georgia, Iraq, Israel, Jordan, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, Yemen.

288 Georgia (Ministry of Defence (2010, p. 1)), Syrian Arab Republic (Ministry of National Defence (2008, p 10)).

transit of small arms. In the Republic of Korea, the Customs Act regulates transit and in order to transit weapons, a list of goods and passengers as well as documents containing information about travel movements must be submitted to the customs officers (2010, p. 8).

Use of authenticated end-user certificates

No state in Eastern Asia reports on this provision.

Southern Asia

Adequate laws, regulations and administrative procedures

Three states in Southern Asia report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.²⁸⁹

Use of authenticated end-user certificates

Bangladesh reports that it reviews and authenticates the end-user certificate associated with the weapons in transit through its territory (2010, p. 3).

South-Eastern Asia

Adequate laws, regulations and administrative procedures

Six states in South-Eastern Asia report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.²⁹⁰ Cambodia reports that it prohibits the transit of weapons through its territory. In Viet Nam, the transit of SALW requires permission from the Ministry of Trade (2006, p. 1).

Use of authenticated end-user certificates

No state in South-Eastern Asia reports on this provision.

Western Asia

Adequate laws, regulations and administrative procedures

Seven states in Western Asia report that they have laws, regulations and administrative procedures to exercise effective control

289 Bangladesh, Iran (Islamic Republic of), Pakistan.

290 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

over transit.²⁹¹ In Armenia, transit applications are processed by the police department and endorsed by the customs service, and applications must include a detailed description of the arms (2010, p. 7). In the Syrian Arab Republic the transit of weapons must be approved by the Minister of the Interior, and applications must include a detailed description of the material approved for transit, the entity sending the shipment, the name of the sender, the entity for whom the shipment is intended, the name of the consignee, the shipper, the route, the time and any other details of relevance to public security and safety. This transit approval must be sent both to the point of entry and point of departure (2010, p. 3).

Use of authenticated end-user certificates

Cyprus and Israel report that they require end-user certificates as part of the transit authorization process, with Cyprus providing details of the information that must be included and stating that EUCs must contain a “no re-export” clause (2008, p. 8).

OTHER

Central Asia

Criminalize the illegal trade in SALW

Kazakhstan and Kyrgyzstan report that they have criminalized illegal trade.

Action against illegal trade

No Central Asian state reports on this provision.

Measures against violations of embargoes

Kazakhstan reports that its export control legislation includes provisions to implement arms embargoes (2010, p. 14).

Eastern Asia

Criminalize the illegal trade in SALW

China, Japan and the Republic of Korea report they have established illegal trade or trafficking as a criminal offence.

291 Armenia, Azerbaijan, Cyprus (Defence Regulations of 1993 and the Ministerial Order 257/2005 (2008, 2)), Georgia (article 22 of the law of Georgia on “Weapons” (2010, p. 2)), Israel, Jordan, Syrian Arab Republic.

Action against illegal trade

Japan reports that groups and individuals engaged in the illegal trade of SALW have been investigated (2010, p. 13).

Measures against violations of embargoes

Japan and the Republic of Korea report that they have laws and administrative procedures against activities that violate arms embargoes. As noted above, Japan reports that one of the “Three Principles on Arms Export” is that arms exports should not be licensed if the importers are subject to a United Nations Security Council arms embargo (2010, pp. 8–9). The Republic of Korea reports that exports that violate a United Nations Security Council arms embargo are considered to be illegal exports under the Firearms Control Act and the Defence Acquisition Act and violators are subsequently imprisoned for up to 10 years or fined up to KRW 20,000,000 for non-military weapons and KRW 50,000,000 for military weapons (2010, p. 11).

Southern Asia*Criminalize the illegal trade in SALW*

Three states in Southern Asia report that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers.²⁹²

Action against illegal trade

No state in Southern Asia reports on this provision.

Measures against violations of embargoes

India and Sri Lanka (2008, p. 6) report that they implement United Nations arms embargoes, with India noting it has a very strict export policy for SALW in order to effectively implement such arms embargoes (2010, p. 10).

South-Eastern Asia*Criminalize the illegal trade in SALW*

Four states in South-Eastern Asia report that they have established illegal trade as a criminal offence.²⁹³

292 Iran (Islamic Republic of), Pakistan, Sri Lanka.

293 Indonesia, Malaysia, Philippines, Thailand.

Action against illegal trade

Viet Nam reports it has identified people involved in the illicit trade in a few instances where citizens who went to study overseas brought back small arms to Viet Nam, but these were detected and seized (2006, p. 3).

Measures against violations of embargoes

The Philippines reports that it has established legal and administrative measures against activities that violate arms embargoes through Presidential Decree no. 1866 (2010, p. 8). Additionally, Thailand reports that it supports international preventive measures (under the heading of "Arms Embargo") (2003, p. 8).

Western Asia*Criminalize the illegal trade in SALW*

Six Western Asian states report that they have established illegal trade as a criminal offence.²⁹⁴

Action against illegal trade

Israel reports on the prosecution of several persons involved in illegal trafficking of SALW (2008, p. 4), and Oman reports that law breakers (in relation to illicit trade) are punished by the courts and sentences are passed (2003, p. 3).

Measures against violations of embargoes

Georgia and Israel report that they have established legal and administrative measures against activities that violate arms embargoes, with Israel reporting that it is a criminal offence to transfer SALW in contravention of a United Nations Security Council embargo under the Defence Export Control Act of 2007 (2008, p. 7).

294 Azerbaijan, Iraq, Israel, Jordan, Syrian Arab Republic, Turkey.

EUROPE

EXPORT

Eastern Europe

Adequate laws, regulations and administrative procedures

Ten states in Eastern Europe report that they have laws, regulations and administrative procedures to exercise effective control over the export of small arms.²⁹⁵ Four states identify the statutory authority responsible for authorizing exports of small arms, should they occur.²⁹⁶

Assessment of export applications

Eight Eastern European states report that they assess export applications or re-export authorizations according to national regulations and procedures that are consistent with their responsibilities under international law.²⁹⁷

Belarus reports that it takes into account the criteria adopted by the Organization for Security and Cooperation in Europe (OSCE) Document on Small Arms and Light Weapons (2005, p. 14).²⁹⁸ The Republic of Moldova reports that its main aim in arms control is to prevent exports that may be misused in conflict or human rights violations, or the unauthorized re-export of firearms and “undesirable spreading” (2007, p. 3). Poland reports that it exports arms as long as the state of destination does not facilitate or support international crime or terrorism and that the firearms will only be

295 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russia, Slovakia, Ukraine.

296 Bulgaria (two-tier control system, requiring authorization by the Inter-ministerial Council on Defence Industry with the Council of Ministers (2010, p. 5)), Hungary (Ministry of Foreign Affairs (2010, p. 2)), Slovakia (Ministry of Defence or Ministry of the Economy (2010, p. 2)), Russian Federation (the President, the Government or the Federal Service for Military and Technical Cooperation (2010, p. 7)).

297 Belarus, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

298 The OSCE Document on Small Arms and Light Weapons was adopted at the 308th Plenary Meeting of the OSCE Forum for Security Co-operation on 24 November 2000. Through the document, participating states agreed to the following criteria to govern exports of SALW based on the OSCE Principles Governing Conventional Arms Transfers. The document is available at <www.osce.org/fsc/20783>.

used for valid security and defence needs (2002, p. 3). Ukraine reports that it keeps a list of companies throughout the world that are known as violators of international principles in arms transfers (2005, p. 4).

Use of authenticated end-user certificates

Ten states in Eastern Europe require an end-user certificate to be provided prior to authorizing the export of small arms to another country.²⁹⁹ Romania reports that EUCs must be original and authentic and that they are verified by a specialized unit from the Ministry of Interior (2010, p. 13).

Notification of original exporting state prior to re-export

Seven Eastern European states report that they notify the original exporting state prior to re-exporting small arms,³⁰⁰ with Ukraine reporting that when SALW are being re-exported, the exporter must submit documents that confirm the original supplier has not imposed any restrictions on the re-export or transfer of the goods to another end-user (2010, p. 19).

Northern Europe

Adequate laws, regulations and administrative procedures

Ten states in Northern Europe report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms,³⁰¹ and identify the statutory authority responsible for authorizing exports of small arms, should they occur.³⁰²

299 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

300 Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Ukraine.

301 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

302 Denmark (Minister of Justice, (2010, p. 6)), Estonia (military items: the Strategic Goods Commission, which includes representatives of the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Economic Affairs and Communications, the Security Police Board, the Police Board and the Tax and Customs Board and operates within the Ministry of Foreign Affairs (2010, p. 7); civil weapons: Estonian Police and Border Guard Board (2010, p. 17)), Finland (Ministry of Defence for exports of defence material; Ministry of Interior for exports of civilian firearms. Finland reports that the Advisory Committee for Exports of Defence Materiel under the Ministry of Defence's Resource Policy Department is the inter-agency body with a mandate to advise on individual licence applications, prior enquiries and the definition

Assessment of export applications

Eight states in Northern Europe report that they apply the criteria contained in the EU Common Position (formerly the Code of Conduct³⁰³) to their export licensing decisions,³⁰⁴ and four report that they are members the Wassenaar Arrangement or that they apply the Wassenaar guidelines (see footnote 249).³⁰⁵ In addition to applying criteria contained in regional instruments and multilateral export regimes, as well as existing international

of defence materiel for export of military items. The following authorities are represented in the Committee: the Ministry for Foreign Affairs (the Political Department and the Department for External Economic Relations), the Ministry of Defence, Defence Staff, the Ministry of the Interior (the Police Department), the National Board of Customs and the Security Police (2011, p. 3)), Iceland (Ministry of Foreign Affairs (2008, p. 3)), Ireland (Department of Enterprise, Trade and Employment is the national agency responsible for the issuing of military export authorizations for all military items (2008, p. 1) and export applications are forwarded to the Department of Foreign Affairs for foreign policy observations (2008, p. 5)), Latvia (the Strategic Goods Control Committee (2010, p. 2)), Lithuania (for military items: Ministry of Economy, in consultation with the Commission on the Issues of Licensing of Export, Import, Transit and Brokering of Strategic Goods comprising representatives from the Ministry of Environment, the Ministry of National Defence, the Ministry of Health, the Ministry of Foreign Affairs, the Police Department, the State Security Department, the Customs Department under the Ministry of Finance (2010, p. 11); for civilian firearms: the Police Department (2010, p. 11)), Norway (Ministry of Foreign Affairs (2010, p. 5)), Sweden (military equipment: Swedish Agency for Non-Proliferation and Export Controls (ISP); firearms for private use: police authorities (2010, pp. 6, 15)). A special parliamentary advisory board—the Export Control Council—assists the ISP in the interpretation of the guidelines. The Council consists of 11 members with representatives from all the parties represented in the Parliament and is chaired by the Director-General of the ISP. During the meetings representatives of the Ministry of Defence and the Ministry for Foreign Affairs are present in order to answer specific questions regarding defence or foreign policy issues (2010, p. 16)), United Kingdom (Department for Business Innovation and Skills in consultation with FCO, the Ministry of Defence and the Department for International Development (2010, p. 3)).

303 On 8 December 2008, the EU Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment was adopted replacing the EU Code of Conduct.

304 Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Sweden, United Kingdom (inferred).

305 Denmark, Finland, Ireland, Lithuania.

obligations including the relevant United Nations, EU, OSCE and other international obligations, states provide a range of other considerations in their national reports, examples of which are included below.

Denmark reports that, although a list of conditions to be fulfilled for an export licence to be granted are not included in its legislation, export licences are, as a general rule, not granted to states involved in armed conflicts or to areas with such a level of unrest and instability that an outbreak of violent conflict is likely (2010, p. 6).

Estonia reports consideration is also given to whether the proposed export endangers or may endanger the interests or security of Estonia or an ally; the application includes false information, knowingly submitted; within five years before the decision to issue the licence, the applicant violated legislation relating to the import, export and transit of strategic goods or a precept issued on the basis thereof or violated an international sanction; criminal proceedings have commenced concerning the applicant; or other significant information.

Finland reports that it considers the following factors when assessing export and transit licence applications for defence materiel:³⁰⁶ foreign and security policy aspects; an analysis of the situation prevailing in the recipient country, especially with regard to human rights, including attitudes of other states vis-à-vis the recipient country; the characteristics, intended use and military significance of the item to be exported; and the significance of the item and export in relation to the materiel preparedness of Finnish national defence and to the development of the domestic defence industry (2011, p. 11).

Iceland reports that export licences are not granted for exports that would violate a United Nations embargo (2008, p. 5). Lithuania reports that, with respect to civilian firearms, export permits may be refused on the grounds of state safety and human security (2010, p. 11).

Sweden reports that it has established guidelines on export of military equipment approved by Parliament, under which the export of military equipment should be granted only if it is judged to be necessary for the fulfilment of the equipment requirements of the Swedish Armed Forces

306 Finland also notes that, with respect to commercial export of firearms, in practice an assessment of the foreign or security-policy aspects is made by the Ministry of Foreign Affairs according to the same basic principles as with the export and transit of defence materiel (2011, p. 16).

or is desirable for security policy reasons, and it does not contravene the principles and aims of Swedish foreign policy (2010, p. 16).

The United Kingdom reports that an export licence will not be issued if the export would breach international obligations and commitments, or if there are concerns that the goods might be used for internal repression or international aggression, or if there are risks to regional stability (2010, p. 1). Other criteria considered include United Nations sanctions, human rights, national security of the United Kingdom and its allies, respect for international law and counter-terrorism, diversion, and development concerns of the recipient country (2010, p. 2). The United Kingdom has compiled Consolidated European Union and National Arms Export Licensing Criteria (2008, p. 11).

Use of authenticated end-user certificates

Ten states in Northern Europe report that they require EUCs as part of the export licensing process.³⁰⁷

Denmark reports that either an import licence or an International Import Certificate from the competent authorities in the import country is necessary for export authorization applications, and that an end-user statement may be required, depending on the circumstances (2010, p. 3). Estonia reports that the Strategic Goods Commission requires an EUC or similar document on every weapons export transaction, and notes that it verifies that the importing state has issued an import licence before authorizing an export (2010, p. 17). Iceland also reports that an authenticated end-user certificate is required for the export of small arms, depending on the importing country (2008, p. 7).

Estonia and Finland report that they may also require a Delivery Verification Certificate (Estonia: 2010, p. 19; Finland: 2010, p. 15).

Sweden reports that applications for export licences concerning more than 30 small arms to states outside the European Union must be accompanied by an EUC and that, for military equipment classified as Military Equipment

³⁰⁷ Denmark, Estonia, Finland (always required for permanent exports of military items (2011, p. 14), may be required for commercial transfers of civilian arms (2011, p. 16)), Iceland, Ireland (International Import Certificate or an EUC is required (2008, p. 1)), Latvia, Lithuania (always required for exports of civilian arms (2010, p. 11)), Norway, Sweden, United Kingdom.

for Combat Purposes, the end-user certificate is verified by the Swedish Embassy in the recipient state (2010, p. 18).

The United Kingdom reports that under the terms of the EU Weapons Directive, a Prior Import Consent, in lieu of an End-User Undertaking, is required from the appropriate EU member state when applying for an export licence for small arms transfers. For exports outside the European Union (not covered by the terms of the Weapons Directive), an EUC is required in addition (2008, p. 14).

Notification of original exporting state prior to re-export

Denmark reports that, as a general rule, unless specifically agreed, the Danish authorities do not notify the original exporting state in case of re-export of SALW. However, according to an agreement between Denmark, Finland, Norway and Sweden, the Danish authorities may be obliged to notify the other parties as the original exporting state in case of re-export (2010, p. 6).

Estonia reports that notification is given if that was the condition set by the original exporting country in the EUC, or if the destination country of the re-export transaction is considered sensitive (in terms of the criteria in the EU Common Position) (2010, p. 19). Sweden reports that whether or not the original exporting state is notified of a re-export will depend on what obligations Sweden has made to the original exporting state and the type of small arms in question. For example, the original exporting state would not usually be notified for hunting rifles, unless the original exporting state required it. However, if for example man-portable air defence systems were to be re-exported, the original exporting state would be notified for approval (2010, p. 19).

In its 2005 report, Ireland reported that “to date no request of this nature has been made” but that it would have no objection to such a request, should one be made (2005, p. 5). Norway reports that it has no experience with such cases but that possible exports or retransfers would only be authorized to governments on the basis of end-user documentation (2010, p. 10).

Southern Europe

Adequate laws, regulations and administrative procedures

Twelve states in Southern Europe report that they have laws, regulations and administrative procedures in place to exercise control over the export

of small arms.³⁰⁸ Ten states identify the statutory authority responsible for authorizing exports of small arms, should they occur.³⁰⁹ Andorra reports that the export of light weapons is prohibited (2006, p. 2).

308 Albania, Andorra, Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

309 Albania (Ministry of Defence through the Military Export Import Company (MEICO) enterprise (2004, p. 2)), Croatia (Ministry of the Economy, Labour and Entrepreneurship on the basis of the approval of the Commission set up to approve the export and import of military goods and non-military lethal goods and the provision of services for military goods. The Commission shall be composed of the representatives the Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs and European Integrations and the Ministry of the Economy, Labour and Entrepreneurship (2010, p. 14)), Greece (Ministry of Economy and Finance following prior consultations with Ministries of Foreign Affairs and National Defence and, in certain cases (e.g. hunting rifles), the Ministry of Public Order (2004, p. 4)), Italy (Ministry of Foreign Affairs, acting in agreement with the Ministry of Defence (2010, p. 2)), Malta (Trade Services Directorate, Commerce Division, within the Ministry for Competitiveness and Communications, issues export authorizations for military items upon consultation with and endorsement by the Ministry of Foreign Affairs, the Armed Forces and the Police (2006, pp. 3–4)), Portugal (Ministry of Defence or Ministry of the Interior, depending on whether the weapons are for military or civilian use (2011, p. 2); applications are also considered by the Ministry of Foreign Affairs, in the light of foreign policy interests (2011, p. 2)), Serbia (military equipment: Ministry for International Economic Relations is the central authority, while the Ministry of Defence and the Ministry of Foreign Affairs actively participate in the process of issuing licences and have the right of veto in certain situations (2005, p. 3); the Ministry of Internal Affairs will also be consulted, but it has not veto power; the opinion of the Security/Information Agency may also be sought (2006, p. 7); transfers of industrial explosives and sports and hunting weapons: Ministry for International Economic Relations, after examination by an inter-agency commission composed of representatives from the Ministry of Foreign Economic Relations, Ministry of Defence and Ministry of Internal Affairs (2006, p. 7)), Slovenia (Ministry of the Interior controls the exports and imports of SALW and Ministry of Defence is responsible for the control over the import and export of SALW used for military purposes (2005, p. 2)), Spain (the Ministry of Industry, Trade and Tourism (Secretary-General of Foreign Trade), subject to approval by the Interministerial Regulatory Board on Foreign Trade in Defence and Dual-Use Articles—a multidisciplinary body consisting of representatives of different ministries (2010, p. 18)), the former Yugoslav Republic of Macedonia (Ministry of the Interior (2011, p. 12)).

Assessment of export applications

Eight states in Southern Europe report that they apply the criteria contained in the EU Common Position to their export licensing decisions,³¹⁰ and three report that they are members the Wassenaar Arrangement or they apply the Wassenaar guidelines.³¹¹ Bosnia and Herzegovina reports that, although it is not a member of the international control regimes, including the Wassenaar Arrangement, it does comply with the relevant guidelines (2010, pp. 9–10). Examples of additional criteria and considerations provided in national reports are detailed below.

Bosnia and Herzegovina reports that when issuing an export approval, the Ministry of Foreign Affairs has to examine (among other things) the prohibitions and sanctions of the United Nations Security Council, the OSCE Common Export Control Criteria, any international obligations assumed by Bosnia and Herzegovina, and foreign policy interests of the state in regard to the strategic foreign policy partners of Bosnia and Herzegovina and act in accordance with the principles of the fight against the terrorism and non-proliferation of weapons of mass destruction (2010, pp. 9–10).

Albania reports it does not export arms to or import arms from states that are under a United Nations embargo or involved in regional conflicts (2003, p. 1). Italy reports that it does not transfer firearms to states subject to United Nations or EU arms embargoes or to states parties of the Economic Community of West African States, or countries whose governments are responsible of human rights violations. Furthermore, exports to countries subject to transfer denials issued by other EU partners are assessed against the provisions of the EU Code of Conduct (2004, p. 5), and export and transit of armaments are prohibited when in conflict with the Italian Constitution or with Italy's international commitments, state security interests, the fight against terrorism, and good relationships with other states, as well as when proper assurances about weapons final destination are lacking; and in cases when the state in question, if receiving development aid from Italy, assigns to their military budget resources exceeding their defence needs (2003, pp. 4–5).

Serbia reports that its law provides for the consideration of political and security aspects of exports and the implementation of United Nations, EU

310 Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal, Spain, the former Yugoslav Republic of Macedonia.

311 Malta, Portugal, Slovenia.

and OSCE arms embargoes, as well as the assessment of economic aspects of export arrangements prior to the issuance of an export licence (2005, p. 3).

Slovenia reports that when issuing export and transit licences, security and defence interests as well as national and foreign policy interests are taken into account resulting from international obligations deriving from membership in international organizations, bilateral and multilateral agreements and anti-terrorist coalitions (2003, p. 8).

Spain reports that a standing governmental body, the Interministerial Regulatory Board on Foreign Trade in Defence and Dual-Use Articles,³¹² issues a preliminary report on all transfers, within the parameters of the EU Code of Conduct, Spanish foreign policy, decisions on trade embargoes or restrictions agreed by Spain, the United Nations, the EU or the OSCE, and international agreements to which it is a signatory (2008, p. 15).

Use of authenticated end-user certificates

Eleven states in Southern Europe report that they require EUCs as part of the export licensing process.³¹³

Eight states report that they verify or authenticate EUCs, and provide details of the verification process. Albania reports that verification and the permission given to end-users are confirmed by its embassies in the receiving countries (2003, p. 2). Bosnia and Herzegovina reports that the Ministry of Foreign Affairs and the Ministry of Foreign Trade and Economic

312 The standing body is composed of the following members—President: the Secretary of State of Trade and Tourism of the Ministry of Industry, Trade and Tourism; Vice-President: Under-Secretary of the Ministry of Foreign Affairs and Cooperation; members: the Technical Director of Intelligence of the National Intelligence Centre, the Director-General for Arms and Materiel (Ministry of Defence), the Director of the Customs and Excise Department of the State Tax Administration Agency (Ministry of Finance and Economy), the Deputy Director of Operations of the Civil Guard, the Deputy Director of Operations of the National Police Force (Ministry of the Interior), the Secretary-General for Foreign Trade and the Technical Secretary-General (Ministry of Industry, Trade and Tourism); secretary: the Deputy Director-General for Foreign Trade in Defence and Dual-Use Articles of the General Secretariat for Foreign Trade (Ministry of Industry, Trade and Tourism) (2008, p. 15).

313 Albania, Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal (for military equipment), Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

Relations are obliged to verify end-use or end-user certificates (2010, p. 11). Greece reports that exporters have to provide the Ministry of National Defence with an authenticated end-user certificate (2004, p. 4). Italy reports that EUCs must be authenticated by the Italian diplomatic or consular authorities in the recipient country (2003, p. 7).

Malta reports that EUCs are verified through the use of foreign embassies “Where possible” (2006, p. 4). Serbia reports that, with respect to specific exports, special attention is paid to the authenticity of the EUC (2005, p. 3) and that, in the process of granting an export licence, the authenticity of the EUC is examined (2003, p. 5). Slovenia reports that it uses authenticated EUCs and requires original EUCs or authenticated copies thereof for states with incomplete control over trafficking in military weapons and equipment (2003, p. 8).

Spain reports that applications for authorization for the export of defence articles must be accompanied by a statement of end-use or equivalent (except in the case of war weapons), or an end-use certificate (where war weapons are involved), issued by the competent authorities of the importing or receiving country, including a commitment not to re-export without the prior written authorization of the Spanish authorities and to ensure that end-use is as stated. Delivery verification documentation—such as the certificate of delivery or equivalent customs document—may also be required (2008, p. 26).

Notification of original exporting state prior to re-export

Four states report that they notify the original exporting state when re-exporting small arms.³¹⁴ Croatia reports that the approval of the original exporting state may be required (2010, p. 17). The former Yugoslav Republic of Macedonia reports that it notifies the original exporting state upon request in case of re-export or retransfer (2011, p. 12). Malta reports that the police and armed forces have never transferred or exported any small arms, but that it would notify the original exporting state if previously imported SALW were re-exported or retransferred (2010, p. 8). Portugal reports that it complies with its contractual obligations and does not allow weapons or military equipment to be re-exported without a specific authorization from the state of origin, in conformity with re-export clauses that may be set out when weaponry or military equipment is imported (2004, p. 3).

314 Albania, Croatia, Portugal, the former Yugoslav Republic of Macedonia.

In its 2003 report, Slovenia reported that it had no recorded cases involving the re-export of imported military weapons and equipment but that, in such a case, it would certainly act in accordance with statements on the purpose of use, EUCs or other certificates attached to an application for the issuing of an original import licence (2003, p. 8).

Western Europe

Adequate laws, regulations and administrative procedures

Nine states in Western Europe report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms.³¹⁵ Five states identify the statutory authority responsible for authorizing exports of small arms, should they occur.³¹⁶

315 Austria, Belgium, France, Germany, Liechtenstein (which reports that Swiss law is applicable to the manufacture, import, export and transit of military material on the basis of the Customs Union Treaty (Swiss Military Materiel Act and Ordinance) (2008, p. 1)), Luxembourg, Monaco, Netherlands, Switzerland.

316 Austria (licensing authority for applications under the War Material Act is the Ministry of the Interior, the Ministry for European and International Affairs has to approve. Licensing authority for applications under the Foreign Trade Act is the Ministry for Economics, Family and Youth. The Ministry for European and International Affairs and other relevant ministries present their views (2010, p. 3)), France (the operations on SALW are examined by the Interministerial Commission for the Study of the Export of Weapons of War. Upon the opinion of this Commission, SGDSN takes the final decision, by delegation of the Prime Minister (2010, p. 13)), Germany (war weapons: the Federal Government is the licensing authority under the War Weapons Control Act. It is authorized to assign as follows the power to grant and cancel licenses:

(i) for the ambit of the Federal Armed Forces: to the Federal Ministry of Defence;

(ii) for the ambit of the Federal Customs Administration: to the Federal Ministry of Finance;

(iii) for the ambit of the authorities or agencies responsible for maintaining law and order as well as prison authorities: the Federal Ministry of the Interior;

(iv) for all other areas: the Federal Ministry of Economics and Technology.

Other military equipment: the Federal Office of Economics and Export Control (BAFA) is the licensing authority under the Foreign Trade and Payments Act as far as "other military equipment" is concerned (2010, p. 24), although sensitive or significant projects are regularly submitted to the Federal Ministry of Economics and Technology and the Federal Foreign Office for political assessment (2010, p. 25)), Netherlands (export licence from the Minister of Foreign Trade (2010, p. 4); (re-)export and transit license applications for the (re-)export of, and

Assessment of export applications

Four states in Western Europe report that they apply the criteria contained in the EU Common Position (formerly the Code of Conduct) to their export licensing decisions.³¹⁷

Germany reports that licensing decisions on the export of war weapons and other military equipment are based on the Political Principles, adopted in 2000, and on the relevant European and international commitments. Exports of war weapons and other military equipment both to NATO and to EU member states, as well as to “NATO equivalent countries”, such as Australia, Japan, New Zealand and Switzerland, are considered to be in line with Germany’s security interests and are, in principle, unrestricted. Exports of war weapons to third states, in contrast, are only feasible if indicated by paramount foreign and security policy interests, bearing in mind the interests of NATO (2010, p. 22).

Germany also reports that the Federal Government will raise objections—generally following consideration of the matter by the Federal Security Council—against such exports involving the use of German components where (in addition to considerations reflected in the EU Common Position), exports would impair the vital security interests of Germany, or exports would impose such a strain on relations with third states that even Germany’s own interest in the cooperative venture and in maintaining good relations with its cooperation partner must rank second (2010, pp. 43–44).

Switzerland reports that, when assessing an application for export authorization, it considers the following international commitments: the

notifications for, the transit of SALW are submitted to the Customs Licensing Office (CDIU) of the Ministry of Finance. The CDIU is mandated to grant licenses in name of the Minister of Economic Affairs. MEA will then seek the advice of the Ministry of Foreign Affairs (MFA) who will assess the proposed transaction. Taking into account this MFA advice, MEA will then instruct CDIU to either issue or deny the licence (2010, p. 6)), Switzerland (specific export licenses are granted by the State Secretariat for Economic Affairs (SECO) after consultation of the FDFA (2010, p. 8). If the offices involved do not reach an agreement, the license application will be submitted to the Swiss Federal Council for decision (art. 14, para. 4, WMO). In addition, the Federal Council decides on applications that are of substantial importance to foreign or security policy (art. 29, para. 2, WMA; art. 14, para. 3, WMO) (2012, p. 6)).

317 Austria, Germany, Luxembourg, Netherlands.

PoA, the International Tracing Instrument and OSCE guidelines³¹⁸ (2012, p. 6). It also notes that the following criteria are taken into account: maintenance of peace; international security and regional stability; the situation in the country of destination, in particular with regard to respect for human rights and the non-use of child soldiers; the efforts made by Switzerland in the area of development cooperation; the conduct of the state of destination towards the international community, in particular with regard to compliance with international law; and the attitude of the states that are participating with Switzerland in international export control regimes. Furthermore, export licences are not be granted if the country of destination: is involved in an internal or international armed conflict, violates human rights in a systematic and serious manner, is listed among the least developed countries on the Organisation for Economic Co-operation and Development–Development Assistance Committee list of development aid recipients, or there is a high risk in the country of destination that the exported weapons will be used against the civilian population or that the exported weapons will be passed on to an undesirable end recipient (2012, p. 11).

Use of authenticated end-user certificates

Seven states in Western Europe report that they require EUCs as part of the export licensing process,³¹⁹ and five report that they authenticate EUCs.³²⁰ Four report that they require EUCs to include an undertaking not to re-export without prior authorization.³²¹ Germany reports that recipients that fail to seek such authorization prior to a re-export may be excluded

318 Including the OSCE Document on Small Arms and Light Weapons (FSC.DOC/1/00), the OSCE Document on Stockpiles of Conventional Ammunition (FSC.DOC/1/03), the OSCE Principles on Man-Portable Air Defence Systems, including FSC Decision no. 5/08 Updating the OSCE Principles for Export Controls of Man-Portable Air Defence Systems (FSC.DEC/07/3 and FSC.DEC/05/08), the OSCE Principles on the Brokering of Small Arms and Light Weapons (FSC.DEC/8/04), the OSCE Standard Elements of End-User Certificates and Verification Procedures for SALW Exports (FSC.DEC/5/04), and the FSC Decision no. 11/08 Introducing Best Practices to Prevent Destabilizing Transfers of Small Arms and Light Weapons through Air Transport and on an Associated Questionnaire (FSC.DEC/11/08).

319 Austria, Belgium, France, Germany, Luxembourg, Netherlands, Switzerland.

320 Austria, Belgium, Luxembourg, Netherlands, Switzerland.

321 Belgium, Germany, Luxembourg, Switzerland.

from receiving any further deliveries of war weapons or other military equipment related to war weapons (2010, pp. 44–45).

Belgium reports that all applications for licences to export weapons, ammunition and military equipment must be accompanied by an International Import Certificate or end-user certificate, and the certificate and the signature must be legalized by the Belgian embassy in the recipient country (2010, p. 10). The Netherlands reports that it is possible to launch an inquiry regarding an International Import Certificate, end-user statement or specific person/company via the embassy in the importing country (2010, p. 6). Switzerland reports that the signatures on EUCs are verified through diplomatic channels via the Swiss embassy in the country of destination in order to prevent or detect forgery (2012, p. 8). Switzerland also reports that, before granting an authorization, the respective “no re-export” declaration will be assessed in a formal manner. If there is an indication of irregularities, further measures will be taken (including verification) (2012, p. 7).

Switzerland also reports that the State Secretariat for Economic Affairs may request a clause granting Switzerland the right to verify the end-use and end-use location of any supplied item at any time on demand. Additionally, for certain SALW (assault rifles, grenade launchers, sub-machine guns and light machine guns; from 50 items upwards) confirmation is required that the transferred weapons are to be sold only on the domestic market (2010, p. 15). Switzerland also reports that it conducts post-delivery verification checks in some cases, and includes a right to do so in the export licence in important cases (2012, p. 7).

Luxembourg reports that it has delivery verification measures in place, noting that the exporter must prove, within three months, that the goods have arrived at their destination (2012, p. 2).

Notification of original exporting state prior to re-export

Austria reports that whether or not it notifies the original exporting state prior to re-export depends on specific re-export clauses in the original documents (2010, p. 7). Germany reports that, in case of the retransfer of SALW that have previously been imported, the original exporting state is, as a rule, notified before the retransfer of the weapons. This is the certainly the case if the notification is consented to in an official end-user declaration by the Federal Government. Should such consent not explicitly have been given, no notification will take place (2010, p. 27).

The Netherlands reports that it sometimes notifies the original exporting state when re-exporting or retransferring previously imported SALW (2010, p. 13). Switzerland reports that the Directorate General of Customs of the Federal Customs Organization within the Federal Department of Finance publishes anonymous trade statistics. It does not notify the original exporting state of re-exporting or retransferring previously imported SALW (2010, p. 15).

IMPORT

Eastern Europe

Adequate laws, regulations and administrative procedures

Ten states in Eastern Europe report that they have laws, regulations and administrative procedures to exercise effective control over import.³²²

Northern Europe

Adequate laws, regulations and administrative procedures

Ten states in Northern Europe report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.³²³ Five states identify the statutory authority responsible for authorizing imports of small arms.³²⁴

Denmark reports that, in principle, the import of firearms, ammunition, etc., and war materiel is prohibited, but licences for the import of weapons and war materiel may be granted on a case-by-case evaluation. The ban on import does not apply to the armed forces or the police (2010, p. 3).

322 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

323 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

324 Denmark (Minister of Justice (2010, p. 6)), Estonia (the import of military items is determined by the Strategic Goods Commission, import licences for civil weapons are issued by the Estonian Police and Border Guard Board (2010, p. 17)), Finland (Ministry of the Interior (2011, p. 16)), Sweden (permit from the police authorities (2010, p. 17)), United Kingdom (import licensing requirements are administered by the United Kingdom Department for Business, Enterprise and Regulatory Reform Import Licensing Branch (2008, p. 13)).

Sweden reports that the import of firearms requires a permit from the police authorities, but that an exception is made for citizens from Denmark, Finland or Norway who bring firearms for a special event (hunting or target shooting) (2010, p. 17).

The United Kingdom reports that most firearms and ammunition require an individual import licence. However, Open Individual Licences are available to importers for commercial imports of non-prohibited firearms, ammunition and component parts consigned from outside the European Union, and are issued against Certificates of Registration as a Firearms Dealer. A transfer licence, instead of an Open Individual Licence, may be required if the firearms, ammunition or component parts are being transferred from within the European Union (2008, p. 13).

Southern Europe

Adequate laws, regulations and administrative procedures

Twelve states in Southern Europe report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.³²⁵ Andorra reports that the import of SALW is prohibited (2006, p. 2).

Western Europe

Adequate laws, regulations and administrative procedures

Nine states in Western Europe report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms.³²⁶

325 Albania, Andorra, Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

326 Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Monaco, Netherlands, Switzerland.

TRANSIT

Eastern Europe

Adequate laws, regulations and administrative procedures

Nine states report that they have laws, regulations and administrative procedures to exercise effective control over transit.³²⁷

Use of authenticated end-user certificates

Bulgaria, Hungary, Poland, the Republic of Moldova and Romania report that they use or authenticate end-user certificates associated with weapons in transit through their territories.

Northern Europe

Adequate laws, regulations and administrative procedures

Nine states in Northern Europe report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.³²⁸

Denmark reports that the rules of import and export imply that transit requires prior permissions to import and export, and the Ministry of Justice issues the permissions as one joint licence—a transit licence (2010, p. 3). In Estonia, while the transit of military items is determined by the Strategic

327 Bulgaria (Law on the export Control on Arms and Dual-Use Items and Technologies (2010, p. 5)), Czech Republic, Hungary (Government Decree 16/2004 (2010, p. 2)), Poland (Law of 29 November 2000 on Foreign Trade in goods, technologies and services of strategic importance to the security of the State and maintaining international peace and security (2010, p. 2)), Republic of Moldova (Act no. 1163-SIV on the control of export, re-transfer, import and transit of strategic materials (2010, p. 7)), Romania, Russian Federation (Government Decision no. 306 (2010, p. 9)), Slovakia.

328 Denmark, Estonia (Strategic Goods Act and Weapons Act (2010, p. 15)), Finland, Iceland, Ireland (the transit of SALW to and from EU countries must be licensed in accordance with the Firearms Acts, 1925 to 2006 and the EC (Acquisition and Possession of) Weapons and Ammunition Regulations, 1993 (2010, pp. 4–5)), Latvia (Law on the Circulation of Goods of Strategic Significance, 2007 (2010, p. 10)), Lithuania (Resolution of the Government of the Republic of Lithuania no. 938 of 17 January 2002 on Regulations of Transit of Military Goods of a Foreign Country through the territory of Republic of Lithuania (2010, p. 11)), Norway (Export Control Act (2010, p. 9)), Sweden, Ukraine.

Goods Commission, transit licences for civil weapons, their essential parts, components and ammunition are issued by the Police and Border Guard Board (2010, p. 17).

Latvia reports that, if the exporting country's export licence and importing country's import certificate, licence or end-use certificate have been issued for the transit of strategic goods, including arms and weapons, and no Latvian merchant is involved in the transit operation, no Latvian transit licence is required, but that if a Latvian merchant is moving goods in transit outside of Latvian territory, a licence is necessary (2010, p. 10).

Use of authenticated end-user certificates

Latvia reports that it requires EUCs as part of the transit licensing process.

Southern Europe

Adequate laws, regulations and administrative procedures

Nine states in Southern Europe report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.³²⁹

Serbia reports that, for sports shooting and hunting weapons, a relevant licence is granted by the Ministry of Internal Affairs, and the Ministry of Defence and Ministry of Foreign Affairs are consulted (2006, p. 8). With respect to military small arms, the same procedure seems to apply but the consent of the Ministry of Defence and Ministry of Foreign Affairs is required. The Civil Aviation Directorate gives licences for the transit of

329 Bosnia and Herzegovina (Law on Export and Import of Arms and Military Equipment (2010, p. 2)), Croatia (Law on the Production, Overhaul and Trade in Arms and Military Equipment and the Law on Arms (2007, p. 5)), Greece (Law 2168/93 governs "issues of arms and weapons" (2008, p. 2)), Italy (Law no. 185 of 9 July 1990 (2010, p. 2)), Malta (the Importation Control Regulations (Legal Notice 242 of 2004) as amended by Legal Notices 341 of 2004 and 230 of 2005 and the Military Equipment (Export Control) Regulations (Legal Notice 269 of 2001) (2010, p. 3)), Portugal, Serbia (Law on Arms and Munitions (2006, p. 8)), Slovenia (Decree of the Government of the Republic of Slovenia on Permits and Authorisations for Trade in and Manufacture of Military Weapons and Equipment (Ur. l. RS, no. 18/2003 and 31/2005) (2010, pp. 2–3)), the former Yugoslav Republic of Macedonia (Law on Foreign Trade, Law on Weapons, Law on Production and Trade in Arms and Military Equipment (2011, p. 6)).

military equipment by air, with consent of the Ministry of Defence and the Ministry of Foreign Affairs (2006, p. 8).

Use of authenticated end-user certificates

Serbia reports that a similar procedure is applied in the process of granting approval for transit of SALW as in that for export, and that the export procedure includes and requires the authentication of the EUC (2005, p. 3). Slovenia reports that in case of export (or transit) Slovenia requires original EUCs or authenticated copies thereof for states with incomplete control over trafficking in military weapons and equipment (2003, p. 8).

Western Europe

Adequate laws, regulations and administrative procedures

Seven states in Western Europe report that they have laws, regulations and administrative procedures in place to exercise control over the transit of small arms.³³⁰

The Netherlands reports that, in principle, all transit of military goods through its territory requires a licence from the Export Control Authorities, similar to the licence requirement in case of export. It also reports that transit of military goods originating from or destined for Australia, Japan, New Zealand, Switzerland, member states of the European Union, or NATO allies is exempt from the licence requirement, but that there is still a notification requirement, and the Dutch government may decide to install an “ad hoc” licence requirement based on the information acquired through the notification if there is uncertainty about the legitimacy of the export from the country of origin.

The Netherlands also reports that some transactions are exempt from both the licence and notification requirement, namely those relating to defence material owned by and destined for Dutch or NATO troops, Allied Joint Force Command Brunssum or the European Space Agency (2010, p. 5).

330 Austria, Belgium, Germany, Liechtenstein, Luxembourg (“Law of 15 March 1983 on arms and ammunition” and the “Grand-Ducal Regulation of 31 October 1995 concerning the import, export and transit of arms, ammunition and equipment specifically intended for military use and related technology” (our translation) (2005, p. 1)), Netherlands (General Customs Law, the decree on strategic goods and the implementation order on strategic goods (2010, p. 5)), Switzerland.

Use of authenticated end-user certificates

Luxembourg reports that the Office of Licences may require that applications for the transit of arms, ammunition and equipment intended specifically for military use, and related technology, are accompanied by a document in which the authorities of the country of origin of the goods demonstrate that the export to the indicated country of destination is authorized (2010, pp. 3–4).

Many states do not specify whether EUCs are required as part of the transit licensing process, though some states imply this by stating that the process of and requirements for transit authorization are the same as those for export. For example, Switzerland reports that transit is subject to authorization in the same manner as exports and under the same conditions (2010, p. 8).

OTHER

Eastern Europe

Criminalize the illegal trade in SALW

Eight Eastern European states report that they have established illegal trade as a criminal offence.³³¹

Action against illegal trade

Poland and the Russian Federation report that they have identified and taken action against groups and individuals engaged in illegal transfers, with Poland stating that, in 2006, the “Customs Service detected illegal transfer of 9 pieces of firearms, 38 pieces of crucial elements of firearms, 2,905 rounds of ammunitions and in 2007—21 pieces of firearms, 494 pneumatic weapon, 6,517 rounds of ammunition, 46 grenades” (2008, p. 3). The Russian Federation reports that the “Ministry of Internal Affairs is taking steps to detect and suppress illicit trafficking in weapons ammunition and explosives” (2010, p. 11). Operations conducted between April 2008 and October 2009 confiscated 5,365 firearms and over 600,000 pieces of ammunition (2010, pp. 11–12).

331 Belarus, Bulgaria, Czech Republic, Poland, Romania, Slovakia, Russian Federation, Ukraine.

Measures against violations of embargoes

Eight states in Eastern Europe report that they have established legal and administrative measures against activities that violate arms embargoes,³³² and the Czech Republic reports that “existing UN and EU arms embargoes are respected and enforced” (2007, p. 6). Romania reports that Law no. 592/2004 implements United Nations resolutions on arms embargoes via a rapid mechanism that quickly informs exporters and brokers of arms embargoes. Licences for export are denied if they are not consistent with such embargoes (2010, pp. 8–9). The Russian Federation reports that Presidential Decree no. 235 prohibits the supply of SALW to a state subject to a United Nations arms embargo, immediately after the decision (2010, p. 10). Slovakia reports that it does not grant export licences that would contravene United Nations resolutions (2010, p. 2).

Northern Europe

Criminalize the illegal trade in SALW

Seven Northern European states report that they have established illegal trade as a criminal offence.³³³

Action against illegal trade

Iceland reports that only in rare cases have groups or individuals been identified that have been engaged in the manufacture, trade, stockpiling, transfer, possession or financing of illicit SALW. These are prosecuted on the basis of applicable penal legislation (2008, p. 4).

Ireland reports that the National Police are “constantly vigilant” in the fight against the illicit trade and transfer of SALW, and that authorities “constantly work to identify groups and individuals engaged in such activities” with regular operations being undertaken (2005, p. 3). Ireland also reports that in May 2005 the Customs Drugs Law Enforcement Unit coordinated a high profile operation in conjunction with the Crime and Security Branch of the National Police targeting importation into the European Union by post of firearms and ammunition (2008, p. 3).

³³² Bulgaria, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

³³³ Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Sweden.

Measures against violations of embargoes

Ten states in Northern Europe report that they have established legal and administrative measures against activities that violate arms embargoes,³³⁴ with most reporting that they have specific legislation on the matter³³⁵ or that embargoes are incorporated in their legislation,³³⁶ and that criminal penalties apply to violations.³³⁷

Denmark reports that it does not grant export licences that would contravene United Nations, EU or OSCE embargoes and that the Ministry of Foreign Affairs implements United Nations Security Council decisions to impose embargoes by adopting an order (2010, p. 7).

Ireland reports that Customs is the main national enforcement body with respect to enforcing United Nations Security Council arms embargoes, and that legislative measures include criminal penalties for breaches of trade sanctions and arms embargoes that have been imposed by the United Nations, EU or OSCE (2008, p. 1). The United Kingdom reports that it strictly enforces arms embargoes and imposes criminal penalties for violations (2008, p. 18).

334 Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

335 Estonia (International Sanctions Act, 2003 (2010, p. 11)), Iceland (International Sanctions Act and regulations (2008, p. 3)), Latvia (Law on Implementation of Sanctions of International Organizations (2010, p. 14)), Lithuania (Law on the Implementation of the Economic and Other International Sanctions (2010, p. 7)), Sweden (Act (1996:95) on Certain International Sanctions (2010, p. 13)).

336 Finland ((2011, p. 9), Norway (2010, p. 18).

337 Estonia (pecuniary punishment or up to five years imprisonment, or a fine if committed by a legal person (2010, p. 12)), Iceland (up to six years in prison (2008, p. 4)), Ireland (the maximum penalty, on conviction for an indictable offence, is €500,000 or up to 3 years imprisonment (2008, p. 1)), Sweden (persons who commit such an offence through gross negligence may be sentenced to a fine or imprisonment for at most six months, and in minor cases, no penalty shall be imposed (2010, p. 13)), United Kingdom (persons found guilty of deliberately breaching embargoes are liable to a maximum 7 years or 10 years imprisonment, (depending on whether an embargo is being implemented under the UN Act or the Export Control Act) (2008, p. 18)).

Southern Europe

Criminalize the illegal trade in SALW

Eight Southern European states report that they have established illegal trade as a criminal offence.³³⁸

Action against illegal trade

Albania reports that during January to May 2003, three cases of weapons trafficking were detected, in which five smugglers were arrested and one detained. It also reports that it led a regional operation against illicit SALW trafficking called Plowshares organized by the SECI Center on Organized Crime (now the Southeast European Law Enforcement Center) (2003, pp. 2–3). Furthermore, it assisted a United States investigation that led to three sniper weapons being found in Albania (2003, p. 9).

Bosnia and Herzegovina reports that there are few investigations conducted or cases processed by the Indirect Tax Authority (which has implementation obligations under the Law on Import and Export of Weapons and Military Equipment and Export and Import of Dual-use Items) for breaches of SALW export and that there are no drastic cases of violations of legislation, especially since the state-level institutions have taken over the control of the export and the issuing of licences (2010, p. 7).

Although it does not give details of groups identified or action taken against illicit smuggling, the former Yugoslav Republic of Macedonia reports that illegal trafficking is being prevented through several measures prescribed in the national integrated border management strategy such as X-ray scanners, intelligence and proactive investigations, searches, the development of a border intelligence group (Customs and border police) and the establishment of a database system that links all border crossing points and clearance stations (2011, p. 11).

Serbia reports that, in 2003, it discovered and apprehended a criminal group comprising three members engaged in illicit handgun trafficking. The group organizer was sentenced to three-years imprisonment, the facilitator to two years and six months, and the end-user was to be proceeded against separately (2006, p. 3). In 2004, Serbia identified three criminal groups (two comprising three members and one comprising four members) engaged in arms trafficking (2006, p. 4).

338 Albania, Andorra, Bosnia and Herzegovina, Croatia, Malta, Portugal, Serbia, Spain.

Measures against violations of embargoes

Nine states in Southern Europe report that they have established legal and administrative measures against activities that violate arms embargoes,³³⁹ with most reporting they have specific legislation on the matter³⁴⁰ or that embargoes are automatically incorporated in their legislation, and that criminal penalties apply to violations.³⁴¹

Albania reports that it does not export arms to or import arms from states that are subject to a United Nations embargo or are involved in regional conflicts (2003, p. 1). Croatia reports that, under its legislation, if an export licence is requested for a state on the list of states subject to restrictive measures introduced by the United Nations, EU, OSCE or other international organization, the licence may be issued only for humanitarian purposes or for the needs of peacekeeping forces (2010, p. 10). Italy reports that the law prohibits the transfer of common firearms to states subject to United Nations or EU arms embargoes, or to member states of the Economic Community of West African States (2004, p. 5).

Malta reports that the Secretary of the Sanctions Monitoring Board monitors all United Nations Security Council embargoes, and that once an embargo is adopted, a legal notice is drafted in order to implement it into Malta's national law within the given time frame imposed by the United Nations (2010, p. 6). Portugal reports that it follows a policy of strict enforcement of United Nations and EU embargoes and, consequently, export operations in violation of such embargoes constitute illicit acts and are subject to penal sanctions (2004, p. 3).

339 Albania, Croatia, Greece, Italy, Malta, Portugal, Slovenia, Spain, the former Yugoslav Republic of Macedonia.

340 Croatia (Law on International Restrictive Measures (Official Gazette, no. 178/04) (2010, pp. 11–12)), Greece (Law no.92/1967 (2004, p. 2)), Slovenia (Act Relating to Restrictive Measures Introduced or Implemented in Compliance with Legal Instruments and Decisions Adopted within International Organisations (OJ no. 127/2006) (2010, p. 7)), Spain (Royal Decree no. 1782/2004 of 30 July on the regulations for control of foreign trade in defence and dual-use articles, products and technologies (2010, pp. 29, 31)), the former Yugoslav Republic of Macedonia (Law on International Restrictive Measures of the Republic of Macedonia, 2007 (2011, p. 15)).

341 Croatia (prison sentence of one to five years (2010, pp. 11–12)), Greece (imprisonment for up to five years and military items are confiscated (2004, p. 2)), Slovenia (may be a minor offence sanctioned by a fine or a criminal offence (2003, p. 6)).

Western Europe

Criminalize the illegal trade in SALW

Eight Western European states report that they have established illegal trade as a criminal offence.³⁴²

Action against illegal trade

France reports that the identification of arms trafficking rings and activities to repress them represent an integral part of the missions of the police services, gendarmerie and Customs and that the Central Bureau for Combatting Organised Crime is the interministerial agency in charge of centralizing all information related to arms trafficking. It reports that a certain number of supply rings have been identified involving trafficking from countries in the Balkans, exploitation of European regulatory disparities, trafficking initiated by “deviant” arms enthusiasts, and arms originating from burglaries (our translation) (2010, pp. 6–7).

Germany provides details of firearms seized and confiscated and notes the following numbers of firearms were seized in connection with illicit trafficking: 6.9% of the cases involving seizure of SALW in 2001 and 2002 were connected to illicit trafficking (2004, p. 51), 1.6% of the cases involving seizure of SALW in 2004 were connected to illicit trafficking (2005, p. 51), 1 of 730 SALW seized in 2007 were connected to illicit trafficking (2008, p. 52), 10 of 454 SALW seized in 2008 were connected to illicit trafficking (2009, p. 48), 3 of 170 SALW seized in 2009 were connected to illicit trafficking.³⁴³

Measures against violations of embargoes

Seven states in Western Europe report that they have established legal and administrative measures against activities that violate arms embargoes,³⁴⁴ with most confirming they have specific legislation on the matter³⁴⁵ or that

342 Austria, Belgium, France, Germany, Luxembourg, Monaco, Netherlands, Switzerland.

343 The text of the 2009 report actually reads “Ten of the ... 730 SALW firearms were seized in connection with illicit manufacture” (p. 48). However, this is likely a copying error from the previous report, as only 454 SALW were seized in 2008 (pp. 47–48).

344 Austria, Belgium, France, Germany, Liechtenstein, Netherlands, Switzerland.

345 Germany (German Foreign Trade Ordinance (Aussenwirtschaftsverordnung) (2010, p. 16)), Liechtenstein (Law on Sanctions on Trade with Foreign States of 8 May 1991 (published in LGBl. 1991 no. 41) (2008, p. 1)),

embargoes are automatically incorporated in their legislation, and that criminal penalties apply to violations.³⁴⁶

Austria reports that United Nations Security Council embargoes are taken into account as part of the assessment of licensing criteria (2010, p. 2). Belgium reports that export and transit licence applications will be rejected if the granting of the licence is incompatible with international obligations and commitments to implement arms embargoes decreed by the United Nations, EU or the OSCE. Furthermore, Belgian courts have jurisdiction over such offences that are committed outside the territory, if the accused is found in Belgium, even if the authorities had received no complaint or formal notice of the foreign authority and if the act is not punishable in the country where it was committed (2010, pp. 5–6)

France reports that the General Directorate of Customs and Excises ensures the implementation of embargoes on exports. If violations occur, penalties depend on the mechanism for control of the goods involved, because specific legislation providing for penal sanctions does not yet exist in France. However, *de facto* implementation of embargoes is ensured by the Code of Defence (2010, p. 7).

Germany reports that the sale, supply, transfer, export of and brokering services related to military equipment, including SALW, to a destination under an arms embargo imposed by the United Nations Security Council are prohibited, and the competent authorities will dismiss licence applications if there is ground to believe that the proposed activity would violate such an arms embargo (2010, p. 40).

The Netherlands reports that the Sanctions Act 1977 gives the government the jurisdiction to regulate the (re-)export of SALW as specified in internationally established arms embargoes, when the weapons are exported from the Netherlands to the embargo states (2010, p. 4). This

Netherlands (Sanctions Act 1977 (2010, p. 4)), Switzerland (Federal Act on the Implementation of International Sanctions of 22 March 2002 (Embargo Act) (2010, p. 10)).

346 Belgium (imprisonment from one month to five years and/or a fine of 10,000 euros to one million euros (2010, pp. 5–6)), Germany (exporting SALW to embargoed destinations is considered a serious crime sanctions range from six months to five years of imprisonment (2010, p. 16); in minor (less serious) cases, the custodial sanction may range between three months and five years (2010, p. 40)), Switzerland (maximum penalty of 10 years imprisonment (2010, p. 11)).

includes jurisdiction over brokering activities carried out by Dutch nationals outside the Netherlands (2010, p. 9).

Switzerland reports that, in general, ordinances implementing embargoes prohibit the sale, supply and transfer of all arms and related material to the targets as well as all services related to such sale, supply and transfer and to the manufacture, maintenance or use of such arms, as well as all services related to military activities. The Sanctions Unit within the State Secretariat for Economic Affairs informs its export licensing units as well as the Federal Customs Administration on arms embargoes in effect, and the Federal Customs Administration instructs the custom border posts to intercept embargoed items (2010, p. 11).

OCEANIA

EXPORT

Australia and New Zealand

Adequate laws, regulations and administrative procedures

Australia and New Zealand report that they have laws, regulations and administrative procedures in place to exercise control over the export of small arms. New Zealand reports that it only has small-scale manufacturing within its borders, however the export of SALW listed on the New Zealand Strategic Goods List is prohibited unless the Secretary of Foreign Affairs and Trade consents (2010, p. 3).

Assessment of export applications

Australia reports that export applications will be assessed on the basis of whether the export would contravene international obligations, human rights, regional security, national security or foreign policy (2010, pp. 3–4). New Zealand reports that the Ministry of Foreign Affairs and Trade assesses export applications, in consultation with other government agencies to see whether the export “would contravene UN Security Council embargoes, undercut a denial from an export control partner, or contribute to conflicts” (2010, p. 9).

Use of authenticated end-user certificates

Australia and New Zealand both require end-user certificates to be provided prior to authorizing the export of small arms to another country.

Notification of original exporting state prior to re-export

Australia reports that it is an obligation to notify the original exporting state when there is an intention to re-transfer military weapons (2010, p. 4).

Melanesia*Adequate laws, regulations and administrative procedures*

Fiji and Solomon Islands report that they have laws, regulations and administrative procedures to exercise effective control over export. Both states report that a licence is required for the export of SALW. Fiji reports that an individual can apply for an export licence.

Papua New Guinea reports that no laws, regulations or administrative procedures exist to effectively control export. However it also notes that there are no SALW exporters in Papua New Guinea (2005, p. 9)

Assessment of export applications

No state in Melanesia reports on this provision, although Papua New Guinea reports that there have been no cases violating United Nations Security Council arms embargoes (2005, p. 11).

Use of authenticated end-user certificates

Fiji reports that it requires an authenticated end-user certificate to be provided prior to authorizing the export of small arms to another country (2008, p. 5).

Notification of original exporting state prior to re-export

No Melanesian state reports on this provision, however Fiji reports that this is not applicable as it has not re-exported or retransferred previously imported small arms (2008, p. 5).

Micronesia*Adequate laws, regulations and administrative procedures*

The Marshall Islands reports that it has laws, regulations and administrative procedures to exercise effective control over export, including a requirement for an export licence (2005, p. 5).

Assessment of export applications

No state in Micronesia reports on this provision, although the Marshall Islands reports that it complies with United Nations Security Council arms embargoes (2005, p. 10).

Use of authenticated end-user certificates

No state in Micronesia reports on this provision.

Notification of original exporting state prior to re-export

No state in Micronesia reports on this provision.

IMPORT**Australia and New Zealand***Adequate laws, regulations and administrative procedures*

Australia and New Zealand report that they have laws, regulations and administrative procedures in place to exercise control over the import of small arms. Such measures include the presentation of a valid import permit issued by the New Zealand Police Force (2010, p. 4). In Australia importers must obtain permission from either the state and territory police or the Federal Attorney-General. Australia also has specific limits as to the number of imported handguns and highly restricted firearms that importers can hold (2010, p. 5).

Melanesia*Adequate laws, regulations and administrative procedures*

Fiji reports that it has laws, regulations and administrative procedures to exercise the effective control over import, requiring an import licence to be granted by the Commissioner of Police (2008, p. 2). Papua New Guinea reports that the import of SALW is prohibited (2005, p. 14). Solomon Islands prohibits the import of SALW without the relevant licence (2004, p. 12).

Micronesia*Adequate laws, regulations and administrative procedures*

No state in Micronesia reports on this provision.

TRANSIT

Australia and New Zealand

Adequate laws, regulations and administrative procedures

Australia and New Zealand report that they have laws, regulations and administrative procedures to exercise effective control over transit. New Zealand states that, once within New Zealand's borders, transited SALW are covered under domestic export laws (2008, p. 8).

Use of authenticated end-user certificates

Neither New Zealand nor Australia reports on this provision.

Melanesia

Adequate laws, regulations and administrative procedures

Three states in Melanesia report that they have laws, regulations and administrative procedures to exercise control over transit, including the issuance of transit permits.³⁴⁷ Papua New Guinea also reports that, since SALW are prohibited imports, it would be illegal for anyone to receive and transit SALW through its territory (2005, p. 14).

Use of authenticated end-user certificates

No state in Melanesia reports on this provision.

Micronesia

Adequate laws, regulations and administrative procedures

The Marshall Islands reports that it has laws, regulations and administrative procedures to exercise effective control over transit, including a requirement for a transit licence (2005, p. 5).

Use of authenticated end-user certificates

No state in Micronesia reports on this provision.

347 Fiji, Papua New Guinea, Solomon Islands.

OTHER

Australia and New Zealand

Criminalize the illegal trade in SALW

Australia and New Zealand report that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers.³⁴⁸

Action against illegal trade

Neither New Zealand nor Australia reports on this provision.

Measures against violations of embargoes

Australia reports it has strict policy on prohibiting exports to states upon which the United Nations Security Council has imposed an arms embargo or any restrictions (2008, p. 3). As noted above, New Zealand reports that the Ministry of Foreign Affairs and Trade considers whether an export would contravene an embargo when assessing export applications (2010, p. 9).

Melanesia

Criminalize the illegal trade in SALW

Fiji and Solomon Islands report that it is a criminal offence to trade small arms without a licence or authorization in the context of international transfers.

Action against illegal trade

No state in Melanesia reports on this provision.

Measures against violations of embargoes

Fiji reports that it has taken measures against activities that violate United Nations Security Council arms embargoes, noting that measures are contained in the Arms and Ammunition Act 2003 (2008, p. 3).

Micronesia

Criminalize the illegal trade in SALW

No state in Micronesia reports on this provision.

348 Australia (2010, p. 2), New Zealand (2007, p. 1).

Action against illegal trade

No state in Micronesia reports on this provision.

Measures against violations of embargoes

No state in Micronesia reports on this provision.

GLOBAL FINDINGS**Table 11. International transfers**

(% of reporting states in each region that have implemented the relevant PoA/International Tracing Instrument commitment)

	Africa	Americas	Asia	Europe	Oceania
Export controls	67%	86%	85%	100%	83%
EUCs	10%	39%	35%	93%	50%
Import controls	84%	96%	91%	73%	83%
Transit controls	41%	68%	56%	83%	100%
Illegal trade as a criminal offence	22%	61%	50%	76%	67%

EXPORT, IMPORT AND TRANSIT CONTROLS

A high proportion of reporting states in each region indicate that they have established controls over the export of SALW. Such measures include a requirement that a licence, permit or other form of authorization be obtained from the competent authority. As illustrated by table 11, reporting on implementation of this commitment is particularly high in the regions that manufacture and export SALW (e.g. Europe). In contrast, reporting on the existence of import controls is higher in regions where there are few manufacturers and states rely on imported SALW (e.g. Africa). Reporting on the existence of transit controls is generally weaker across all regions, and this is an area where detailed information on measures taken by states is less frequently provided.

States almost universally report that a decision to grant an export licence involves inter-agency cooperation among a range of ministries, such as defence, foreign affairs and economy, illustrating the divergent interests and considerations that must be taken into account. With respect to

import licensing, however, this is often conducted by a single agency, such as the Ministry of the Interior or the police.

Most reporting states also indicate that they have established illicit trafficking or smuggling as a criminal offence. Very few, however, provide details of concrete steps taken to identify and take action against groups and individuals engaged in the illegal trade and transfer of SALW. As noted above with respect to manufacturing controls, the absence of reporting on this issue makes it difficult to get a clear picture of actual implementation efforts.

END-USER CERTIFICATES

Many states (93% of those in Europe) report that they use EUCs as part of their export control system (although few confirm whether they also use EUCs as part of their transit controls as required under the PoA). However, not many states report that they authenticate EUCs, as directed under paragraph II.12 of the PoA.

ASSESSMENT OF EXPORT APPLICATIONS

The PoA does not elaborate on the criteria that states should apply when assessing export authorizations, other than noting that they should be consistent with existing responsibilities under relevant international law (paragraph II.11). Many states report that they consider existing arms embargoes when assessing a licence application. However, the majority of states that report that they assess exports according to certain criteria are generally those that are members of export control regimes such as the Wassenaar Arrangement, as well as EU member states, which are bound by the EU Common Position. Other regional arrangements, such as the OSCE Document on Small Arms, the Southern African Development Community Protocol and the Bamako Declaration, were also cited by states as principles that are taken into consideration, illustrating the importance regional arrangements and instruments have in enhancing and reinforcing the PoA.

NOTIFICATION OF ORIGINAL EXPORTING STATE PRIOR TO RE-EXPORT

Many states report that whether or not they notify the original exporting state prior to re-exporting previously imported SALW is conditional upon whether they made such an undertaking not to re-export without

notification or authorization in the EUC or other contractual document that formed part of the original purchase. This highlights the important role that EUCs play in the transfer control system.

BROKERING

The core of the PoA provisions on arms brokering controls is contained in paragraph II.14, whereby states undertake “To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering”. Paragraph II.14 envisages the following measures to be included in national control systems:

- registration of brokers;
- licensing or authorization of brokering transactions; and
- establishment of penalties for illicit brokering activities.

Under paragraph II.6, states have also undertaken to identify groups and individuals engaged in the illegal financing for acquisition of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals.

The following section provides an overview of the information provided by states on their fulfilment of these commitments, by region. Details of the applicable penalties for illegal brokering provided in national reports are included in Annex H.

AFRICA

EASTERN AFRICA

Legislation or administrative procedures on brokering

Five states in Eastern Africa report that they have laws, regulations and administrative procedures on brokering.³⁴⁹ Three of these states report that they prohibit brokering.³⁵⁰ Rwanda reports that illicit brokering is under control of the Ministry of Internal Affairs and other authorities involved in security (2005, p. 4). Zimbabwe reports that brokering is covered by the Firearms Act, which outlines the prerequisites of becoming an arms broker (2008, p. 12).

Kenya reports that, although it does not have legislation on arms brokering, it has developed the Draft Policy on SALW that includes provisions for

³⁴⁹ Eritrea, Ethiopia, Mauritius, Rwanda, Zimbabwe.

³⁵⁰ Eritrea, Ethiopia, Mauritius.

regulatory controls on all brokering activities. These provisions include authorization and licensing of brokers, maintaining a database of all brokers, regulations of transactions of brokering and legislative penalties for illicit brokering (2010, p. 11). The United Republic of Tanzania reports that Firearm Officers have been trained on various issues relating to illicit small arms, including brokering (2010, p. 3), but does not state whether brokering controls are in place.

Burundi reports that it does not currently have legislative measures on brokering but that it plans to implement such measures in accordance with the Nairobi Protocol (2005, p. 5). Zambia reports that it does not have legislation or administrative procedures covering brokering (2010, p. 8).

Registration

Kenya reports that the brokering regulations under consideration include a requirement that all arms brokers be registered with the Central Firearms Bureau and all transactions will be licensed (2010, p. 11).

Licensing

Kenya reports that the brokering regulations under consideration include a requirement that all brokering transactions be licensed (2010, p. 11).

Penalties for illicit brokering activities

Kenya reports that the brokering laws under development include penalties for illicit brokering (2010, p. 11).

Action against illegal financing for acquisition

No Eastern African state reports on this provision.

MIDDLE AFRICA

Legislation or administrative procedures on brokering

The Democratic Republic of the Congo reports that “Law No. 85-035 of 3 September 1985 does not provide a brokering system in the Democratic Republic of the Congo because any import, export, transfer, transit and brokering depends on the prior authorization” of various ministries. Accordingly, “To carry out activities of brokering in SALW in the Democratic Republic of the Congo: authorization of the responsible

authorities is required" (our translation) (2010, p. 21), suggesting this is covered under existing procedures.

Registration

No Eastern African state reports on this provision.

Licensing

No Eastern African state reports on this provision, other than the indication from the Democratic Republic of the Congo that brokering activities require authorization (2010, p. 21).

Penalties for illicit brokering activities

No Eastern African state reports on this provision.

Action against illegal financing for acquisition

No Eastern African state reports on this provision.

NORTHERN AFRICA

The Sudan reports that "Up to now there have not been any activities involving brokerage of weapons in the Sudan; however, laws and regulations are in place to handle that if the need arises" (2003, p. 4). Algeria reports that it is discussing amending its laws and regulations in order to regulate brokering with permits and to designate illicit brokering activities as offences (2008, p. 16).

Registration

No Northern African state reports on this provision.

Licensing

No Northern African state reports on this provision.

Penalties for illicit brokering activities

No Northern African state reports on this provision.

Action against illegal financing for acquisition

No Northern African state reports on this provision.

SOUTHERN AFRICA

Legislation or administrative procedures on brokering

South Africa reports that brokering is covered by the National Conventional Arms Transfer Act (2008, p. 2). Botswana reports that, although it does not have specific laws on brokering, the basic requirements for brokering are in place, for example brokering transfers must be controlled by a permit and brokering activities must satisfy certain standards (2010, pp. 7, 12). Namibia reports that “Brokering is not allowed by law in Namibia; however provision will be made for the control over the brokering of firearms, possibly through an amendment to the Act” (2006, p. 6).

Registration

No Southern African state reports on this provision.

Licensing

No Southern African state reports on this provision.

Penalties for illicit brokering activities

No Southern African state reports on this provision.

Action against illegal financing for acquisition

No Southern African state reports on this provision.

WESTERN AFRICA

Legislation or administrative procedures on brokering

Sierra Leone reports that it has brokering controls in place, stating that “necessary provisions have been included in the reviewed legislation to sufficiently deal with brokering” (2010, p. 10).

Five Western African states report that brokering legislation is under development,³⁵¹ with Burkina Faso stating that it plans to develop brokering legislation as part of its plans to harmonize its domestic laws with the Economic Community of West African States Convention (2010, p. 3). Similarly, Côte d’Ivoire notes that while brokering legislation is pending enactment, the Convention bridges this gap.

351 Burkina Faso, Côte d’Ivoire, Ghana, Guinea, Mali.

Five states in Western Africa report that there are no brokers in their territory.³⁵²

Registration

No Western African state reports on this provision.

Licensing

No Western African state reports on this provision.

Penalties for illicit brokering activities

No Western African state reports on this provision.

Action against illegal financing for acquisition

No Western African state reports on this provision.

AMERICAS

CARIBBEAN

Legislation or administrative procedures on brokering

While several Caribbean states report on the control and licensing of dealers, only Antigua and Barbuda reports that it has legislation governing small arms brokering (2010, pp. 15–16). Cuba reports that there are no small arms brokers operating in Cuba, and that all transactions involving small arms are controlled by the state through the Ministry of the Interior (2003, p. 3).

Registration

Antigua and Barbuda reports that brokers must be registered (2010, pp. 15–16).

Licensing

Antigua and Barbuda reports that each brokering transaction must be licensed (2010, pp. 15–16).

352 Benin, Niger, Senegal, Sierra Leone, Togo.

Penalties for illicit brokering activities

Antigua and Barbuda reports that it has criminalized illicit brokering activities (brokering without a licence) (2010, pp. 15–16). It does not, however, provide details of the penalties imposed for illicit brokering activities.

Action against illegal financing for acquisition

No Caribbean state reports on this provision, apart from Antigua and Barbuda, which reports that no action was taken against illicit brokering activities (2010, p. 17).

CENTRAL AMERICA**Legislation or administrative procedures on brokering**

Honduras and Nicaragua report that they have brokering controls in place, and that there are provisions in their national legislation governing brokers.

Three states report that they do not have brokering controls in place,³⁵³ although, as noted below, Peru reports that it established illegal brokering as a criminal offence in 2005 (2010, p. 6). Mexico reports that, in order to prevent illicit firearms brokering, the Ministry of Defence has been designated as the only body authorized to trade in weapons, through the Department of the Military Industry (2008, p. 4).

Registration

Nicaragua reports that it requires brokers to be registered under the Special Act for the Control and Regulation of Firearms, Ammunition, Explosives and Other Related Materials (Act no. 510) (2008, p. 9).

Licensing

Nicaragua reports that it requires brokers to be licensed, noting that brokering licences are issued by the Bureau of Weapons, Explosives and Ammunition and Related Materials and must be ratified by the Ministry of Interior. Licences must be carried at all times; they are non-transferable, non-renewable, are valid only for a single transaction, and expire after 90 days if they are not used by the holder (2006, pp. 8–9).

353 Guatemala, Panama, Peru.

Penalties for illicit brokering activities

Three states report that they have established illicit brokering as a criminal offence.³⁵⁴

Action against illegal financing for acquisition

No state in Central America reports on this provision, although several states make general comments that information on such persons exists. For example, El Salvador reports that there are units within the National Civil Police such as the Elite Division Against Organized Crime and the Investigation Divisions, which have files identifying groups and individuals engaged in financing for acquisition of illicit small arms and light weapons (2003, p. 2). Panama reports that such groups have been identified through its various law enforcements and national customs authority and the Penal Code was applied in this instance (2010, p. 4).

NORTHERN AMERICA

Legislation or administrative procedures on brokering

Canada and the United States report that they have brokering controls in place. Canada reports that, although it has no specific national legislation directed at arms brokering, or a licensing process specifically for arms brokering activities, numerous statutes and regulations³⁵⁵ address the use and control of arms and other items controlled for export, including firearms, and may be relevant to the issue of brokering (2010, p. 12).

Registration

The United States reports that brokers must be registered with the Directorate of Defense Trade Controls and that registered brokers must submit an annual report on their brokering activities irrespective of whether a transaction was completed or not and the authorization under which the brokering activities occurred (2010, p. 8).

354 Honduras, Nicaragua, Peru.

355 These include the Firearms Act, the Criminal Code, the Defence Production Act and the Export and Import Permits Act and their regulations (2010, p. 12).

Licensing

The United States reports that registered brokers must obtain licences for their brokering activities and must abide by other requirements set forth in the import and export provisions (2008, p. 4).

Penalties for illicit brokering activities

The United States reports that it maintains a list of individuals and entities debarred from participating in arms export or engagement in brokering activities who have been “found guilty” of an Arms Export Control violation. The United States also reports that it has established extraterritorial jurisdiction over brokers, noting that all US citizens and permanent residents overseas or in the United States, and foreign nationals subject to US jurisdiction, are subject to the US brokering law. Accordingly, US citizens who engage in the brokering of any defence articles and defence services (whether US or foreign origin), wherever located, and foreign persons who engage in the brokering of US defence articles and defence services, are under US jurisdiction (2010, p. 8).

Action against illegal financing for acquisition

The United States reports that the Department of Defense Directorate of Defense Trade Controls regularly briefs industry on cases involving violations, illicit brokering and Department of Justice prosecution trends and cases concerning the Arms Export Control Act (2010, p. 21), but does not give details of cases.

SOUTH AMERICA

Legislation or administrative procedures on brokering

Three states in South America report that they have brokering controls in place.³⁵⁶ Guyana reports that it has no brokering controls in place (2004, p. 1). Peru reports that, under Peruvian law, no one is permitted to engage in SALW brokering (2003, p. 11), but in a later report it states that the legal brokering of firearms and ammunition is not covered under Peruvian law (2006, pp. 17–18).

Argentina reports that, although brokers could be included in the category of commercial users through a ministerial decision taken by the National

356 Colombia, Peru, Venezuela (Bolivarian Republic of).

Arms Registry, it has decided to enact specific legislation, currently under consideration, in part to ensure compliance with agreements that may be adopted at the international level on this issue (2010, p. 12). Chile reports that the General National Mobilization Directorate keeps an up-to-date registry of export and import agents and traders of arms (2006, p. 10), but does not specify whether this includes brokers.

Registration

Colombia reports that the Military Industry keeps a directory of suppliers, including “manufacturers and representatives (brokers)” (our translation), and that this is in application of the Model Regulations on brokers and brokering activities approved by the Inter-American Drug Abuse Control Commission (2006, p. 16). This suggests that some form of registration system exists in Colombia.

Licensing

The Bolivarian Republic of Venezuela reports that it requires brokering activities to be licensed (2004, p. 4).

Penalties for illicit brokering activities

Two South American states report that they have criminalized illicit brokering, and have introduced penalties for illicit brokering activities.³⁵⁷ Neither, however, provides details of those penalties.

Action against illegal financing for acquisition

Paraguay reports that the intelligence work performed by the Directorate of War Material enables Paraguay to identify groups and individuals who are engaged in financing of the illicit acquisition of firearms and related materials (2007, p. 7), but no specific details are provided.

ASIA

CENTRAL ASIA

Legislation or administrative procedures on brokering

Kyrgyzstan reports that, although no brokering takes place on its territory, it has established regulations through several normative acts and as part of its

357 Peru, Venezuela (Bolivarian Republic of).

export control laws of 2003 (2006, p. 6). Kazakhstan reports that brokers are controlled by export laws and by licensing (2010, p. 34).

Registration

No Central Asian state reports on this provision.

Licensing

Kazakhstan reports that it has provisions regarding the licensing of brokers (2010, p. 34).

Penalties for illicit brokering activities

No Central Asian state reports on this provision.

Action against illegal financing for acquisition

No Central Asian state reports on this provision.

EASTERN ASIA**Legislation or administrative procedures on brokering**

Three states in Eastern Asia report that they have controls in place to regulate brokering.³⁵⁸ China and Japan report that they prohibit brokering.

Registration

The Republic of Korea reports that brokers must be registered in order to conduct trade (2010, p. 16).

Licensing

Japan and the Republic of Korea report that brokers must be licensed (Japan: 2010, p. 18; Republic of Korea: 2010, p. 4).

Penalties for illicit brokering activities

Japan reports that it has established illegal brokering as a criminal offence.

358 China, Japan, Republic of Korea.

Action against illegal financing for acquisition

Japan indicates that “necessary investigations” have taken place with respect to persons engaged in illicit financing for acquisition (2007, p. 7), but does not provide details.

SOUTHERN ASIA

Legislation or administrative procedures on brokering

Three states in Southern Asia report that they have brokering controls in place.³⁵⁹ Additionally, Sri Lanka, although it does not report on brokering controls, does report to have identified groups and individuals involved in financing for acquisition of illicit SALW (2008, p. 5). In Pakistan the control of brokering is realized through the Arms Ordinance 1965 with government control (2010, p. 1).

Registration

No Southern Asian state reports on this provision.

Licensing

No Southern Asian state reports on this provision.

Penalties for illicit brokering activities

No Southern Asian state reports on this provision.

Action against illegal financing for acquisition

Sri Lanka reports to have identified groups and individuals involved in financing for acquisition of illicit SALW (2008, p. 5).

SOUTH-EASTERN ASIA

Legislation or administrative procedures on brokering

Malaysia reports that it has controls on brokering, even though the law does not define “brokering”. The relevant law to deal with brokering is the Arms Act (2010, p. 8). Indonesia reports that it prohibits brokering and Thailand reports that authorities have discussed brokering legislation.

³⁵⁹ Bangladesh, India, Pakistan.

Registration

No South-Eastern Asian state reports on this provision.

Licensing

No South-Eastern Asian state reports on this provision.

Penalties for illicit brokering activities

No South-Eastern Asian state reports on this provision.

Action against illegal financing for acquisition

No South-Eastern Asian state reports on this provision.

WESTERN ASIA**Legislation or administrative procedures on brokering**

Five states report that they have brokering controls in place.³⁶⁰ Cyprus and the United Arab Emirates report that their brokering laws are under development. Brokering in Armenia is controlled by several governmental decisions as well as the 1998 Law on Arms (2010, p. 7). Georgia reports that brokering laws are controlled through national legislation, which stipulates that “authority for weapons and ammunition trade is assigned to the persons, designated for specific entrepreneur activities, on the basis of license issued by the Ministry of Justice of Georgia” (2005, p. 6). These licences are only honoured if trade adheres to certain standards, such as of security and the presentation of data, etc. (2005, p. 6). Iraq reports that licences for brokering are granted by the competent authority only after a formal request has been processed (2010, p. 4). The Syrian Arab Republic reports that some of the provisions of Law no. 403 of 19457 were amended in 1977 by Decision no. 86/N, getting rid of brokering permits, which means that brokering is confined to the public sector (2010, p. 1). Turkey reports that, although arms brokering is not specified as a separate activity, “brokering” and “broker” are defined in Laws no. 818 and no. 6762. There is no specific law regulating brokering. However, Law no. 5201 on Control of Industrial Enterprises Producing Vehicles and Equipment of War and Arms, Ammunition and Explosive Materials regulates related activity in these areas (2008, pp. 6–7).

360 Armenia, Georgia, Iraq, Israel, Syrian Arab Republic.

Registration

No Western Asian state reports on this provision.

Licensing

Four states report that they require brokering transactions involving small arms to be licensed or otherwise authorized by the state.³⁶¹

Penalties for illicit brokering activities

Israel, Jordan and Lebanon report that they have criminalized illegal brokering activities, with Israel stating that it criminalizes brokering activity that does not comply with United Nations embargo restrictions, and that perpetrators will face severe penalties (2008, p. 7). Jordan reports that any person involved in the intermediary purchase or sale of firearms without a licence may receive the death penalty (2010, p. 4).

Action against illegal financing for acquisition

No Western Asian state reports on this provision.

EUROPE

EASTERN EUROPE

Legislation or administrative procedures on brokering

Nine states in Eastern Europe report that they have laws or administrative procedures to control brokering,³⁶² while the Republic of Moldova reports that it has no specific controls on brokering.³⁶³

³⁶¹ Georgia, Iraq, Israel, Syrian Arab Republic.

³⁶² Belarus, Bulgaria (through the Law on the export control on arms and dual-use items and technologies (2010, p. 20)), Czech Republic (brokers are bound by the same regulations as traders (2007, p. 6), thus are controlled by Act no. 119/2002 (2008, p. 2)), Hungary (Government Decree 16/2004 (2008, p. 2)), Poland (2010, p. 2), Romania (Government Ordinance no. 158/1999, with controls on brokering covered in Chapter I and Chapter V (2010, p. 13)), Russian Federation (legal and natural persons are prohibited from becoming involved in brokering, except when done through a state intermediary, in accordance with Presidential Decree no. 1062 (2010, pp. 15–16)), Slovakia (Acts no. 292/2009 Coll. and no. 403/2009 Coll. (2010, p. 2)), Ukraine.

³⁶³ (2007, p. 6). Although, in its 2010 report, the Republic of Moldova provides detailed information on the licensing and registration requirements for customs

Registration

Three states report that they require brokers to be registered.³⁶⁴

Licensing

Three states report that brokers must obtain a licence or authorization for each brokering transaction.³⁶⁵

Penalties for illicit brokering activities

Poland, Romania and Slovakia report that illegal brokering of firearms is criminalized and provide details of the penalties imposed for illicit brokering.

NORTHERN EUROPE

Legislation or administrative procedures on brokering

Nine Northern European states report that they have brokering controls in place,³⁶⁶ with six specifying that specific legislation on the issue has been introduced.³⁶⁷

brokers (2010, pp. 17–20).

364 Bulgaria, Poland, Slovakia.

365 Bulgaria, Poland, Slovakia.

366 Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

367 Denmark (through Act no. 555 of 24 June 2005, an amendment to the Weapons and Explosives Act, Denmark introduced a new set of rules concerning arms brokering (2010, p. 3)), Estonia (reports that the Strategic Goods Act includes specific provisions on brokering, and gives details of the brokering provisions in its 2010 report (2010, p. 21)), Finland (brokering controls entered into force on 1 December 2002, when provisions on controlling brokering were inserted to the Act on the Export and Transit of Defence Materiel (242/1990, amendments 900/2002) (2011, p. 17)), Ireland (reports that the Control of Exports Act 2008 provides for controls on brokering activities in accordance with the EU Common Position (2010, p. 5)), Latvia (Law on the Circulation of Goods of Strategic Significance (2010, p. 11)), Lithuania (the licensing of brokering activities in Lithuania was regulated for the first time in 2002 (2010, p. 12)).

Registration

Three states report that brokers must be registered.³⁶⁸

Estonia reports that a broker may only engage in brokering once they are entered in the state register of brokers of military goods, unless the person is already entered in a register intended for monitoring brokers in a state participating in all export control regimes (though such person still requires an individual licence from the relevant Estonian authority for each brokering transaction) (2010, p. 20). Estonia also reports that applicants will be refused registration on the state register if the applicant knowingly submits false documents; within the previous five years the applicant has violated legislation relating to the import, export and transit of strategic goods, or an international sanction; criminal proceedings have commenced concerning the applicant; or some other reason exists (2010, pp. 20–21).

Lithuania reports that brokers must register with the Police Department, who will issue them with a brokering certificate. Registered brokers must report once a year to the Police Department on the parties of the transactions, their addresses as well as on weapon types and quantities brokered and must keep records of their transactions for 10 years. Data on arms brokers is kept by the Police Department in a digital database. Lithuania also reports that, as of March 2008, there were 23 registered brokers (2010, p. 12).

Licensing

Denmark reports that brokers are required to obtain a licence for their activities from the Minister of Justice (2010, p. 6). Estonia reports that brokers must obtain an individual licence for each brokering transaction (2010, p. 20). Finland reports that licensing requirements apply to brokering activities taking place on Finnish territory and that brokering licences are processed on the same basis as export licences (including an assessment of foreign and security policy aspects). The Ministry of Defence is the licensing authority and it keeps a database of brokering licences granted (2010, p. 18).

Latvia reports that brokers must obtain a licence or special permit for their activities from the Ministry of Defence, and that brokers must conform to the following requirements:

³⁶⁸ Estonia, Latvia, Lithuania.

- they are citizens of the Republic of Latvia or citizens of an EU member state, or citizens of a European Economic Area state, who have reached the age of at least 21;
- they have not been sentenced for committing a criminal offence—at least one year after a conviction being extinguished or removed;
- a psychiatrist’s opinion that they have not been diagnosed with mental disorders is available;
- a narcologist’s opinion that they have not been diagnosed with addiction to alcohol, narcotics, or psychotropic or toxic substances is available;
- within the period of the last year they have not been administratively sanctioned for violations committed under the influence of alcohol, narcotics, or psychotropic or toxic substances;
- the state police, the public prosecutor or state security institutions have no information that would attest to their affiliation to prohibited military or armed groups, public organizations (parties) or the unions thereof;
- they have a declared place of residence; and
- they have not been convicted for the intentional commission of a criminal offence (2010, pp. 11–12).

Lithuania reports that, since 1 August 2004, brokers must possess an individual brokering licence from the Ministry of Economy for each intermediary deal involving items from the Common List of Military Equipment. Furthermore, since 5 June 2008, arms brokers have to obtain a separate permit from the Police Department for each intermediary deal involving civilian firearms. The procedure for issuing permits on brokering is the same as in the case of issuing permit to export arms (2010, p. 12).

Norway reports that trading in, negotiating or otherwise assisting in the sale of military goods and technology from one foreign country to another is not permitted without a licence from the Ministry of Foreign Affairs (2010, p. 10).

Sweden reports that involvement in brokering activities requires a permit, and that a licence is required for individual transactions by companies and persons in cases where the brokering takes place between two third countries regarding military equipment already abroad. Applications are assessed against the national guidelines for the export of military equipment. Since brokers are obliged to acquire a permit from the

Inspectorate of Strategic Products, it keeps a record of all brokers (2010, p. 20).

The United Kingdom reports that it has in place controls on the trafficking and brokering of military equipment, which includes small arms. If any such activities take place partly or wholly in the United Kingdom, they will require a licence (2010, p. 2).

Penalties for illicit brokering activities

Three states report that they have established penalties for illicit brokering activities.³⁶⁹

Several states also report that they have established extraterritorial jurisdiction over brokers. For example, Finland reports that an extraterritorial scope of application has been included in legislation so that, when brokering transactions take place outside Finnish territory, licensing requirements apply whenever the broker is a Finnish national, a Finnish legal entity or a Finnish resident (2011, p. 17).

Sweden reports that the Military Equipment Act covers brokering activities that are conducted in Sweden as well as brokering activities that are conducted abroad by Swedish companies and persons who are resident or permanently domiciled in Sweden (2010, p. 20). The United Kingdom reports that full extraterritorial controls are in place on UK persons whose activities facilitate the supply of military equipment to embargoed destinations (2010, p. 2).

Action against illegal financing for acquisition

Iceland reports that only in rare cases have groups or individuals been identified that have been engaged in the manufacture, trade, stockpiling, transfer, possession or financing of illicit SALW. These are prosecuted on the basis of applicable penal legislation (2008, p. 4).

Ireland reports that the National Police are “constantly vigilant” in the fight against illicit financing of SALW, and that Irish authorities “constantly work to identify groups and individuals engaged in such activities” with regular operations being undertaken (2005, p. 3).

³⁶⁹ Finland, Latvia, Lithuania.

SOUTHERN EUROPE

Legislation or administrative procedures on brokering

Eight Southern European states report that they have brokering controls in place,³⁷⁰ with five specifying that specific legislation on the issue has been introduced.³⁷¹ The former Yugoslav Republic of Macedonia reports that specific legislation on brokering is being developed with the assistance of the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (2011, p. 12). Greece reports that amendments are under consideration to introduce brokering provisions, such as a provision on the recording of persons who act as mediators in arms transactions and the determination of specific activities that shall become the subject of control and licensing (2008, p. 3). Italy reports that it established an inter-agency working group under the coordination of the Prime Minister's office tasked to adapt the national legislation following the adoption of the EU Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering (although it also states that existing law already covers brokering fees related to the transfer of SALW) (2010, p. 5).

370 Albania, Bosnia and Herzegovina, Croatia, Malta, Portugal, Serbia, Slovenia, Spain.

371 Croatia (in its 2007 report, Croatia reports that new legislation on the issue of brokering was being drafted (2007, p. 9) and in its 2010 report, Croatia confirms relevant provisions were incorporated into the act on the export and import of military and non-military lethal goods (2010, p. 18)), Malta (brokering of arms is controlled by the Military Equipment (Export Control) (Amendment) Regulations, 2003 (2010, p. 8)), Portugal (introduced brokering controls in 2009 through Law 49/2009 (2011, p. 2)), Serbia (reports in 2003 that brokering as a category in the sale of arms and military equipment will be defined more precisely in the Draft Law on the Sale of Arms and Military Equipment and Dual-Purpose Goods (2003, p. 5) and in its 2005 report indicates that these measures have been introduced: "brokering, as an arms and military equipment trade category, is defined in connection with the procedure for the issuance of broker's licences. Defined also are other relevant measures and procedures, such as broker registration, licensing and legal sanctions" (2005, p. 3)), Slovenia (reports that "in the last two years, the competent authorities adopted a number of legislative measures ... particular care was devoted to issues of brokering, both in military weapons and other SALW" (2005, p. 4)).

Registration

Five states report that brokers must be registered.³⁷²

Croatia reports that the Register is kept by the Ministry of the Economy, Labour and Entrepreneurship (2010, p. 18). Portugal reports that all brokers must be registered with the Ministry of Defence (2011, p. 2). Slovenia reports that all brokers operating in Slovenia must be registered with and controlled by the Ministry of the Interior and the Ministry of Defence (2005, p. 4).

Licensing

Four states report that brokering activities must be licensed.³⁷³

Croatia reports that the Ministry of the Economy, Labour and Entrepreneurship issues brokering licences based on approval of the Commission for each particular activity with a validity term not exceeding 12 months. Brokering licences are denied if the Commission considers that issuing the requested licence would be in conflict with the foreign policy or economic interests of Croatia, or the EU Code of Conduct (2010, p. 18).

Portugal reports that a licence for a specific brokering transaction should be obtained from the Ministry of Defence and that records should be kept for a minimum of 15 years of all persons and entities that have obtained such a licence (2011, p. 4).

Penalties for illicit brokering activities

Four states report that they have established penalties for illicit brokering activities.³⁷⁴

Action against illegal financing for acquisition

No state in Southern Europe reports on this provision.

372 Bosnia and Herzegovina, Croatia, Portugal, Serbia, Slovenia.

373 Croatia, Portugal, Serbia, Slovenia (brokers require a permit (2010, p. 11)).

374 Croatia, Portugal, Serbia, Slovenia.

WESTERN EUROPE

Legislation or administrative procedures on brokering

Six Western European states report that they have brokering controls in place,³⁷⁵ with five stating that specific legislation on the issue has been introduced.³⁷⁶

Several states report that they have existing laws covering brokering, but that such laws require amendment or enhancement to cover the issue of brokering comprehensively. For example, France reports that, although it already has some regulations governing brokers in place, a bill for a law establishing rules on prior authorizations of intermediary operations concerning weapons of war and similar goods is currently being examined by the Parliament. These rules will apply to individuals who reside or are established in France for operations carried out in France or abroad, and will be accompanied by criminal penalties, and will complete the system of controls over individuals and companies acting as intermediaries (2010, p. 14).

The Netherlands reports that SALW brokering activities are currently controlled by existing legislation covering financial involvement in

375 Austria, Belgium, Germany, Liechtenstein, Luxembourg, Switzerland.

376 Austria (brokering of the purchase and sale of arms are subject to authorization by the competent authority pursuant to the Trade and Industrial Code; the Austrian Foreign Trade Act 2005 (Außenhandelsgesetz) harmonized definitions of brokering activities and brokers in domestic legislation with Council Common Position 2003/468/CFSP on the control of arms brokering (2010, p. 2)), France (Decree 2002-2.3 of 3 January indicates that intermediation activities, including brokering activities, concerning weapons of war and similar goods are included in the field of trade operations (2010, p. 14)), Germany (War Weapons Control Act and the Foreign Trade and Payment Regulation (2010, p. 28)), Liechtenstein (for brokering the Liechtenstein Law on Brokering in Military Materiel of 10 December 2008 (LGBl. 2009 no. 39) applies (2010, p. 3)), Luxembourg (Act of August 3, 2011 implements Directive 2008/51/EC of the European Parliament and Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons and modifies the law of 15 March 1983 on arms and ammunition (2012, p. 3)), Netherlands (SALW brokering is controlled by the Decree on Financial Involvement concerning Strategic Goods (FVS, covering goods on the Common EU military list) and the WWM, but this will change in the near future (2010, p. 13)).

transactions and domestic trading, but that this does not use the term “brokering”. For instance, under the Decree on Financial Involvement concerning Strategic Goods (covering goods on the Common EU military list), residents require a licence from the Minister of Finance for financial involvement in third-party transactions in military goods and arms, where the goods are either outside the EU, or are in the EU but have not been brought into free circulation. The licences are assessed according to the same criteria used to assess export licence applications. Under the Arms and Ammunitions Act, Dutch companies or persons need prior authorization to trade in weapons within the Netherlands. However, the Netherlands reports that brokering activities involving physical arms transactions originating in the Netherlands to a foreign country are currently not regulated by national legislation. In this case the export and re-export rules and regulations apply (2010, p. 13).

Registration

Three states report that brokers must be registered.³⁷⁷

France reports that brokers operating in France are registered and must keep records summarizing intermediary operations (2010, p. 14). Switzerland reports that all SALW brokers are registered either by the Federal Office of Police or the State Secretariat for Economic Affairs (2012, p. 10).

Germany reports that there is no specific requirement for international brokers in Germany to be registered. However, since international brokers need to file an application for each brokering activity, authorities are aware of who is currently active as an international broker. There is no reporting requirement for international brokers in Germany (2010, p. 29).

Licensing

Six states report that brokering activities must be licensed.³⁷⁸

Belgium reports that no Belgian citizen or foreigner residing or trading in Belgium may negotiate, export, deliver abroad or possess for this purpose, weapons, ammunition or equipment intended for military use or related technology, nor act as an agent in these transactions, without a relevant

³⁷⁷ France, Luxembourg, Switzerland.

³⁷⁸ Belgium, Germany, Liechtenstein, Luxembourg, Netherlands (“authorization” is required for certain financial transactions), Switzerland.

licence from the Minister of Justice, even if the items do not enter Belgian territory (2010, pp. 10–11).

Germany reports that brokering activities relating to war weapons are subject to, and covered by, licensing according to the War Weapons Control Act. Germany also reports that new provisions were introduced into the War Weapons Control Act and in the Foreign Trade and Payments Regulation to ensure the provisions covered items located in and outside Germany and to ensure the following activities are subject to licensing: mediating a contract on the acquisition or transfer of strategic items located outside German territory or showing that an opportunity exists for concluding such a contract; or concluding a contract on the transfer of war weapons and other military equipment located outside German territory.

Germany reports that each individual case of arms brokering relating to war weapons and other military equipment located outside of Germany requires a licence. The Federal Ministry of Economics and Technology is the authority responsible for granting brokering licences under the Weapons Control Act and the Federal Office of Economics and Export Control is the licensing authority for brokering activities under the Foreign Trade and Payment Regulation. Licences are assessed on the same conditions as export licences. Germany's brokering laws are based on a territorial link, i.e. it does not apply in cases where there is no linkage to German territory (unless the broker is a German national located in Germany). So at least one element in the chain of brokering activities has to have ties with the German territory. Accordingly, Germany has jurisdiction if one or more of the following activities take place in Germany: meeting for negotiations between the interested contract parties with the participation of the broker in question or using German telecommunication resources, e.g. by making telephone calls or mailing facsimiles or letters from Germany or by sending e-mails that are forwarded over a server located in Germany. Additionally, when German citizens located in Germany engage into brokering abroad they are required to obtain a licence even if there is no link to German territory (2010, p. 28).

Switzerland reports that legal entities and persons domiciled in Switzerland wishing to conduct brokering activities must obtain a general trader's licence. Brokering activities for recipients abroad fall within the scope of the Federal Act on War Material. Brokering on Swiss territory (regardless of nationality) of war material for recipients abroad, irrespective of the location of the war material, requires an initial licence. However, persons acting as professional brokers for hand guns and civilian arms only require

a general trading licence not an initial licence. In addition, any brokering activity of war material on Swiss territory for a recipient abroad requires a specific authorization for each individual case, unless the broker operates his own production plant for the manufacture of the war material in Switzerland. Additionally, the brokering of war material destined to certain countries does not require a specific authorization (2012, p. 10).

Penalties for illicit brokering activities

Six states report that they have established penalties for illicit brokering.³⁷⁹

Belgium reports that Belgian courts have jurisdiction over offences that are committed outside the territory, if the accused is found in Belgium, even if the Belgian authorities have not received any complaint or formal notice from the foreign authority and if the act is not punishable in the country where it was committed (2010, pp. 11–12).

Action against illegal financing for acquisition

No state in Western Europe reports on this provision.

OCEANIA

AUSTRALIA AND NEW ZEALAND

Legislation or administrative procedures on brokering

Neither New Zealand nor Australia report that they have specific brokering controls in place, although Australia reports it is currently considering brokering issues in relation to its obligations under the Firearms Protocol (2010, p. 8). New Zealand reports that there are not many arms brokers in New Zealand and their activities are covered under regulations that address dealing in firearms (2010, p. 9).

Registration

Neither Australia nor New Zealand reports on this provision.

Licensing

Neither Australia nor New Zealand reports on this provision.

379 Belgium, France, Germany, Liechtenstein, Luxembourg, Switzerland.

Penalties for illicit brokering activities

Australia reports that, although it does not have specific brokering controls in place (yet), there are, certain provisions that criminalize some forms of brokering under the Crimes (Foreign IncurSION and Recruitment) Act 1978 (2010, p. 8). New Zealand reports that it has established penalties for illicit dealings (2008, p. 10).

Action against illegal financing for acquisition

Neither Australia nor New Zealand reports on this provision.

MELANESIA**Legislation or administrative procedures on brokering**

Fiji reports that it has brokering controls in place, noting that “Everyone has to be licensed and monitored” under the Arms and Ammunition Act (2008, p. 5). Papua New Guinea reports that it has not developed legislative measures for brokering, since it has no capacity to manufacture and export SALW, but that “Brokering in Firearms would be an illegal act under smuggling that is covered under Section 68 of the Criminal Code Ch. No. 262, and Customs Act Ch. No. 101” (2005, p. 15). Solomon Islands reports that “As no SALW brokers currently operate in Solomon Islands, no national legislative or administrative procedures are currently in place to regulate SALW brokering” (2004, p. 17).

Registration

No Melanesian state reports on this provision.

Licensing

No Melanesian state reports on this provision.

Penalties for illicit brokering activities

No Melanesian state reports on this provision.

Action against illegal financing for acquisition

No Melanesian state reports on this provision.

MICRONESIA

Although the Marshall Islands does not provided any specific information on the control of brokering, it reports that dealers are required to keep records of firearms held and details of transactions including contact details of transferors and transferees, the manufacturer, types of weapons and serial numbers (2005, p. 6).

Registration

No Micronesian state reports on this provision.

Licensing

No Micronesian state reports on this provision.

Penalties for illicit brokering activities

No Micronesian state reports on this provision.

Action against illegal financing for acquisition

No Micronesian state reports on this provision.

GLOBAL FINDINGS

The analysis of national reports produced for the Fourth Biennial Meeting of States in 2008 included an in-depth review of reported brokering controls and concluded that about one fourth of United Nations Member States appeared to have brokering controls in place.³⁸⁰ Four years later, the landscape does not appear to have changed dramatically with still only a quarter of states reporting that they have brokering controls in place, others reporting that no brokers operate on their territory, some reporting that brokering is covered under existing laws, and several reporting that brokering laws are under development (still).

A regional analysis of implementation of this commitment suggests that brokering controls have occupied a central place on the agenda of some states and regions through regional and multilateral organizations, such as the EU and the OSCE; while in other regions, preventing illicit brokering

380 Silvia Cattaneo and Sarah Parker, *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of the National Reports Submitted by States from 2002 to 2008*, UNIDIR, 2008, pp. 52ff.

does not appear to be high on the national or regional agenda, perhaps because it is not perceived to be a pressing problem. For example, 10% of reporting states in Africa report that there are no brokers operating on their territory.

Table 12. Brokering

(no. of states that have reported on provision (% of reporting states))

	Africa	Americas	Asia	Europe	Oceania
Brokering controls	20%	24%	50%	83%	0%
Under development	12%	3%	13%	5%	17%
Covered by other laws	2%	0%	0%	2%	33%
Brokering prohibited	8%	5%	8%	2%	0%
No laws	4%	11%	0%	0%	33%
No brokers	10%	3%	4%	0%	17%
Registration	0%	8%	0%	44%	0%
Licensing	0%	8%	17%	63%	0%
Criminal penalties	0%	16%	13%	51%	17%

STOCKPILE MANAGEMENT AND SECURITY

Under paragraph II.17 of the PoA, states have undertaken to ensure that relevant state entities establish adequate and detailed standards and procedures relating to stockpile management and security. The provision applies to the armed forces, the police and any other body authorized to hold small arms (administrative police, local reservists, wildlife protection, prison officials, etc.). As specified in the PoA, relevant standards and procedures include:

- appropriate locations for stockpiles;
- physical security measures;
- control of access to stocks (for example, who can access and under what conditions);
- inventory management and accounting control (for example, record-keeping);
- staff training;
- security, accounting and control of small arms held or transported by operational units or authorized personnel; and
- procedures and sanctions in the event of theft or loss.

The following section provides an overview of the information provided by states on their fulfilment of these commitments, by region.³⁸¹

AFRICA

EASTERN AFRICA

Eleven states in Eastern Africa report that they have procedures relating to stockpile management.³⁸² The states report they have the following standards and procedures in place, as specified in the PoA:

381 There are also several provisions in the PoA that relate to “stockpiling” (PoA, paras. II.3 and II.6). Information provided by states with respect to these commitments and stockpiling by private individuals and groups is included in the section “Other PoA commitments”. The analysis in this section of the report addresses the issue of stockpile management and security of state-held weapons or national stockpiles only.

382 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

- physical security measures, including guarding;³⁸³
- control of access to stocks;³⁸⁴
- inventory management and accounting control, including the marking of weapons and audit checks;³⁸⁵
- staff training;³⁸⁶ and
- procedures and sanctions in the event of theft or loss, including reporting requirements.³⁸⁷

MIDDLE AFRICA

Few Middle African states provide information on stockpile security measures, though several mention that looting and loss from state stockpiles has occurred. The Central African Republic reports that the Inter-African Mission to Monitor the Implementation of the Bangui Agreements assisted in the recovery of weapons belonging to the central armoury stolen during the mutinies in 1997. Weapons recovered included 120 heavy weapons (94% of those stolen), 1,526 small arms (63% of those stolen), 511,119 items of ammunition, 27,495 explosives, and 343 other various military effects (2003, p. 6).

Similarly, Sao Tome and Principe reports that state stocks were stolen during the attempted coup of 1995 because of weak stockpile management. It notes that many senior state officials are given arms to ensure their safety when carrying out their duties, and that security and police forces have difficulties recovering these arms when the beneficiaries leave office. Also, some soldiers take their weapons with them when they retire, “making recovering them impossible” (our translation) (2003, p. 4).

383 Kenya (weapons are secured in armouries with a guard at all times (2010, p. 8)), Mozambique (weapons are sealed in armouries and guarded by well trained security force (2010, p. 9)).

384 Kenya (authorized persons only (2010, p. 8)).

385 Eritrea (stockpiles are reviewed continuously and monthly reports produced (2010, p. 2)), Ethiopia (inventory “on demand” (2008, p. 2)), Kenya (daily weapon checks (2010, p. 8)), Mozambique (regular inventories are conducted (2010, p. 9)), Zambia (stocks are reviewed regularly (2010, p. 6)).

386 Mozambique (well-trained security force guards stocks (2010, p. 9)).

387 Kenya (loss or theft must be reported immediately and will undergo inquiry (2010, p. 8)).

The Democratic Republic of the Congo reports that its legislation does not address the safe storage of small arms held by the security forces, and that there is an absence of technical criteria to apply for the safe management of arms and ammunition. It also notes that explosions are often due to bad management of stockpiles and ammunition, including an absence of national norms (national standards), insufficient training of technical personnel in charge of stockpile management, and bad conditions of storage in obsolete infrastructure (2010, pp. 17–18).

The only detailed information relating to stockpile management that is provided by Middle African states relates to inventory management and accounting control. The Congo reports that numerical and nominal inspections of weapons used by public security forces are done periodically (monthly and biannually), and inspection reports are produced, broken down by weapon types (2010, p. 1). The Democratic Republic of the Congo reports that it does not have an adequate accounting system in place, noting that “controls of stocks of arms and ammunition are limited, at best, to quantity counting activities but technical quality visits of stocks are not carried out. This explains the poor condition of stocks of arms, the degradation of ammunition, which now represent a permanent danger to civilian populations, and also the lack of transparency on the quantitative levels of stocks” (our translation) (2010, p. 18).

NORTHERN AFRICA

Five states in Northern Africa report that they have laws, regulations and administrative procedures to govern their stocks of state-held weapons.³⁸⁸ The Sudan reports that their Draft Policy includes a management plan for their stockpiles of weapons (2008, p. 2). The states report that they have the following standards and procedures in place, as specified in the PoA:

- physical security measures, including guarding and inspections of conditions,³⁸⁹

388 Algeria, Egypt, Libya, Morocco, Tunisia.

389 Algeria (every weapon has sufficient security protection against theft, weapons of war must not be in public view and they must be kept attached to the walls and floors in heavy cabinets or safes (2006, p. 7)), Egypt (stored in appropriate warehouses that guarantee security; trained guards; records of warehouse contents and inspections to evaluate the conditions of the storage (2010, p. 6)).

- inventory management and accounting control;³⁹⁰
- staff training;³⁹¹
- security, accounting and control of SALW held or transported;³⁹² and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.³⁹³

SOUTHERN AFRICA

Four states in Southern Africa report they have stockpile management and security procedures in place.³⁹⁴ They report they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles;³⁹⁵
- physical security measures, including secure armouries and strong rooms;³⁹⁶
- control of access to stocks;³⁹⁷
- inventory management and accounting control, including the marking of weapons and audit checks;³⁹⁸
- staff training;³⁹⁹
- security, accounting and control of SALW held or transported, including relevant documentation;⁴⁰⁰ and

390 Algeria (2006, p. 7), Libya (2010, p. 3).

391 Libya (training in stockpile security and inventory management (2010, 3)).

392 Morocco (transport of munitions must comply with conditions previously laid down for dealers, such as the possession of documentations for the transport of the weapons (2008, p. 7)).

393 Algeria (in the even of a theft or loss, a written and recorded statement must be given (2006, p. 7)).

394 Botswana, Lesotho, Namibia, South Africa.

395 Namibia (2011, p. 3).

396 Botswana (secure armouries (2010, p. 9)), Namibia (2011, p. 3), Lesotho (strong rooms (2006, p. 9)).

397 Namibia (2011, p. 3).

398 Botswana (weapons leaving the armouries are strictly controlled and audit checks are carried out regularly (2010, p. 9)), Namibia (2011, p. 3), South Africa (unique marking of firearms and inventory management (2008, p. 3)).

399 Namibia (2011, p. 3), South Africa (minimum training standards (2008, p. 3)).

400 Namibia (2011, p. 3).

- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁰¹

WESTERN AFRICA

Ten states in Western Africa report that they have procedures relating to the management and security of state-held stocks,⁴⁰² with Liberia reporting that arms stockpiles are controlled by the United Nations Mission in Liberia (2010, p. 6). The states report that they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles, so as not to present a danger to public safety;⁴⁰³
- physical security measures, including 24-hour guarding, and weapons secured in racks;⁴⁰⁴
- control of access to stocks, including a requirement for special authorization to remove weapons;⁴⁰⁵
- inventory management and accounting control;⁴⁰⁶
- staff training;⁴⁰⁷ and

401 Lesotho (strict fines (up to M50,000) or imprisonment (up to 50 years) or both for loss or theft of a weapon (2006, p. 9)), Namibia (2011, p. 3), South Africa (strict sanctions for the loss or theft of a firearm (2008, p. 3)).

402 Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Niger, Nigeria, Senegal, Sierra Leone, Togo.

403 Senegal (firearms must not be stored in a location that presents a danger to public safety and they must in a private, closed premises, or in gunpowder stores (2005, p. 9)).

404 Benin (magazines are secured by guards designated for 24 hours (2003, pp. 8–9)), Burkina Faso (2010, p. 2), Guinea (guard posts (2010, p. 9)), Niger (guards (2010, p. 16), Sierra Leone (24-hour guards (2010, p. 8)); and Senegal (all firearms are shackled in gun racks (2010, p. 10)).

405 Togo (weapons stored in public armouries cannot be taken out without a special authorization, constituting a licence issued by the Minister of the Interior (2010, p. 19)).

406 Benin, Burkina Faso (each facility has spot checks and inspections (2010, p. 2)), Gambia, Niger, Senegal.

407 Benin (2009, pp. 4–5), Liberia (two-day training workshop on the management of stockpiles in 2009 (2010, p. 6)), Senegal (an armament official from each unit is required to undertake training in stockpile management (2010, p. 11)).

- security, accounting and control of SALW held or transported, including ensuring that transported weapons are escorted.⁴⁰⁸

Several states report that they do not have stockpile management standards and procedures in place, or that those in place are inadequate. For instance, Guinea-Bissau reports that it does not have storage facilities for state-held stockpiles to ensure public safety (2010, p. 6). The Niger reports that while stocks are controlled in warehouses (2003, p. 8), the magazines of arms are often built out of mud brick and are defective, thus not offering maximum security (2010, pp. 16–18). Mali reports that its stockpiles are at the root of small arms proliferation due to misappropriation by state officials, and requests financial help to secure its arsenals (2008, p. 2).

AMERICAS

CARIBBEAN

Three Caribbean states report that they have procedures relating to the management and security of state-held stocks.⁴⁰⁹ Trinidad and Tobago reports that, while stockpile management is not specifically addressed in its national legislation, internal standing orders and regulations governing state agents speak to storage and security arrangements (2010, p. 9). It does not, however, provide details of what security arrangements are in place.

Antigua and Barbuda and Cuba report that they have stockpile management standards and procedures in place that include provisions regarding appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of SALW held or transported; and procedures and sanctions in the event of theft or loss (Antigua and Barbuda: 2010, pp. 18–19; Cuba: 2003, p. 3). No details of these provisions are provided.

Grenada reports that there are no small arms stockpiles on its territory (2004, p. 1).

408 Togo (the law requires each transport of state-held weapons to be accompanied by escorts (2010, p. 7)).

409 Antigua and Barbuda, Cuba, Trinidad and Tobago.

CENTRAL AMERICA

Six Central American states report that they have procedures relating to the management and security of state-held stocks,⁴¹⁰ including:

- appropriate locations for stockpiles, so as not to present a danger to public safety;⁴¹¹
- physical security measures, including 24-hour guarding, and weapons secured in racks;⁴¹²
- control of access to stocks, including ensuring police officers do not take their weapons home and a requirement for special authorization to remove weapons;⁴¹³
- inventory management and accounting control, including reporting requirements and regular audits;⁴¹⁴ and

410 Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, Panama.

411 El Salvador (military arsenals have been moved to military garrisons located far from population centres (2003, p. 6)).

412 Costa Rica (National Arsenal facilities have boundary guards provided by the National Police Academy and internal security guards on duty 24 hours a day, 365 days a year (2003, p. 6)), Honduras (state-held weapons are stored in storage warehouses equipped with physical and operational security (2004, p. 5)).

413 Costa Rica (police personnel are not allowed to use their weapons when off duty or to take them home (2003, p. 4), and access to armouries is only by authorization of the Minister of Public Security or the President of the Republic (2003, p. 6)), Honduras (security systems for controlling access are in place (2004, p. 5)).

414 Costa Rica (all state agencies submit monthly a complete list of the weapons, clips, ammunition and police equipment they have assigned to their personnel and submit quarterly a detailed list showing the serial number and the holder of every weapon; inspectors visit the units to draw up physical inventories and compare them with the lists submitted periodically (2003, p. 5); plus the National Arsenal is subject to regular audits involving the Assets Control and Inspection Department, the Office of the Controller-General and the Internal Auditing Office of the Ministry of Public Security (2003, p. 5)), Guatemala (armed forces armouries are subject to one inspection a year, and markings are verified; plus DECAM can conduct inspections as it deems necessary (2008, p. 6)), Honduras (the Ministry of Security and the Ministry of Defence keep special registers of all weapons assigned to state agents, plus the Ministry of Defence keeps electronic inventories of armed forces weapons (2004, pp. 3–4)), Mexico (armed forces check their arsenals every day at the beginning and end of activities, and inspections are also carried out by chief officers. Additionally,

- procedures and sanctions in the event of theft or loss, including a duty to report lost or stolen weapons, and the possibility of disciplinary action.⁴¹⁵

NORTHERN AMERICA

Canada and the United States report that they have stockpile management processes in place. They report they have the following standards and procedures in place, as specified in the PoA:

- physical security measures, including intrusion detection systems and working dogs;⁴¹⁶
- inventory management and accounting control, including the marking of weapons and audit checks;⁴¹⁷

every six months the Ministry of Defence checks inventories (2010, p. 3)), Nicaragua (annual, semi-annual, quarterly and monthly inspections of army stocks; the National Police review and update inventories at least every three months (2006, pp. 3–4)).

- 415 Costa Rica (police must report lost or stolen weapons within 24 hours; disciplinary action and/or civil liability may follow; data on stolen or lost weapons are transmitted to the Arms and Explosives Control Department, so that if someone tries to register such a weapon it can be seized (2003, p. 6)), Mexico (government agents must report to the Ministry of Defence if any arms are stolen or mislaid (2002, p. 4)).
- 416 Canada (the physical security of the weapons lockup/facility is surveyed at least once a year (2010, p. 8)), United States (stockpile security measures include electronic security systems, integration of physical security in wartime and demobilization plans, physical security awareness, security forces, military working dogs, physical barriers, secure locking systems, intrusion detection systems, badging systems, etc. (2010, p. 11)).
- 417 Canada (manufacturers' serial numbers used to manage and account for SALW (2010, p. 2); quarterly verification of weapons by the account holder and a witness not associated with the account to maintain 100% accountability (2010, p. 3); physical inventory verifications on a quarterly basis, plus each time a weapon is used; long-term storage requires weapons to be packed and sealed by a team of three personnel; a physical accounting conducted whenever a change in the account holder or custodian occurs (2010, p. 8)), United States (all small arms are individually registered by serial number in the DOD Central Registry; component units of the armed forces maintain individual registries and provide reports on holdings to the DOD Central Registry on a monthly basis (2010, p. 11)).

- security, accounting and control of SALW held or transported;⁴¹⁸ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴¹⁹

SOUTH AMERICA

Nine South American states report that they have procedures relating to the management and security of state-held stocks.⁴²⁰ They report that they have the following standards and procedures in place, as specified in the PoA:

- physical security measures, including alarm systems and the separate storage of arms and ammunition;⁴²¹
- control of access to stocks, including restrictions on the number of persons who have keys and the alarm deactivation code;⁴²²
- inventory management and accounting control, including computerized records and periodic inspections;⁴²³ and

418 Canada (the National Defence Security Policy details the security requirements for when SALW are in transit for training or any other reason and by several different modes of transport (2010, p. 11)).

419 Canada (disciplinary and administrative responses to breaches of security (2010, p. 8)).

420 Argentina, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of).

421 Argentina (minimum requirements include: suitable ventilation system, local alarm system or remote monitoring system, fire-safety equipment, signage so that weapon types can be located and the origin or depositor identified, weapons must not be loaded, and weapons, ammunition and gunpowder must be stored separately and duly identified (2008, pp. 9–10)).

422 Argentina (warehouse manager and assistant manager, their superiors and authorized persons (accompanied by the manager) must have exclusive access to the warehouse; only one set of warehouse service keys, carried by the manager, and only the manager and assistant manager may know the alarm system deactivation code; another set of keys and the alarm deactivation code is kept by a senior official in a sealed envelope, opened only in an emergency or in a case of force majeure, subject to the proper authorization and in the presence of two witnesses (2008, pp. 9–10)).

423 Argentina (the receipt and release of materials into and from the warehouse is recorded on a computerized database (RENAR); an inspection ledger is kept; senior officials carry out random checks of inventory every two weeks at least; if there is a change in management of the warehouse, an inventory

- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴²⁴

ASIA

CENTRAL ASIA

Kazakhstan, Kyrgyzstan and Tajikistan report that they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles;⁴²⁵
- physical security measures, including secure armouries and strong rooms;⁴²⁶
- control of access to stocks;⁴²⁷
- inventory management and accounting control, including the marking of weapons and audit checks;⁴²⁸
- staff training;⁴²⁹

of the warehouse contents must be drawn up signed by the former and new authorities and by the officials overseeing and monitoring the procedure (2008, pp. 9–10)), Colombia (periodic reviews (2006, p. 13)), Ecuador (periodic technical inspections to ensure proper storage, maintenance and guarding; items found to be in a condition that endangers safety or security are destroyed (2003, p. 2)), Guyana (name and rank of the person to whom a particular firearm is issued is recorded along with the date and time of issue and for what purpose and period (2010, p. 3); armouries are physically checked on a daily, weekly, monthly and quarterly basis and audits of issues and receipts are done at least annually (2010, p. 4)), Paraguay (computerized registration system recording the specifications, number, model, calibre and type of firearm (2008, p. 1)), Peru (2010, p. 15), Uruguay (National Army conducts a weekly inspection of stocks (2008, p. 8)).

424 Argentina (Congress receives quarterly reports of all weapons lost or diverted from state arsenals; penalties may apply (2010, pp. 10–11)).

425 Kazakhstan (stockpiles must be kept away from populated areas (2010, pp. 17–18), Kyrgyzstan (2006).

426 Kazakhstan (security devices; surveillance cameras with alarms; connection with local authorities in the case of an emergency; guarding (2010, pp. 17–18)), Kyrgyzstan (locked and guarded; special fencing; illumination and tower signalling; road blocks; observation posts and sentry boxes (2006)).

427 Kazakhstan (2010, pp. 17–18), Kyrgyzstan (2006).

428 Kazakhstan (2010, pp. 17–18).

429 Kazakhstan (2010, pp. 17–18).

- security, accounting and control of SALW held or transported;⁴³⁰ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴³¹

EASTERN ASIA

China, Japan and the Republic of Korea report that they have the following standards and procedures in place, as specified in the PoA:

- physical security measures, including secure armouries and strong rooms;⁴³²
- control of access to stocks;⁴³³
- inventory management and accounting control, including the marking of weapons and audit checks;⁴³⁴ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴³⁵

SOUTHERN ASIA

Five states in Southern Asia provide details of their stockpile security arrangements.⁴³⁶ They report that they have the following standards and procedures in place, as specified in the PoA:

430 Kazakhstan (must be accompanied by armed escorts and working with local internal affairs agencies along the route (2010, pp. 17–18)), Kyrgyzstan (kept secure during transport (2006)).

431 Kazakhstan (criminal prosecution for the loss or theft of weapons (2010, pp. 17–18)), Kyrgyzstan (sanctions or penalties in the event of theft or loss (2006)).

432 China (areas containing stockpiles are considered military restricted zones and have high protective security and measures to prevent theft, fire, lightning strikes and explosions, with specially trained guards (2010, p. 13)), Republic of Korea (dual locks; a cabin containing keys of the arsenal should be locked with two keys and these keys secured in a separate location (2010, p. 12)).

433 Republic of Korea (only authorized military staff may enter the facility (2010, p. 12)).

434 China (weekly inventories (2010, p. 13)), Japan (daily checks of storage facilities (2010, p. 14)).

435 China (it is a criminal offence to lose a firearm intended for official use (2010, p. 11)).

436 Bangladesh, India, Iran, Pakistan, Sri Lanka.

- physical security measures, including secure armouries and strong rooms;⁴³⁷
- inventory management and accounting control, including the marking of weapons and audit checks;⁴³⁸
- staff training;⁴³⁹
- security, accounting and control of SALW held or transported;⁴⁴⁰ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁴¹

SOUTH-EASTERN ASIA

Five South-Eastern Asian states provide details of their stockpile security arrangement of state-held weapons.⁴⁴² Additionally, Cambodia reports on workshops it held on safe storage of weapons (2008, p. 2). The states report they have the following standards and procedures in place, as specified in the PoA:

- physical security measures, including secure armouries and strong rooms;⁴⁴³
- control of access to stocks;⁴⁴⁴

437 Iran (Islamic Republic of) (2008, p. 3).

438 Bangladesh (2010, p. 4), India (checked every quarter (2010, p. 5)).

439 Iran (Islamic Republic of) (2010, p. 2).

440 Iran (Islamic Republic of) (2010, p. 2).

441 India (investigative measures taken (2010, p. 7)), Pakistan (subject to court of inquiry (2010, p. 2)), Sri Lanka (the Ministry of Interior initiated a project to account for missing weapons (2003, p. 4)).

442 Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

443 Philippines (guarded (2010, p. 8)), Thailand (24-hour guards (2008, p. 8)), Viet Nam (stored in buildings that are designed to prevent fire and explosion (2006, p. 3)).

444 Indonesia (only authorized persons keep government-issued small arms, violations of laws on safe storage of arms are sanctioned, training of armed forces on how to safely store their arms, stockpiles are inspected; additionally inventories are kept for the police force and for civilians (2010, p. 7)), Philippines (only storage branch personnel, dealers and the armourer are allowed inside the facility (2010, p. 8)).

- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁴⁵
- staff training;⁴⁴⁶ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁴⁷

WESTERN ASIA

Thirteen states provide details of their stockpile security of state-held weapons.⁴⁴⁸ They report that they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles;⁴⁴⁹
- physical security measures, including secure armouries and strong rooms;⁴⁵⁰
- control of access to stocks;⁴⁵¹

445 Indonesia (inventories are kept for the police force (2010, p. 7)), Malaysia (inspections every six months (2010, p. 8)), Thailand (annual reviews (2008, p. 8)), Viet Nam (regularly checked (2006, p. 3)).

446 Indonesia (training on safe storage (2010, p. 7)).

447 Indonesia (violations of laws on safe storage of arms are sanctioned (2010, p. 7)), Thailand (immediate reporting of lost and stolen SALW (2008, p. 8)).

448 Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Oman, Saudi Arabia, Syrian Arab Republic, Turkey, Yemen.

449 Cyprus (appropriate fencing and sufficient outside lighting (2008, p. 3)).

450 Armenia (24-hour guarding (2010, p. 6)), Azerbaijan (high standard of technical protection; fire safety equipment; health and safety measures; weapons and ammunition must be stored separately and in securely locked safes or metal cabinets (2004, p. 7)), Cyprus (alarm systems; continuous surveillance (sentries, patrols, unscheduled checks); security doors have three locks and each key is held by a different person (2008, p. 4)), Israel (guarded and physically secured 24 hours a day (2008, p. 5)), Oman (surveillance equipment (2010, p. 3)), Syrian Arab Republic (lighting and guarding (2006, p. 8)), Turkey (double-lock system; iron-fenced windows; high concrete columns supported by double-steel fences around stores; sealed doors; keys are kept by one person; stores are concrete with alarm and intruder detection systems; surveillance cameras; effective lighting; guard patrols and dogs; arms ammunition, parts and explosives stored separately; emergency plans in place (2008, p. 8)).

451 Cyprus (authorized personnel only; records of entry and exit (2008, p. 4)), Saudi Arabia (armed guards (2006, p. 10)), Turkey (only limited personnel with

- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁵²
- staff training;⁴⁵³
- security, accounting and control of SALW held or transported;⁴⁵⁴ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁵⁵

appropriate security clearance; no personnel have keys to both SALW and ammunition stores (2008, p. 8)).

- 452 Azerbaijan (inventory must be listed with detailed information on the identity of cabinets, safes and seals; inventories are checked quarterly by internal affairs agencies and monthly, if more than 20 arms are held (2004, p. 7)), Bahrain (Ministry of the Interior is working to update regulations governing arms warehouses, using the most up-to-date technical methods for the registration, storage and update of data (2008, p. 1)), Cyprus (computer database; register of arms and who they are allocated to is maintained; control-accounting every month; plus special committee counts stocks every three months (2008, pp. 4–5)), Georgia (in the process of developing an integrated database detailing state stocks (2005, p. 4)), Iraq (periodical checks and programmes for counting (2011, p. 3)), Israel (SALW are counted daily and recorded (2008, p. 5)), Oman (all weapon are marked, registered and documented; periodic unannounced inspections by specialized committees to ensure that proper safety and storage procedures are being followed; annual inventories are performed to verify the stock and transfer activity (2010, p. 3)), Saudi Arabia (periodic inventories; weapons are given a unique serial number (in addition to the manufacturer's serial number) and records kept in a central database (2006, pp. 9–10)), Syrian Arab Republic (2006, p. 8), Turkey (computer databases; periodic checking; spot checks (2008, p. 8)).
- 453 Oman (guards are trained in the protection of weapons depots and emergency response (2010, p. 3)), Turkey (personnel trained on regulations, security procedures, emergency procedures, inventory management and record-keeping (2008, p. 9)), Yemen (2003, p. 3).
- 454 Turkey (transportation of SALW must be approved by Ministry of National Defence; SALW and ammunition transported separately (2008, p. 9)).
- 455 Jordan (a description of the weapon is registered on a computer and circulated by the Department of Criminal Intelligence; inventories of such weapons are sent to the Arab and international liaison office of INTERPOL for circulation to member states (2010, p. 4)), Turkey (reported immediately; legal procedures apply (2008, p. 8)).

EUROPE

EASTERN EUROPE

Ten states report that they have stockpile management and security measures in place with respect to SALW held by state security forces,⁴⁵⁶ while Ukraine notes that measures are being taken in order to improve security of SALW (2010, p. 2). The states report that they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles;⁴⁵⁷
- physical security measures, including secure armouries and strong rooms;⁴⁵⁸
- control of access to stocks;⁴⁵⁹

456 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

457 Bulgaria (stockpiles must be located away from the national boundaries, accessible by road and at the same time difficult to be approached by unauthorized persons; must also face a minimum risk of natural catastrophes, and be far enough from towns and industrial facilities; environment protection (2003, p. 8)), Czech Republic (located to suit the needs of the Czech Army; protection against loss and theft are important elements taken into account (2003, p. 8)), Poland (distance from population centres, distance from transportation routes and junctions, possibility of utilizing existing infrastructure and of ensuring the security of the stored arms (2008, p. 4)), Republic of Moldova (stockpiles containing artillery ammunition must be located 10–15km away from populated areas (2006, p. 4)).

458 Belarus (barbed wire fencing; perimeter and interior illumination systems; mobile communication for guards (2010, p. 10)), Bulgaria (reinforced concrete, metal doors and locks; guarded 24 hours a day; electronic guarding as well (2003, pp. 8–9)), Czech Republic (24-hour guards (2006, p. 8)), Republic of Moldova (metal doors or wooden doors heavily reinforced with metal; small windows with metal grids, positioned close to the roof to make them inaccessible—or no windows at all; lightning protection and fire alarm system; 24-hour guarding (2005, p. 6)), Russian Federation (SALW must be stored separately from ammunition; alarm systems; constant physical protection (2010, p. 12)).

459 Belarus (keys are issued under signature (2006, p. 14)), Czech Republic (single person to access the stocks, 24-hour guards are not permitted to access stocks; Ministry of Defence controls keys to the storage facilities (2006, p. 8)), Republic of Moldova (access requires a permanent or one-occasion pass signed by the unit commander and endorsed with the official seal of the unit; a list of

- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁶⁰
- staff training;⁴⁶¹
- security, accounting and control of SALW held or transported;⁴⁶² and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁶³

authorized persons and keys are kept in the guard building, and authorization passes must be shown before keys will be released (2005, p. 7)).

- 460 Belarus (in military structures: not less than once a year, in the central storages: once every 3–5 years (2006, p. 14)), Bulgaria (reviewed twice a year (2010, p. 16)), Hungary (comprehensive inventory performed each year (2010, p. 6)), Poland (a record of the quantity balance and turnover of armed forces weapons is made once a year (2006, p. 4)), Republic of Moldova (army stockpiles are verified at least twice; police stockpiles checked at least once a month by commanding officer and once a year by the special commission (2010, pp. 13–14)), Romania (service weapons and ammunition are checked daily by platoon commander and daily duty officer; weekly by the company commander; monthly by the unit commander (or chief of staff officer), while stock weapons and ammunition are checked monthly by each unit/subunit command; quarterly by the chief of staff (who checks 25% of total amount each quarter); and weapons and ammunition storage facilities are checked yearly by a committee (2010, p. 10)), Russian Federation (2010, p. 13)), Ukraine (annual inventory (2010, p. 2)).
- 461 Belarus (heads of warehouses and storage sites are specially trained, and persons responsible for safekeeping of SALW are annually attested by the commanders of the units and military departments (2006, p. 16)), Czech Republic (2003, p. 17), Poland (personnel responsible for stockpiles undergo obligatory, systematic training (2006, p. 4)).
- 462 Czech Republic (transport is organized in accordance with regulations governing the Transport of Dangerous Cargo and other military regulations; transport routes are planned and information on transports is not disclosed or published; accompanied by armed escorts (2003, p. 16), Republic of Moldova (movements of arms only take place by order of the chief of armaments and logistics staff; different types of weapons are transported separately, and are carefully packed and sealed; accompanying lists and handover protocols are attached to the cases in which the weapons are carried; the time and route of transfers are coordinated with local authorities and the Ministry of Internal Affairs; the first and last vehicles transporting weapons are accompanied by military escorts (2005, p. 8)), Poland (escorts must accompany transport; routes and movements are planned and kept confidential (2006, p. 4)).
- 463 Czech Republic (losses are reported to the Commanding Officer, who subsequently reports the loss to the Military Police and his superior

NORTHERN EUROPE

Nine states report that they have stockpile management and security measures in place with respect to SALW held by state security forces.⁴⁶⁴ Iceland reports that it does not have armed or security forces (2008, p. 5), but that all armaments of the police and Coast Guard are registered (type of firearms, serial numbers and user), strict procedures apply to their access and stocks are controlled (2008, p. 5). The states report that they have the following standards and procedures in place, as specified in the PoA:

- physical security measures, including secure armouries and strong rooms;⁴⁶⁵
- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁶⁶

commander, who will then investigate the loss (2007, pp. 12–13)), Poland (criminal sanctions and fines apply (2006, p. 5)), Russian Federation (registers missing and recovered firearms (2010, p. 3); theft of firearms is punishable by imprisonment of 15 years (2010, p. 10)), Slovakia (immediate notification (2003, p. 6)).

464 Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom.

465 Denmark (police stocks are kept in an armoured box equipped with its own alarms and electronic combination lock, stored within the general safe-deposit at the national police headquarters which is equipped with alarms against both theft and fire; munitions are locked in separate steel safes (2010, p. 8)); Finland (surveillance; measures against fire; guarding; internal surveillance (2011, p. 10)), Sweden (firearms are stockpiled underground or within military establishments (2010, p. 14); physical security measures include electronic alarm systems and rapid reaction units; firearms and ammunition are stored separately (2005, p. 11); police weapons: kept in a high-security vault with an alarm system (2010, p. 14)), United Kingdom (protection measures for emergencies (2008, p. 19)).

466 Denmark (police: electronic inventory system; transfers to and from stocks are registered (2010, p. 5)); Estonia (state inventories checked at least once a year; plus sporadic checks of armed forces (2010, p. 14)), Ireland (armed forces: mandatory serial number check on a weekly basis; reserve small arms checked monthly (2010, p. 4)), Latvia (regular or non-consecutive checks; weaponry in subunits checked at least once a month, while comparison of serial numbers is undertaken at least once every quarter; plus random checks in subunits at least once a year; warehouses of units: quantity checked twice a year, but comparison of the serial numbers of the weapons—at least once a year; service weapons, stored in a soldier's home, are examined at least once

- staff training;⁴⁶⁷
- security, accounting and control of SALW held or transported;⁴⁶⁸ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁶⁹

SOUTHERN EUROPE

Ten states report that they have stockpile management and security measures in place with respect to SALW held by state security forces.⁴⁷⁰ Andorra reports that it does not have an army (2008, p. 2), but that firearms held by the police force, the Customs Service, and the Banders⁴⁷¹ are securely stored (2010, pp. 2–3). The states report that they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles;⁴⁷²

a year (2010, pp. 8–9)), Lithuania (armed forces weapons: reviewed at least monthly (company level), every three months (battalion level), at least twice a year (formation or unit commander), (battalion and above); ammunition: at least twice a year; police weapons: checked four times per year; twice a year for Border Police (2010, pp. 8–9)); Norway (armed forces: every six months; police: “updated continuously” (2010, p. 7)), Sweden (armed forces: inventoried on a regular basis; Swedish Coast Guard: yearly inventory (2010, p. 14)), United Kingdom (regular and annual reconciliation of all military and police SALW (2008, p. 19)).

467 Sweden (training is provided to all effected staff, including rapid reaction units, with regard to threat scenarios, security service, and inventory procedures (2005, p. 11)), United Kingdom (security training (2008, p. 19)).

468 Denmark (2010, p. 8).

469 Denmark (keeps records of all armed forces arms that are disposed of, lost, stolen and destroyed (2010, p. 5)), Sweden (losses and theft reported to the Armed Forces Headquarters and the police; criminal penalties and military disciplinary action possibly (2010, p. 10)), United Kingdom (2008, p. 19).

470 Albania, Bosnia and Herzegovina, Croatia, Greece, Italy, Malta, Portugal, Serbia, Slovenia, the former Yugoslav Republic of Macedonia.

471 The Banders are a unit of forest rangers under the National Heritage Department of the Ministry of Land Management, Urban Planning and the Environment, whose tasks include the protection of wildlife and the supervision of hunting activities.

472 Albania (considerations include mission and task operations, the distance of the stockpile location from the inhabitant areas, and the national road network (2004, p. 9)), Greece (SALW and ammunition storage facilities are within or adjacent to military sites, and locations for storage buildings are chosen

- physical security measures, including secure armouries and strong rooms;⁴⁷³
- control of access to stocks;⁴⁷⁴

according to operational and safety military plans (2004, p. 3)), Italy (based on military instrument requirements and on criteria of security, functionality and efficiency (2003, pp. 9–10)), the former Yugoslav Republic of Macedonia (distance from the motorways, populated areas, industrial objects, railway stations, lakes, dams, airports, as well as the quantity of explosives to be stored (2011, p. 9)).

- 473 Albania (key control system, covered wooden doors, gridiron bars, guarded by the sentry soldiers, double fencing, and lighting around buildings. Arms and ammunitions are stored separately and the weapons are partly disabled (2004, p. 9)); Italy (surveillance measures implemented by armed guards, stores must be insulated, dry and ventilated; their location is such as to facilitate internal and external surveillance; walls, floors and ceilings are adequately strong; the stores are fitted with suitable locks; telephones are installed inside the premises for emergency calls; automatic anti-theft systems are in place; alarm systems; intruder-detection systems; external video tape surveillance; permanent electric lighting; and external fence (2003, pp. 9–10); infrastructure: brickwork construction of sufficient width; access door with iron gate fitted with suitable locks; windows with narrow-mesh grating and bullet-proof panes if possible; double fence or, if that is not possible, single fence with barbed wire; permanent electric lighting; flame-proof electric installation; plus, arms and ammunition are stored separately and weapons are stored in a disabled condition, except for those needed to meet contingencies; the working parts of disassembled weapons are stored in boxes or cabinets located in other rooms of the same building or in other buildings that meet equal security requirements (2003, pp. 10–11)), Greece (NATO standardization storage and security procedures are applied (2004, p. 3)), Serbia (arms depots are sentinelled, sealed and/or additionally secured by padlocks and lit; security measures, including fire, lightning and blast protection, are also in place and are strictly applied (2005, p. 2)), Slovenia (SALW are stocked separately according to categories; regular measurement of temperature and moisture; fire protection is provided; plans to evacuate SALW in case of various threats (2003, p. 6)), the former Yugoslav Republic of Macedonia (guard patrols with trained dogs; appropriate fire protection and explosive protection measures; emergency intervention plans; door are protected with a metal grid and sealed accordingly; appropriate outdoor lighting system; guard service; additional protection fences and alarm system; plus, parts and ammunition are stored separately (2011, p. 10)).
- 474 Albania (personnel must be authorized; keys are only available to personnel authorized in writing by the officer in charge and the personnel in charge are not allowed to have access to the keys to both the armaments and ammunition stores (2003, p. 4)), Italy (the number of personnel authorized to have access is

- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁷⁵
- staff training;⁴⁷⁶
- security, accounting and control of SALW held or transported;⁴⁷⁷ and

kept to a minimum; keys are issued only to personnel authorized in writing by the Commander/Director; personnel who have access to weapons stores keys are not allowed to have access to ammunition stores keys (2003, pp. 12–13)), Slovenia (entries into facilities and stockpile rooms are registered in special records (2003, p. 6), the former Yugoslav Republic of Macedonia (authorized personnel with access to stockpiles must go through personal security clearance, and undergo training on stockpile management (2011, p. 10)).

- 475 Albania (record books are checked once a year at the battalion level; once every two years at the brigade level, and once every four years at the army level (2003, p. 4)), Andorra (all movements of SALW are monitored and registered (2010, p. 1)), Croatia (inventory is controlled monthly, one detailed inventory is undertaken every year; ammunition inspection takes place annually; entry and exit of weapons and ammunition is recorded in a registry kept by the Ministry of Internal Affairs (2007, p. 7)), Greece (2004, p. 3), Italy (checks are performed daily, weekly, monthly, biannually and annually; occasional checks, with no prior notification, can be made by a commission purposely appointed by the Service Staffs (2003, p. 12)), Malta (weekly audit (2010, p. 7)), Portugal (each state agency has a central register of weaponry (2004, pp. 3–4)), Serbia (2005, p. 2), Slovenia (police and prison guard stocks are reviewed at least once a year (2010, p. 9)), the former Yugoslav Republic of Macedonia (records are inspected as follows—police: every month; Ministry of Defence: daily by the responsible personnel of the specified object in the area of the storage site, weekly by the commander of the storage site, monthly by the company commander level, and quarterly by the battalion commander level, every six months by the regiment brigade commander level, and annually on the level of the Ministry of Defence and General staff (2011, p. 10)).
- 476 Albania (guards are periodically trained for security in emergency situations (2003, p. 4)), Italy (personnel in charge of management and surveillance of stockpiles undergo regular training; emergency training is also carried out (2003, p. 14)).
- 477 Albania (armed escort; special transportation trucks are used equipped with flags, covered with tents, warning signs, and drivers receive special training; arms and ammunitions are transported separately in different vehicles; weapons are partly disabled and working parts stored separately; plus over-flight control by helicopters and modem communication system (2003, p. 5)), Italy (routes are planned in advance and their details are protected; armed escorts; movements of weapons and ammunition are avoided in conditions of poor visibility; movements will be made after careful planning based on current

- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁷⁸

Bosnia and Herzegovina reports that its stockpile physical security measures are currently inadequate, noting that an inspection team determined that the armed forces storage buildings in most cases meet minimum NATO criteria, but the outside perimeter, surveillance and security are in bad condition. Efforts are being made to bring them in line with NATO standards, but assistance and support to upgrade the security and surveillance of the storage sites are necessary (2010, p. 7). In 2004, Albania reported that there were 55 ammunition storage sites whose site security and conditions were below NATO standards. The storage sites were overloaded with ammunition and were surrounded by civilian populations (2004, p. 18).

WESTERN EUROPE

Seven states report that they have stockpile management and security measures in place with respect to SALW held by state security forces.⁴⁷⁹ Monaco reports that it does not have armed forces, thus the only bodies

intelligence, traffic density, type of route, rate of march and distance; in case of repetitive movements, routes and departure times will be changed each time; arms and ammunition are transported in separate vehicles and during shipment, the weapons are disabled and concealed; disabled weapons and working parts and spares are carried in separate vehicles and along different routes if possible (2003, p. 14)), Portugal (military escort (2004, pp. 3–4)), the former Yugoslav Republic of Macedonia (armed escorts; weapons and ammunition are stored separately during transport (2011, p. 10)).

478 Albania (immediate reporting procedures; criminal investigations and disciplinary action are possible (but not common) (2003, p. 5)), Bosnia and Herzegovina (reported or missing firearms are entered on the search list, in accordance with the Decree and INTERPOL standards (2006, p. 17)), Greece (immediately reported to the Military Intelligence Service and the Police; registered in the “National Information Schengen System” (2004, p. 3)), Italy (immediately reported to the superior authority and the appropriate judicial authority; criminal or military proceedings are possible (but theft and losses are infrequent) (2003, pp. 13–14), Portugal (investigations are carried out; disciplinary and criminal sanctions are possible (2004, pp. 3–4)), the former Yugoslav Republic of Macedonia (reported to law enforcement agencies and superior in command (2011, p. 10)).

479 Austria, Belgium, France, Germany, Luxembourg, Netherlands, Switzerland.

with military status in Monaco are the Prince's Carabinieri and the Fire Brigade (2004, p. 2). The states report that they have the following standards and procedures in place, as specified in the PoA:

- appropriate locations for stockpiles;⁴⁸⁰
- physical security measures, including secure armouries and strong rooms;⁴⁸¹
- control of access to stocks;⁴⁸²
- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁸³

480 France (protected military areas, or sensitive military areas (2010, pp. 7–8)), Luxembourg (2012, p. 4), Switzerland (analysis of all active and passive risks (earthquake zone, threat situation, exposure, etc.); stockpile locations may be underground or on the surface, and may be located in central, protected zones or in outlying areas (2010, p. 11), provisions of the Environment (Environmental Protection Act may be relevant—for facilities that may cause severe harm to human beings or the environment as a result of extraordinary occurrences, the necessary safety distance has to be maintained and technical safety precautions have to be taken; furthermore, monitoring of the facilities has to be guaranteed, and regulations for dealing with emergencies have to be in place (2010, p. 11)).

481 France (SALW are stored dismantled, in specially equipped premises (bunkers) secured and under constant surveillance of armed agents (by local police) (2010, pp. 7–8)), Luxembourg (2012, p. 4), Netherlands (separate storage of weapons and ammunition, key control, alarm and detection systems, guard patrols and watchdogs (2010, p. 10)), Switzerland (specially constructed security room (20cm reinforced concrete walls, armour-plated doors, no other apertures and a calculated resistance time) (2010, p. 11)).

482 France (deliberately entering into one of a stockpile facility (without authorization) is punished by the Penal Code and the personnel in charge of protecting them can take action against intruders, ranging from arrest (using force if necessary) to firing a gun (2010, pp. 7–8)), Luxembourg (2012, p. 4), Netherlands (access is limited to personnel that have been subject to security clearance procedures and that have a written authorization (2010, p. 10)), Switzerland (2012, p. 13).

483 Austria (stocks are reviewed annually (2010, p. 6)), France (movement is registered each time a weapons enters or exits a holding; monitoring of stocks is done on daily basis and during periodic inventories (2010, pp. 7–8)), Germany (Federal Armed Forces: (i) guard and MP units: 100% inventory check at each change of shift (2010, p. 16), (ii) combat units: routine checks on a weekly basis, (iii) depots and stockpile facilities: routine checks every two weeks; additionally, non-periodical checks are carried out after any

- staff training;⁴⁸⁴
- security, accounting and control of SALW held or transported;⁴⁸⁵ and
- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁸⁶

OCEANIA

AUSTRALIA AND NEW ZEALAND

New Zealand reports that although police officers do not routinely carry firearms, their weapons are held in secure storage facilities (2010, p. 11). Australia reports that both the state and territory governments have agreed on national standards, which govern the security and storage of firearms (2010, p. 6). New Zealand and Australia report that they have the following standards and procedures in place, as specified in the PoA:

- physical security measures;⁴⁸⁷
- inventory management and accounting control, including the marking of weapons and audit checks;⁴⁸⁸ and

movement of any kind of SALW; Federal and State Police Forces: yearly check of all SALW; at every shift rotation at police stations, a check is performed to ensure all service weapons are accounted for (2010, p. 17)), Luxembourg (2012, p. 4), Netherlands (full records are kept and checked and subject to inspection (2003, p. 8)), Switzerland (annual review (2012, p. 13).

484 Luxembourg (2012, p. 4), Netherlands (personnel with access to stockpiles are subject to regular training on regulations, practices and procedures related to stockpile security, inventory management and accounting control (2010, p. 10)), Switzerland (2012, p. 13).

485 France (2010, pp. 7–8), Luxembourg (2012, p. 4), Netherlands (armed escort; arms and ammunition are transported separately in different vehicles (2010, p. 10)), Switzerland (2012, p. 13).

486 France (investigation; criminal sanctions for theft; disciplinary sanctions for loss; financial penalties if the responsibility or the negligence of the owner can be proved (2010, pp. 7–8)), Luxembourg (2012, p. 4), Netherlands (2003, p. 8), Switzerland (record-keeping system allows shortcomings or missing items to be traced (2005, p. 21)).

487 Australia, New Zealand.

488 Australia (armed forces: annual census to account for every weapon; police: each weapon is recorded and audited on a regular basis (2010, p. 7)).

- procedures and sanctions in the event of theft or loss, including sanctions and penalties.⁴⁸⁹

MELANESIA

Papua New Guinea reports that although there are no national standards for the management of small arms stocks, each institutional force has their own standard operating procedures (2005, p. 12). Solomon Islands reports that it has regulations on small arms management and security, but that, at the time of writing the report, no weapons were held by the police, but rather by the International Assistance Missions (2004, p. 15). Fiji reports that it is drafting regulations that will formalize stockpiling procedures (2008, p. 4). The states report that they have the following standards and procedures in place, as specified in the PoA:

- physical security measures;⁴⁹⁰
- control of access to stocks;⁴⁹¹ and
- inventory management and accounting control, including the marking of weapons and audit checks.⁴⁹²

MICRONESIA

The Marshall Islands reports that it has stockpile management and security procedures in place, and that it keeps records and inventory of all SALW held by the police and reviews these at various times during the year (2005, p. 3).

GLOBAL FINDINGS

State reporting on stockpile management and security practices varies enormously, with some states simply reporting they have standards and procedures in place, and others giving detailed descriptions of their

489 Australia (armed forces: investigation procedures in place for any loss, theft of attempted theft of any ADF weapon (2010, 7)).

490 Solomon Islands (armouries are locked and constructed in accordance with recognized standards (2003, p. 16)).

491 Solomon Islands (keys to stockpiles are controlled (2003, p. 16)).

492 Fiji (police review SALW stocks regularly (2004, p. 5)), Papua New Guinea (stockpiles are “continuously reviewed” (2005, p. 13)), Solomon Islands (police: weapons registers are maintained and checked (2003, p. 17)).

stockpile measures under each of the subcategories in paragraph II.17 of the PoA. Most reporting on stockpile management relates to inventory management, with states reporting that stocks are checked regularly (although the frequency ranges from daily to annual checks). States also report extensively on physical measures taken to secure stockpiles, such as the use of guards, alarm and surveillance mechanisms, and construction features, such as concrete walls. Chart 4 provides an overview of the global findings in this area.

Chart 4. Stockpile management and security

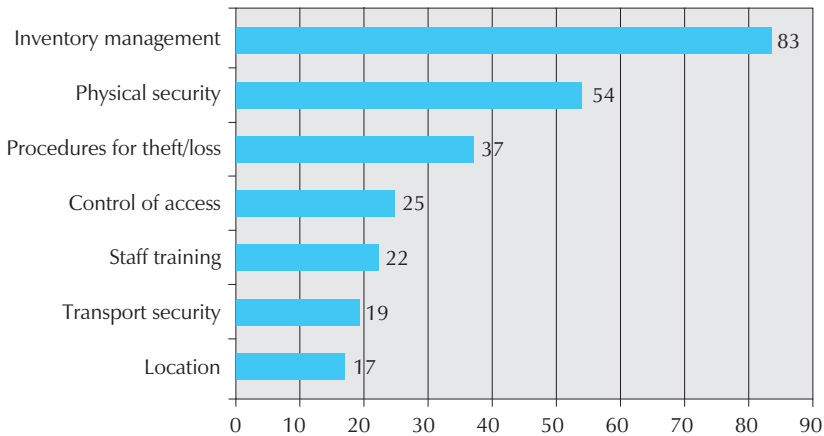


Chart 4 shows the number of reporting states that indicate they have standards and procedures in place with respect to the elements of stockpile management specified in paragraph II.17 of the PoA (appropriate locations for stockpiles, physical security measures, control of access to stock etc.) The majority of states that report on stockpile management procedures indicate that they have inventory management processes in place, which also relates to the commitment in paragraph II.9 of the PoA for states to keep records of SALW holdings. A large proportion also include details of the physical security measures they have in place to safeguard stockpiles. Fewer states confirm that their stockpile management procedures include staff training and consideration of appropriate locations for stockpiles (e.g. ensuring they are a safe distance from populated areas). This may be a consequence of under-reporting on the issue as opposed to poor

implementation of the commitment. Nevertheless, the analysis of states' reports on the issue of stockpile management, and the classification of their reported standards and procedures into the separate issue areas, provides a useful summary of good practices and other practical measures that states not having adequate stockpile management systems in place could learn from and investigate further.

SURPLUS

The central provisions in the PoA regarding surplus are in paragraphs II.18 to II.20. In paragraph II.18, states undertake to regularly review the stocks of small arms held by the armed forces, police and other authorized bodies and:

- to clearly identify stocks declared by competent national authorities to be surplus to requirements;
- to establish and implement programmes for responsible disposal (preferably through destruction); and
- to safeguard stocks designated for disposal.

Paragraph II.19 further specifies that when destroying surplus small arms, states should take into account the report of the United Nations Secretary-General on methods of destruction of SALW, ammunition and explosives.⁴⁹³ Finally, paragraph II.20 encourages states to carry out public destruction of surplus, where appropriate.

The following section provides an overview of the information provided by states on their fulfilment of these commitments, by region. Figures on estimated surplus and destruction provided in national reports are included in Annex G.

AFRICA

EASTERN AFRICA

Procedures to review stockpiles and identify surplus

Six states in Eastern Africa report that they have procedures to review stockpiles and identify surplus.⁴⁹⁴ Kenya reports that it does not—and has never had—surplus SALW, but there are procedures in place for disposing of surplus should it arise (2010, p. 9). Zimbabwe also reports that it does not have surplus stocks of SALW held by the armed forces, police or other authorized bodies (2008, p. 10). In Eritrea, surplus is identified by written

493 Security Council, *Report of the Secretary-General, Methods of destruction of small arms, light weapons, ammunition and explosives*, UN document S/2000/1092, 15 November 2000.

494 Eritrea, Ethiopia, Mozambique, Uganda, United Republic of Tanzania, Zimbabwe.

reports of the SALW on hand made by units of the armed forces, police or other authorized bodies (2010, p. 4). Ethiopia reports that its surplus is identified by taking an inventory and comparing this with demand (2008, p. 2). In 2010, Uganda reported that the Uganda Police Force and the Peoples Defense Force were undertaking a country-wide firearms stocktaking that would determine the existence of surplus stock (2010, p. 2).

Destruction methods

Four states report on the destruction methods used to destroy surplus and obsolete weapons.⁴⁹⁵ In Eritrea, detonation is the method used to destroy obsolete SALW (2010, p. 5). In Ethiopia small arms are disposed of by fire and the metal is smelted in steel factories (2008, p. 2). In Mozambique destruction is through “transformation of the same into implements by using melting vocational factories” (2010, p. 10). Zambia reports that surplus arms are destroyed by melting (2010, p. 7).

Programmes for other forms of disposal of surplus

Nine states report that they destroy surplus,⁴⁹⁶ and no other forms of disposition are described in national reports.

Safeguarding of stocks designated for disposal

Three states report that they safeguard their surplus prior to destruction.⁴⁹⁷ Eritrea reports that surplus is secured in a depot and guarded vigilantly (2010, p. 5).

MIDDLE AFRICA

Procedures to review stockpiles and identify surplus

The Democratic Republic of the Congo reports that the sorting criteria for surplus arms and ammunition for disposal is the responsibility of the Congolese authorities, and the implementation of activities to sort stocks is the responsibility of the logistics chain of the armed forces (2010, p. 18).

495 Eritrea, Ethiopia, Mozambique, Zambia.

496 Burundi, Eritrea, Ethiopia, Malawi, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia.

497 Eritrea, Uganda, Zambia.

Destruction methods

The Democratic Republic of the Congo reports that hydraulic shears or an industrial saw with a diamond blade are used to cut and destroy surplus arms. It also reports that it has a fixed structure equipped with electric hydraulic shears at the Central Logistics Base in Kinshasa, as well as a mobile structure, allowing mobile destruction teams equipped with industrial saws to carry out delocalized destruction operations (2010, pp. 19–20).

Programmes for other forms of disposal of surplus

No Middle African state reports on this provision.

Safeguarding of stocks designated for disposal

No Middle African state reports on this provision.

NORTHERN AFRICA

Procedures to review stockpiles and identify surplus

Algeria reports that the “criteria for identifying surplus stocks of small arms and light weapons are linked to staffing requirements of constitutional bodies and other bodies entitled to possession” (our translation) (2010, p. 9). In 2010, Tunisia reported that it had no surplus.

Destruction methods

Algeria reports that destruction is done by an authorized entity by cutting and melting (2008, p. 15). Egypt reports that destruction is done by melting, “under the strict supervision of committees formed for this purpose” (2008, p. 4).

Programmes for other forms of disposal of surplus

Algeria, Egypt and Morocco report that they destroy their surplus weapons, with Egypt stating that, as an alternative, surplus or confiscated weapons may be sold or donated to other “friendly” states in accordance with international laws (2008, p. 4).

Safeguarding of stocks designated for disposal

Algeria and Egypt report that they safeguard stocks designated for disposal.

SOUTHERN AFRICA

Procedures to review stockpiles and identify surplus

Namibia reports that it has procedures in place for defining surplus, noting that reviews take place on an annual basis (2011, pp. 3–4).

Destruction methods

Namibia reports that destruction is done by open-pit detonation (2011, p. 4). South Africa reports that destruction is done by crushing (2003, p. 5).

Programmes for other forms of disposal of surplus

Four states report that they destroy their surplus weapons,⁴⁹⁸ but do not give examples of alternative forms of disposal.

Safeguarding of stocks designated for disposal

Botswana reports that, before destruction, surplus and obsolete weapons are kept by the Central Arms Registry (2010, p. 15). Lesotho reports that the Internal Security Bill requires the construction of safe and secure storage facilities for all government stocks and surplus weapons (2008, p. 16). Namibia reports that surplus is officially declared and taken out of service, recorded and stored separately and destroyed by open-pit detonation (2011, p. 4).

WESTERN AFRICA

Procedures to review stockpiles and identify surplus

Burkina Faso and the Gambia report on the process for determining and dealing with surplus SALW. Burkina Faso reports that “The results of the general inspection of the various facilities are reported to the central services responsible for the materiel and a proposal is formulated for the responsible Minister regarding the stocks to be eliminated, which is usually done by destruction” (2010, p. 3). Six states report that they do not have

498 Botswana, Lesotho, Namibia, South Africa.

surplus of small arms,⁴⁹⁹ though all but Benin report that they destroy obsolete weapons.

Destruction methods

Liberia reports that surplus weapons are destroyed by the United Nations Peacekeeping Mission in Liberia (2010, p. 7), and by cutting and burning in certain cases (2005, p. 7). Niger reports that obsolete weapons are usually neutralized, burned in the open air or cut by flame (2010, pp. 18–19). Senegal reports that weapons are destroyed by cutting then pouring parts into concrete in sealed drums and dumping them at a depth of 400m (2010, p. 13).

Programmes for other forms of disposal of surplus

No Western African state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

No Western African state reports on this provision.

AMERICAS

CARIBBEAN

Procedures to review stockpiles and identify surplus

Although several states in the Caribbean provide information on the management and destruction of illicit small arms that are seized and confiscated on their territory, Antigua and Barbuda is the only state that reports on the process for determining and dealing with small arms surplus.⁵⁰⁰ It reports that it reviews stocks held by the security forces once a year and if surplus arms are identified, they are destroyed through burning (2010, p. 20). Cuba reported in 2003 that it had no surplus of small arms.

499 Benin, Liberia, Niger, Senegal, Togo, Guinea.

500 The Dominican Republic provides figures of small arms destroyed during its first public destruction ceremony in 2006, describing the arms destroyed as “illegal, unmarked, irregular or surplus firearms” (our translation), but it does not disaggregate the illegal or illicit firearms from those that were surplus (2008, p. 21).

Destruction methods

As noted above, Antigua and Barbuda reports that surplus arms are destroyed through burning (2010, p. 20).

Programmes for other forms of disposal of surplus

No Caribbean state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

Antigua and Barbuda reports that surplus arms are taken out of service and stored separately prior to disposal (2010, p. 20).

CENTRAL AMERICA**Procedures to review stockpiles and identify surplus**

No Central American state reports on procedures in place to review stockpiles and identify surplus, although several indicated that they do not have surplus, but that they do destroy obsolete or inoperative weapons. Honduras reports that it has a programme for the destruction of weapons that are out of service (2004, p. 5). Mexico reports that it does not have surplus, per se, as the Ministry of Defence only allows public security agencies to own one short gun and one long gun per agent, thus all weapons are operative. However, inoperative weapons are destroyed (2010, pp. 3, 4).

Destruction methods

Honduras reports that destruction is done by cutting with an acetylene torch and melting (2004, p. 5). Mexico reports that destruction is done by electric cutting and smelting of the metallic parts, and burning of the wooden and plastic parts of the firearms (2010, pp. 3–4). Panama reports that destruction is done by crushing with heavy equipment (2010, p. 7).

Programmes for other forms of disposal of surplus

No Central American state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

Mexico reports that, with respect to surplus, agencies of the Army and Air Force have depots that meet the necessary security measures to carry out the administrative and physical control by the military (2010, pp. 3, 4). Panama reports that surplus weapons are kept in the official depot under the supervision and custody of the National Police prior to disposal (2010, p. 7).

NORTHERN AMERICA

Procedures to review stockpiles and identify surplus

Canada reports that the Royal Canadian Mounted Police currently destroys all surplus firearms as a matter of policy. A record of all seized firearms that are destroyed is kept and the resulting information is made available to foreign police within the context of specific investigations. The United States reports that, in addition to inventory checks (outlined above), annual reconciliation of all small arms in the Department of Defense registry is performed (2010, p. 12).

Destruction methods

Canada reports that surplus designated for destruction is destroyed by smelting at local foundries under the supervision of the commanding officer of the Canadian Forces Supply Depot (2010, p. 9). The United States reports that the following destruction methods may be used to destroy surplus: torch cutting, shearing, crushing or smelting. In addition, it notes that if any deep water dumping takes place, this is subject to domestic legal requirements and applicable international regulatory agreements to which the United States is party (2010, p. 9).

Programmes for other forms of disposal of surplus

Canada reports that surplus firearms held by public agencies must be destroyed, with limited exceptions for public purposes (scientific, research or educational purpose, or for preservation as a historical firearm) (2010, p. 9). Small arms identified as surplus to the armed forces, however, are either sold to the militaries of allied states, transferred to approved public agencies or destroyed. Occasionally, SALW may be demilitarized and donated to museums (2010, p. 9).

The United States reports that most military weapons that are no longer useful, serviceable or economically repairable are destroyed by smelting, though torch cutting, shearing or crushing may be utilized when deemed more cost effective or practical (2010, p. 9).

Safeguarding of stocks designated for disposal

Canada reports that any surplus small arms are secured within special depots and are accounted for in the same way as those that are in use (2010, p. 8).

SOUTH AMERICA

Procedures to review stockpiles and identify surplus

Argentina reports that surplus weapons from the security forces are given to the National Arms Registry, which then arranges for their destruction following receipt of a ministerial decision signed by the Minister of Defence (2010, p. 12).

Ecuador reports that decommissioned weapons, ammunition and explosives that are stored at the Combined Armed Forces Command are inspected in order to determine which of them are so damaged or dangerous that they must be destroyed (2003, p. 2).

Guyana reports that damaged weapons that are considered beyond repair, along with those that are decommissioned, are recorded and stored separately until destruction is ordered (2010, p. 4). Peru reports that the stocks of SALW of the armed forces and the national police are regularly inspected, and that executive boards within the institutions are appointed to retire unused arms and to arrange and verify their destruction (2003, p. 7).

The Bolivarian Republic of Venezuela reports that the arsenals of the national armed forces, the public security authorities and state security agencies with police functions and other bodies authorized to hold firearms are periodically inspected and surplus is declared by the national authorities (2004, p. 5).

Colombia and Ecuador report that they have no surplus.⁵⁰¹

501 Colombia (2006, pp. 13–14), Ecuador (2006, p. 5) (although Ecuador reported that outdated and obsolete weapons were destroyed during the annual

Destruction methods

The following methods of destruction were reported: crushing,⁵⁰² cutting,⁵⁰³ dumping at sea,⁵⁰⁴ smelting⁵⁰⁵ and detonation.⁵⁰⁶

Programmes for other forms of disposal of surplus

Brazil reports that SALW and ammunition found or seized in illicit situations must be promptly destroyed by the Brazilian Army, immediately after completion of judicial measures that may be needed for criminal investigation purposes. The law forbids any alternative uses for seized weapons (2008, p. 5).

The Bolivarian Republic of Venezuela reports that destruction is the preferred method of disposal, but indicates other forms of “responsible disposal” (our translation) may be permitted (though it does not specify what those forms of disposal are) (2004, p. 5).

Safeguarding of stocks designated for disposal

Paraguay reports that confiscated and decommissioned arms are stored by the Directorate of War Material for safekeeping and subsequent disposal (2003, p. 4). Peru reports that there are special storage facilities within the units of the armed forces, the national police and the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use for storing surplus arms prior to destruction (2003, p. 8). The Bolivarian Republic of Venezuela reports that surpluses are maintained in a safe place until their disposal (2004, p. 5).

destruction of illegal weapons (2003, p. 2)).

502 Argentina (2010, p. 12).

503 Guyana (oxygen and acetylene blowtorch or electric saw (2010, p. 4)).

504 Guyana (once cut up, destroyed arms are dumped at deep sea by the coast guard and witnessed by others appointed to do so (2010, p. 4)), Peru (2003, p. 8).

505 Argentina (2010, p. 12), Peru (2010, p. 23), Uruguay.

506 Peru (2003, p. 8).

ASIA

CENTRAL ASIA

Procedures to review stockpiles and identify surplus

Tajikistan reports that “Surplus of small arms stocks of competent ministries and institutions, in [excess] of actual needs, is defined by continued monitoring” (2003, p. 5). It reports that it has not adopted any programme for destruction of surplus, but that arms are secured until destruction (2003, p. 5).

Destruction methods

Kazakhstan reports that surplus weapons are mechanically deformed and all non-metallic components are incinerated separately. Additionally weapons may be destroyed by cutting with a gas welding torch. Deformed weapons are melted in a furnace and destruction is confirmed by a statement signed by the technical commission members present (2010, pp. 23–24).

Programmes for other forms of disposal of surplus

Kazakhstan and Kyrgyzstan report that surplus SALW are destroyed, but do not give examples of alternative forms of disposal.

Safeguarding of stocks designated for disposal

Kazakhstan and Tajikistan report that surplus arms are safeguarded.

EASTERN ASIA

Procedures to review stockpiles and identify surplus

Japan reports that surplus does not exist on its territory, but notes that surplus can be identified by comparing necessary amounts with actual amounts (2010, p. 14). The Republic of Korea reports that its stockpile management procedures cover the status of state-held stockpiles (2010, p. 13).

Destruction methods

Japan reports that surplus weapons are destroyed by being cut, melted or dismantled (2010, p. 16). The Republic of Korea reports that surplus

weapons are destroyed by cutting, melting in a furnace and shredding (2010, p. 13).

Programmes for other forms of disposal of surplus

No Eastern Asian state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

Japan and the Republic of Korea report that surplus arms are stored prior to destruction.

SOUTHERN ASIA

Procedures to review stockpiles and identify surplus

No state in Southern Asia reports on the process for determining surplus, but three states report that they destroy surplus and obsolete weapons.⁵⁰⁷

Destruction methods

Sri Lanka reports that surplus arms are destroyed by crushing, but that, until 2005, the method was to dump them in the ocean (2008, p. 7).

Programmes for other forms of disposal of surplus

No Southern Asian state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

India reports that “Disposal of unserviceable/surplus weapons in Ordnance depots is carried out strictly as per laid down instructions and relevant orders on the subject. There is no possibility of misuse of any such weapon as due safeguards measures exist prior to their disposal and records are maintained thereof” (2010, p. 6).

⁵⁰⁷ Bangladesh, India, Sri Lanka.

SOUTH-EASTERN ASIA

Procedures to review stockpiles and identify surplus

Malaysia reports that “Regular exercises are conducted to review arms stocks and determine the need for disposal” (2010, p. 8).

Destruction methods

The following methods of destruction were reported: cutting,⁵⁰⁸ crushing,⁵⁰⁹ and melting or smelting.⁵¹⁰ Thailand destroys surplus usually once a year by separating their parts and changing their condition or melting them (2008, pp. 8–9). In Viet Nam, destruction is performed by destroying the barrel and other metal parts (2006, p. 3).

Programmes for other forms of disposal of surplus

Six states in South-Eastern Asia report that they destroy surplus SALW,⁵¹¹ and no other forms of disposition are described in national reports.

Safeguarding of stocks designated for disposal

The Philippines reports that it ensures surplus arms are stored safely prior to destruction (2010, pp. 10–11).

WESTERN ASIA

Procedures to review stockpiles and identify surplus

No state in Western Asia reports on the procedures in place to review and identify surplus stocks.

508 Malaysia (2010, p. 8), Philippines (2010, pp. 10–11).

509 Philippines (2010, pp. 10–11).

510 Malaysia (2010, p. 8), Philippines (2010, pp. 10–11), Thailand (2008, pp. 8–9).

511 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

Destruction methods

The following methods of destruction were reported: cutting,⁵¹² melting,⁵¹³ detonation⁵¹⁴ and crushing.⁵¹⁵ Armenia reports that arms are destroyed through mechanical deformation, slicing, disassembly and melting (2010, p. 5).

Programmes for other forms of disposal of surplus

Four states report that they destroy surplus.⁵¹⁶ The Syrian Arab Republic reports that it destroys obsolete weapons, but that it has no surplus.

Safeguarding of stocks designated for disposal

Cyprus and Israel report that they safeguard their surplus weapons prior to destruction.

EUROPE

EASTERN EUROPE

Procedures to review stockpiles and identify surplus

Five states in Eastern Europe reported that they have procedures to review stockpiles and identify surplus.⁵¹⁷ Bulgaria reports that the army identifies surplus by regular review and a surplus list is approved every year by the Ministry of Defence (2010, p. 16). Hungary reports that there are tables to determine the material requirements of military units. When the stock of a particular item is higher than the needs of the military and the reserves, a surplus list is sent to the Ministry of Defence. Police and prison service surplus is identified with separate registers (2010, pp. 6–7). The Republic of Moldova reports that surplus weapons are identified by the difference of actual weapons and the needs of the military units (2010, p. 14). Romania reports that surplus is identified by regular checking, verifications and inspections, restructuring and changes in organizational charts (2010,

512 Cyprus (2008, p. 6), Israel (“filling the barrels by welding ... cutting the main components” (2008, p. 5)).

513 Cyprus (2008, p. 6), Oman (2010, p. 3), Turkey (2008, p. 10).

514 Cyprus (“using proper explosives (weapons with bursting charge)” (2008, p. 6)).

515 Cyprus (pressing (2008, p. 6)).

516 Cyprus, Georgia, Israel, Jordan.

517 Bulgaria, Hungary, Romania, Republic of Moldova, Russian Federation.

p. 10). The Russian Federation checks armed forces and state paramilitary organizations regularly in order to identify surplus, which when identified is taken out of service and stored pending disposal (2010, p. 13).

Destruction methods

The following methods of destruction were reported: melting,⁵¹⁸ cutting⁵¹⁹ and smelting⁵²⁰. In Poland, weapons are scrapped for their metal elements and wooden parts are used for fuel (2005, p. 4). Romania reports that destruction is done “by mechanical means and torch, crushing or cutting the main parts of the weapon and then recycling the materials” (2005, p. 10).

Programmes for other forms of disposal of surplus

Bulgaria reports that surplus weapons are either sold or destroyed (2010, p. 17). In the Czech Republic surplus weapons are smelted or transferred to another government, decommissioned or donated to another state (2007, p. 9). In Hungary, if surplus are suitable for use, they are sold, if not they are melted down (2010, p. 7). In Poland, surplus weapons may be utilized or transferred to another agency for sale (2006, p. 5). The Russian Federation reports that surplus SALW are either exported or destroyed (2010, p. 13).

Safeguarding of stocks designated for disposal

Romania reports that surplus arms are stored according to the same standards as normal stockpiles (2005, p. 9). Poland reports that surplus arms are “secured and stored” until they are used or transferred (2006, p. 5).

518 Belarus (in a blast furnace (2010, p. 6)), Hungary (2010, p. 7), Russian Federation (weapons are turned into scrap metal by being heated in a furnace and transformed into metallic strips under a press (2010, p. 13)).

519 Bulgaria (cut into pieces, then the scrap is melted (2010, p. 17)).

520 Czech Republic (2007, p. 9), Ukraine (turned into scrap metal (2005, p. 12)).

NORTHERN EUROPE

Procedures to review stockpiles and identify surplus

Six states report that they have procedures in place to review stockpiles and identify surplus.⁵²¹

Denmark reports that the armed forces keeps a surplus stock of 5% in order to retain service reliability, and that stocks are reviewed regularly (2010, p. 8). Lithuania reports that surplus armed forces stocks are identified according to certified charts of organizational structure and equipment of military units. Surplus police stocks are identified according to the Order of the Police Commissioner General on the approval of munitions (2010, p. 9). Norway reports that surplus stocks held by the armed forces are identified as SALW no longer required equipping active and reserve units and that, in principle, the police do not hold surplus stocks of SALW, since the number of SALW within the police forces corresponds with the number of servicemen on active duty and in the reserves (2010, p. 8). Sweden reports that the main criteria for identifying surplus SALW held by the armed forces have been the reductions in the size of the armed forces as well as weapons taken out of use due to modernization of systems (2010, p. 15), while technological changes are the most common criteria when defining surplus weapons within the police (2010, p. 14). Sweden reports that between 1989 and 2003 more than 480,000 SALW were identified as surplus and destroyed (2005, p. 12).

Destruction methods

The following methods of destruction were reported: cutting,⁵²² crushing,⁵²³ melting or smelting,⁵²⁴ incineration⁵²⁵ and shredding.⁵²⁶ Iceland reports that the destruction of surplus police arms is carried out in a scrap iron processing plant (2008, p. 6).

521 Denmark, Estonia, Ireland, Lithuania, Norway, Sweden.

522 Denmark (2010, p. 8).

523 Denmark (for large quantities (2010, p. 8)), Finland (2011, p. 11).

524 Denmark (for large quantities (2010, p. 8)), Finland (2011, p. 11), Estonia (2010, p. 15), Lithuania (disassembled and destroyed by melting (2010, p. 9)), Norway (2010, p. 8), Sweden (small weapons, such as pistols and sub-machine guns, are destroyed by smelting (2010, p. 15)).

525 Lithuania (ammunition and pyrotechnic articles are incinerated (2010, p. 9)).

526 Norway (2010, p. 8), Sweden (2010, p. 15).

Programmes for other forms of disposal of surplus

Eight states report that destruction is the only or the preferred means to dispose of surplus stocks.⁵²⁷ Finland reports that destruction is one of the means used to dispose surplus stocks of small arms, but that they may also be sold or donated (2011, p. 10).

Safeguarding of stocks designated for disposal

Denmark reports that surplus stocks held by the armed forces are safeguarded in the same way as all other weapons, according to the procedures for military security and safety (2010, p. 8). Estonia reports that police service weapons that are not used anymore are held and stored in the armoury of the Police Board's logistics department until the commission of experts decides their fate (although, as a rule, these weapons are subject to destruction) (2010, p. 13). Finland reports that surplus small arms are stored according to same instructions as other small arms (2011, p. 10).

Ireland reports that all surplus small are held in secure single location storage at the Defence Forces Logistics Base (2010, p. 4). Norway reports that surplus stocks awaiting disposal are secured, controlled and accounted for in the same way as small arms in service (2010, p. 8).

Sweden reports that the normal routine for safeguarding prior to disposal is "control of weapons, security transports to the place of destruction, control of weapons, surveillance, destruction, and finally reporting to the Armed Forces central register" (2010, p. 15).

SOUTHERN EUROPE

Procedures to review stockpiles and identify surplus

Four states report that they have procedures in place to review stockpiles and identify surplus.⁵²⁸ Malta reports that there are no identified surplus stocks of SALW (2010, p. 7).

Bosnia and Herzegovina reports that surplus of arms and ammunition will be declared by the Presidency upon completion of restructuring of its

527 Denmark, Estonia (describes destruction as one means of disposal (2010, p. 13)), Iceland, Latvia, Lithuania, Norway, Sweden, United Kingdom (with specific reference to firearms used by civilian police forces which are surplus to requirements (2010, p. 12)).

528 Bosnia and Herzegovina, Croatia, Serbia, Slovenia.

Armed Forces. In May 2006, the Ministry of Defence established an expert team to identify surplus SALW and ammunition and to present a proposal on methods of disposal. "According to the preliminary assessments of the working group the estimated surplus of [the] military is up to 100,000 SALW and between 25,000 to 30,000 tonnes of ammunition". In 2009, the Presidency passed a decision for the destruction of 4,000 tonnes of surplus ammunition; at the time of reporting, the destruction was ongoing. Records of destroyed small arms are retained (2010, p. 9).

Croatia reports that armed forces requirements for SALW are determined through the development of a Table of Organization and Equipment for the entire forces, including reserves. Once the quantity is determined it is compared to existing stocks and surplus (or shortage) is identified; also the oldest SALW types will be declared as surplus (2010, p. 13). Croatia reports that the identification and disposal of surplus stocks is a continuous process performed every year according to the prescribed procedure. The General Staff of the armed forces determines whether surplus stocks exist and proposes the means of their disposal, to be decided by the Minister of Defence based on the Regulation on Sales of Obsolete Weapons and Defence Equipment (2007, p. 7).

The former Yugoslav Republic of Macedonia reports that state institutions are responsible for their own surplus calculation according to the national security requirements (2011, p. 10). Serbia reports that outdated arms and equipment, as well as those unlikely to be used, are considered surplus. The likelihood of use of arms and weapons, and levels of wear and tear, are determined upon the assessment of their condition and service and repair needs, and the year of manufacture (2005, p. 2). Slovenia reports that an assessment of surpluses is made by the commission in cooperation with an external organization every two years (2010, p. 9).

Destruction methods

The following methods of destruction were reported: cutting,⁵²⁹ bending/crushing,⁵³⁰ melting⁵³¹ and detonation.⁵³²

Programmes for other forms of disposal of surplus

Three states report that destruction is the only or the preferred means used to dispose of surplus stocks.⁵³³

Bosnia and Herzegovina reports that some surplus is sold (2010, p. 2). Croatia reports that destruction is only one of the methods used to dispose of surplus (2010, p. 13) and that surplus stocks may be sold on the market (2007, p. 7). The former Yugoslav Republic of Macedonia reports that surplus stocks are either sold according to national and international standards, or destroyed (2011, p. 10). Portugal reports that surplus weaponry that may still be purchased by other states may be exported (2004, p. 4).

Safeguarding of stocks designated for disposal

Albania reports that it has regulations governing the safeguarding of surplus stockpiles prior to their destruction, but does not specify what the procedures are (2004, p. 11). Croatia reports that Ministry of Defence surplus SALW is subject to the same rules and regulations for storage and security as other weapons and ammunition (2010, p. 13). The former Yugoslav Republic of Macedonia reports that the Ministry of Defence guards surplus weapons in their respective storage facilities until the time of destruction, and that the same security procedures apply to stored

529 Albania (gas cutting method by welding (2004, pp. 11–12)), Bosnia and Herzegovina (2010, p. 8), Croatia (gas or angle cutting and crushing by hydraulic press, then sold as scrap metal (2010, p. 14)), Italy (2003, p. 8), Serbia (by saw and flame (2004, p. 6)).

530 Italy (bending (2003, p. 8)), Serbia (bending and mangling by applying pressure (2004, p. 6)).

531 Bosnia and Herzegovina (2010, p. 8), Croatia (blast furnace (2010, p. 13)), Italy (2003, p. 8), Slovenia (2010, p. 10), the former Yugoslav Republic of Macedonia (2011, p. 11).

532 Bosnia and Herzegovina (ammunition (2010, p. 8)), Serbia (2004, p. 6), the former Yugoslav Republic of Macedonia (ammunition: up to .50 calibre burning in a specially designed oven (kiln), heavy ammunition and explosive materials are destroyed by open-pit detonation (2011, p. 11)).

533 Bosnia and Herzegovina, Greece, Italy.

surplus as to stocks in service. It also notes that the Ministry of Interior has established a central storage facility for seized, confiscated and found weapons and weapons waiting for destruction, which is under special surveillance by patrols and security cameras, and all items are inventoried (2011, p. 11).

Serbia reports that surplus stocks are kept in secured facilities of the armed forces and the Ministry of Internal Affairs (2004, p. 6). It also reports that surplus stocks are so well secured that they have not resulted in less security and safety for citizens nor have the surpluses caused a larger number of arms offences, since there have been no thefts from such stocks (during the reporting period) (2005, p. 7).

Slovenia reports that, prior to disposal, physical and technical security measures for storage facilities, records of entry into and exit from storage facilities, and a list of persons authorized to access the storage facility are observed (2010, p. 10).

WESTERN EUROPE

Procedures to review stockpiles and identify surplus

Seven states report that they have procedures in place to review stockpiles and identify surplus.⁵³⁴

Austria reports that, in order to determine whether weapons stocks meet or exceed requirements, stocktaking results are compared against a table of material requirements. Stocks identified as surplus are given a stock number different from those weapons in use (2010, p. 6). Belgium reports that defence requirements for SALW are determined on the basis of an assessment of needs according to the international situation, the structure of the armed forces, the commitments made in an alliance and equipment or re-equipment programmes. All the units of the armed forces are equipped on the basis of tables determining the number and type according to the strength and the position of each of its members. These tables are also subject to regular evaluation (2010, p. 7).

France reports that in order to ensure its defence, its internal security and the respect of the law, the armies, national police, national gendarmerie and Customs have defined their SALW needs. The current stock covers

534 Austria, Belgium, France, Germany, Luxembourg, Netherlands, Switzerland.

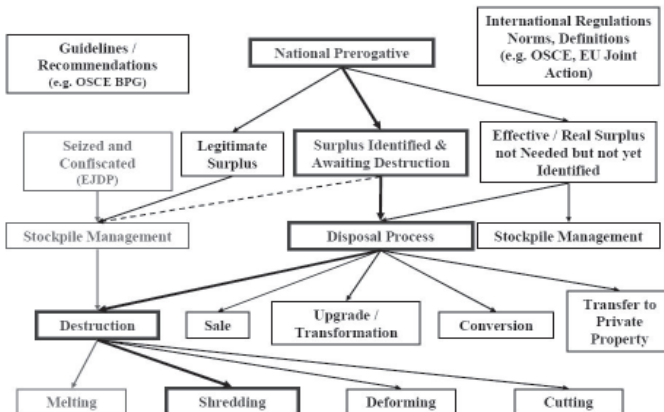
the known present and future needs of the armies, public security forces and army reserves, including the weapons kept to replace service firearms (2010, p. 10).

Germany notes that a determination of the level of surplus stocks within the federal armed forces will be based on political principles (including its engagement with NATO and EU security operations), the planning process regarding the structure and strength of armed forces and operational requirements. With respect to the federal and state police forces, Germany notes that, as per the build-up of military surplus stocks, surplus police weaponry is resulting mainly from decisions to modernize and replace weaponry in active use or to redefine the service- or shelf-life of existing weapons. It also notes that special surplus markings on police weapons indicate that they have been removed from active service and integrated in a disposal process (2010, p. 19).

The Netherlands reports that defence stocks of SALW are maintained at levels corresponding to the legitimate security requirements of the armed forces. Modernization of defence SALW stocks has led to SALW disposal, mainly through destruction. As a result of this policy and practice on a regular basis no surpluses to requirements are identified within the defence organization (2010, pp. 10–11).

Figure 3 shows the diagrammatic representation of Switzerland's procedure for identifying surplus.

Figure 3. Swiss procedure for identifying surplus
(Switzerland 2010, p. 12)



Destruction methods

The following methods of destruction were reported: shredding,⁵³⁵ smelting or melting,⁵³⁶ cutting⁵³⁷ and melting.⁵³⁸

Programmes for other forms of disposal of surplus

Seven states report that destruction is the only or the preferred means used to dispose of surplus stocks.⁵³⁹

Austria reports that a small amount of SALW might be modified for different purposes (e.g. as simulators), but notes that while the auction of civilian firearms may be permitted in exceptional cases, it is forbidden to auction war material or forbidden SALW (2010). Belgium reports that some surplus small arms are retained for educational purposes or for museums, and that such arms are demilitarized or neutralized at the Proof House of firearms upon authorization for neutralization issued by the Ministry of Justice. Such firearms continue to be inventoried and are subject to regular controls (2010, p. 8).

France reports that some surplus arms may be kept and registered by the state as part of its technical collections (2010, pp. 11–12). Germany reports that interoperability within NATO permits the sale of surplus

535 Austria (mechanical shredding (2010, p. 6)), Switzerland (2012, p. 14).

536 Belgium (2010, p. 8), France (SALW of a calibre up to 12.7mm: smelting for all steel pieces after dismantling the wooden, plastic, and other metal parts, shearing and/or grinding of other pieces, or even some whole weapons (2010, pp. 10–11)), France (ammunition: through NAMSA; for heavy and particular ammunition, there can be intermediate operations to dismantle, recover and recycle electronic pieces, chemical products and matter (2010, pp. 10–11)), Luxembourg (2012, p. 5), Netherlands (blast furnace (2010, p. 11)), Switzerland (2012, p. 14).

537 France (SALW of a calibre superior to 12.7mm (20mm barrels, mortars): cutting with an oxyacetylene flame and/or crushing with a press; disposal is by melting in an oven, or by grinding (2010, pp. 10–11)), Germany (in combination with plastic deformation (2010, p. 18)), Luxembourg (2012, p. 5), Switzerland (2012, p. 14).

538 France (ammunition: through NAMSA; for heavy and particular ammunition, there can be intermediate operations to dismantle, recover and recycle electronic pieces, chemical products and matter (2010, pp. 10–11)), Luxembourg (2012, p. 5), Netherlands (blast furnace (2010, p. 11)), Switzerland (2012, p. 14).

539 Austria, Belgium, France, Germany, Luxembourg, Netherlands, Switzerland.

SALW to NATO states, but such sales are only approved on a case by case basis and are subject to export control procedures (2010, p. 18). Germany also reports that surplus SALW of the federal armed forces will be destroyed or, in a limited number of cases and on restrictive grounds, be sold. With respect to the federal and state police forces, destruction is the main means of disposal but where rare weapons are involved, these are collected for police education and training. Pistols of 9x19mm calibre may be sold to authorized dealers (2010, p. 19). Regarding surplus of the Federal Customs Administration, surplus stocks are destroyed, transferred to authorized authorities and institutions, and—only in the case of non-military SALW—sold to authorized dealers (2010, p. 20).

Luxembourg reports that surplus stocks may be destroyed, or sold or donated to another state (2012, p. 5). Switzerland reports that surplus stocks may be destroyed, sold to another state, transferred to another state agency, sold to civilians, or sold or transferred to legal entities (e.g. museums, private security companies) (2012, p. 14).

Safeguarding of stocks designated for disposal

Belgium reports that surplus SALW or components, once identified, are immediately removed from use and sent to the logistics unit in charge of their safekeeping pending destruction. Surplus firearms are stored within a designated area equipped with an alarm. Their monitoring and tracing is carried out continuously until their destruction. Beyond the destruction, a register of destroyed firearms is kept by the armed forces (2010, p. 8).

France reports that, in the gendarmerie, security measures for surplus arms (cases of judicial seizures) are identical to the measures for the gendarmerie-held arms. For the national police, arms are preserved and stockpiled, according to the security regulations applicable to staffing arms, until their destruction or registration as part of the state's technical collections. The armaments concerned are then registered (2010, pp. 11–12).

Germany reports that:

SALW earmarked for [disposal] are transported in a convoy protected by escort vehicles. The armed escort squad carries the records on number, type and condition of the weapons with it. A security check is performed for each weapon at the Federal Armed Forces maintenance facilities.

In the case of removal from active service, serviceable parts or components are removed and stored as spare parts. In the case of reduction, the weapon is disassembled or the parts of it are separated according to a material separation scheme, whereupon the weapon or its parts are entirely destroyed in accordance with the planned reduction procedure, thus without keeping any spare parts. The destruction is performed either at the Federal Armed Forces Maintenance Facility or at a German industrial facility. The disposal is documented in a protocol. After reduction or removal from active service, each weapon is written off the Federal Armed Forces' inventory records. The documentation is kept at the Federal Armed Forces Materiel Office. (2010, p. 18)

For police and military surplus, stocks are stored, monitored and treated on the same high standard as military SALW in active use. With respect to surplus belonging to the Federal Customs Administration, surplus SALW are stored in secure lockers or in secure accommodations at office level, or in the central armoury at the Procurement Office of the Federal Customs Administration (2010, p. 20). Luxembourg reports that when stocks are identified as surplus, they are officially declared as surplus, taken out of service, recorded by type, lot, batch and serial number, and stored separately (2012, p. 5). Switzerland reports that when stocks are identified as surplus, they are officially declared as surplus, taken out of service, and recorded by type, lot, batch and serial number (2012, p. 14).

OCEANIA

AUSTRALIA AND NEW ZEALAND

Procedures to review stockpiles and identify surplus

Australia reports that the armed forces regularly reviews operational stock levels against capability requirements and this analysis provides the basis for ongoing provisioning and determination of any potential surplus (2010, p. 7).

Destruction methods

Australia reports that surplus weapons are destroyed by smelting, selling or being held in long-term storage as War Reserve Stocks (2010, p. 7).

Programmes for other forms of disposal of surplus

Australia and New Zealand report that they destroy surplus SALW, although New Zealand states that Defence Force policy is to retain a small number of obsolete weapons for museum or training purposes (2010, p. 11). Australia reports that surplus weapons may be sold or held in long-term storage as War Reserve Stocks (2010, p. 7).

Safeguarding of stocks designated for disposal

Neither Australia nor New Zealand report on this provision.

MELANESIA**Procedures to review stockpiles and identify surplus**

Fiji reports that surplus is identified by “the security force responsible for the armoury concerned, the disposal of these surpluses is recommended to the Minister of [Home Affairs and Immigration]” (2008, p. 4).

Destruction methods

Fiji, Solomon Islands and Papua New Guinea report that they dispose of their surplus weapons by dumping them at sea.⁵⁴⁰ Solomon Islands also reports that surplus is cut up and buried in monuments (2004, p. 16).

Programmes for other forms of disposal of surplus

No Melanesian state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

Fiji and Papua New Guinea report that surplus stocks are safeguarded until they are disposed off, with Papua New Guinea stating that the surplus is locked in armouries, although there are not national measures per se (2005, p. 13).

540 Papua New Guinea (2005, p. 14), Solomon Islands (2004, p. 16), Fiji (2004, p. 8).

MICRONESIA

Procedures to review stockpiles and identify surplus

The Marshall Islands reports that it has procedures to review stockpiles and identify surplus. The Police Commissioner is responsible for procuring weapons for the police force. Surplus is identified every year when the Auditor General audits the Office of the Police Commissioner (2005, p. 3).

Destruction methods

The Marshall Islands reports that surplus weapons are destroyed by dumping at sea (2005, p. 4).

Programmes for other forms of disposal of surplus

No Micronesian state reports that it disposes of surplus stocks other than through destruction.

Safeguarding of stocks designated for disposal

The Marshall Islands reports that surplus weapons are safeguarded under the custody of the Office of the Police Commissioner and the Office of the Attorney General prior to disposal (2005, p. 4).

GLOBAL FINDINGS

Information provided in national reports indicates that most reporting states have programmes in place to identify surplus stocks. However, relatively few states provide information on how they determine whether they have surplus, and there is some disparity with respect to what constitutes surplus, with some states including obsolete small arms in their surplus calculations, and others also including confiscated, seized or collected weapons.⁵⁴¹

In terms of the methods of destruction used to destroy surplus, most states appear to be taking into account the methods of destruction identified in

541 Part of the reason why states may include information on seized or collected weapons in their reporting on surplus is because the section in the older version of ODA reporting template dealing with surplus is titled "Collection and disposal", and so many states report on weapons collected and surplus disposed of without distinguishing between the two.

the Secretary-General's report of 15 November 2000 (S/2000/1092) as encouraged by the PoA. Several do report, however, that the dumping of small arms at sea is no longer an accepted means of surplus destruction (although it is listed in the Secretary-General's report) due to environmental considerations.

It is also apparent that states use alternate means of disposing of surplus, including through sale and donation to other states, despite the presumption in favour of destruction reflected in paragraph II.18 of the PoA. Those that do destroy surplus appear to ensure that surplus stocks are safeguarded prior to their disposal, generally in the same manner as regular stocks.

Since not all United Nations Member States have submitted national reports, and not all states that have reported provide exact (or any) figures on surplus destruction, it is not possible to precisely quantify the amount of surplus destroyed since the adoption of the PoA. Nevertheless, based on the information that is contained in national reports, we can estimate that over five million small arms have been destroyed over the past 20 years or so, with most of that surplus destruction taking place in Europe (over 3,500,000) and Africa (over 1,000,000) (see Annex I).

PUBLIC AWARENESS AND CONFIDENCE-BUILDING PROGRAMMES

The central provision in the PoA regarding public awareness and confidence-building programmes is paragraph II.20. Under paragraph II.20, states undertake to develop and implement public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of SALW.

The following section provides an overview of the information provided by states on public awareness and confidence-building measures they have introduced, including collection programmes and public destruction ceremonies. Information provided by states on the public destruction of collected weapons is included in the following section. Other details of seized, collected and destroyed SALW contained in national reports are included in Annex F.

AFRICA

EASTERN AFRICA

Eleven states in Eastern Africa provide information on public awareness and confidence-building programmes or projects they have undertaken or are contemplating.⁵⁴²

Collection

Zambia reports that it introduced a buy-back programme, which exchanged firearms for cash payments or food (2005, p. 7).

Public destruction

Five states report that they held public destruction ceremonies of their surplus small arms.⁵⁴³

542 Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

543 Djibouti, Kenya, Rwanda, Uganda, United Republic of Tanzania.

MIDDLE AFRICA

Angola reports that it has conducted the following disarmament/public-awareness-raising activities:

- A public march in support of disarmament where toy guns were destroyed and an appeal was made to the Executive Branch to prohibit the import of toys that portray images of lethal weapons;
- Provincial and Municipal disarmament seminars;
- Countrywide debates on disarmament and illegal possession of arms were held in meetings and conferences, (even in the villages);
- Extensive media coverage promoting disarmament;
- Design and distribution of material publicizing the disarmament campaign such as t-shirts, hats, wraps, key rings, etc.

It also reports that the Center for Strategic Studies of Angola conducted a study on the impact of the disarmament campaign which revealed that 93% of the population were aware of the campaign and 96.1% of respondents believed that it should continue in the coming years (2010, pp. 4–5). This is one of the few examples provided in national reports of efforts made to evaluate the success or impact of action taken.

Angola also reports that it has collaborated with non-governmental organizations and civil society through the following actions: national workshops to review of legislation on SALW; conferences as part of dissemination of new national laws on SALW; police-community forums, where local communities and the police discuss issues related to the proliferation and control of SALW; awareness campaigns to encourage public support for joint policing operations, to encourage greater participation in weapons collection programmes, and to reduce local demand for firearms; a series of seminars within communities, such as women, religious groups, youth and cultural activists, using community arts programmes focused on peaceful coexistence among the inhabitants of the community; studies on estimates and issues of unlawful possession and use of weapons by citizens; programmes for deconstructing the cult of gun use and changing attitudes to firearms through media awareness and education projects; and fostering projects in schools, shops and workplaces, improvement of community relations, civic education and other essential services to violence prevention (2010, p. 6).

Chad reports that, as part of its awareness-raising on the issue, it has organized disarmament operations, raised awareness among urban

and rural populations to recover firearms illegally owned by individuals, raised awareness among the different socio-professional categories on civil–military relations in order to win public support for the fights against the illicit trade in SALW, and introduced a policy of employment of unemployed youths (2003, p. 6).

Collection

Angola reports that in 2008 it conducted a weapons collection campaign during which monetary and material rewards (such as televisions, bicycles, blankets, satellite dishes and generators) were provided to communities (rather than individuals) that organized voluntary surrender of small arms to authorities. This resulted in the collection of 74,492 weapons, of which 59,823 were surrendered voluntarily, 14,669 were collected compulsorily, and 49 were recovered from hiding places (2010, p. 4). The Central African Republic reports that local committees are empowered to lead and raise awareness in the population on the importance of voluntary disarmament (2003, p. 8). The Congo reports that it carried out a buy-back initiative which resulted in the collection of some 6,550 firearms (2003, p. 5).

NORTHERN AFRICA

Algeria and Egypt report on their awareness-raising campaigns and voluntary surrender initiatives. Additionally, the Sudan's draft policy includes a section on awareness-raising. In Egypt the government publishes informative booklets on the dangers of firearms and how to engage the public in preventing the illegal trade (2010, p. 11). Additionally, the Ministry of the Interior has published telephone numbers that citizens can use to anonymously report information concerning illegal arms (2006, p. 9).

SOUTHERN AFRICA

All states in Southern Africa report on public awareness and confidence-building programmes or projects that they have undertaken.⁵⁴⁴ Namibia reports that the National Action Plan includes provisions for public education and awareness-raising, and that it held a National Conference in October 2002 to consult on the issue and formulate recommendations

544 Botswana, Lesotho, Namibia, South Africa, Swaziland.

for the National Action Plan (2008, p. 2). Swaziland holds educational programmes to encourage the public to report illegal firearms (2008, p. 3).

Collection

Namibia reports that it held a weapons amnesty to collect civilian-held weapons, and requests assistance in developing a comprehensive amnesty programme and a comprehensive awareness and education campaign (2011, p. 5). South Africa reports that it held an amnesty in 2005 to recover illegal weapons and encourage voluntary hand-in of weapons (2005, p. 5).

Public destruction

Botswana reports that it conducted a public destruction ceremony to raise awareness on disarmament issues and to build public confidence in disarmament, noting that 1,159 weapons were destroyed (2010, p. 15). Lesotho reports that it has conducted many destruction ceremonies of illicit firearms (2008, p. 19).

WESTERN AFRICA

Fourteen states report on public awareness and confidence building programmes or projects they have undertaken or are contemplating.⁵⁴⁵ Benin reports that in 2005 a number of non-governmental organization heads and other members and journalists were trained as a part of an awareness campaign on the promotion of a culture of peace (2008, p. 3). Burkina Faso reports that it has raised awareness of SALW issues through a national survey to help raise awareness in households, translations of laws into the three national languages, press conferences, support and sponsorship of the Network of Parliamentarians of Burkina Faso to Combat Proliferation and Illicit Trade in Small Arms and Light Weapons in 2010, designating a focal point in each region of the country, and short films and interactive theatre shows (2010, pp. 2–4).

Côte d'Ivoire reports that the West African Network on Small Arms has overseen the implementation of a national awareness campaign highlighting the dangers of proliferation and use of weapons (with support from UNDP) (2008, p. 10). The Gambia reports that its National Commission has run a

545 Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

civic education and public awareness campaign utilizing mass media and that, in 2005, it held a National Training Workshop to provide assistance in capacity-building, human resource development, information-sharing and adoption of best practices in relation to the PoA (2005, pp. 8–9).

Ghana reports that the National Commission developed a nation-wide awareness and education campaign that included publishing articles on the dangers of SALW in society, infomercials on armed violence, officers appearing on radio or television, and the destruction of seized weapons (2010, p. 7). Guinea-Bissau reports that the Permanent Secretariat used media, cultural events, advertising campaigns and training workshops in various regions of the country (2010, p. 7).

Liberia reports that the National Commission held the first of a series of Consultative Conferences on Armed Violence for the Nations in 2006, bringing together youth, students, officials and the public. In 2009, the Commission held a large-scale public awareness campaign against electoral violence (2010, p. 6). Nigeria reports that awareness campaigns on the impact of small arms availability and circulation were conducted for religious leaders and parliamentarians (2008, p. 3).

Sierra Leone reports that the Sierra Leone Action Network on Small Arms has been raising awareness on the SALW problem throughout the country (2010, pp. 14–15). Togo reports that it conducted an awareness-raising campaign in 2008 focusing on encouraging people to report networks of traffickers and criminals (2010, p. 3).

Collection

Seven states in Western Africa report they have undertaken collection programmes.⁵⁴⁶

Public destruction

Ghana, the Niger and Togo report that they have undertaken the public destruction of arms in order to raise public awareness on the issue of SALW. Ghana destroys its seized weapons in the open in July each year as a part of United Nations Day on the fight against the proliferation of SALW (2010, p. 7). The Niger conducted a ceremony in 2000 which destroyed 1,234 weapons handed over by former rebels, and held five smaller ceremonies in July 2010 (2010, pp. 18–19).

⁵⁴⁶ Benin, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

AMERICAS

CARIBBEAN

The Dominican Republic, Haiti, Jamaica and Trinidad and Tobago all provide information on public awareness and confidence-building programmes or projects they have undertaken or are contemplating. Trinidad and Tobago reports that it is committed to organizing public awareness activities and to initiating social outreach programmes targeted specifically at youths, aimed at deterring vulnerable groups from engaging in gang activities (2010, p. 6).

Collection

The Dominican Republic reports that, as part of a programme to reduce the number of firearms held by civilians, it has conducted collection programmes to prevent the smuggling of firearms in targeted areas, including the border area, ports, airports, toll roads and strategic checkpoints. Between 2004 and 2007, the Dominican Republic reports that it seized over 4,000 firearms through this programme (2010, pp. 8–9).

Haiti reports that it established a programme for the collection, control, storage and destruction of small arms, including the following elements: a voluntary surrender of illicit arms; an amnesty period for individuals deciding to voluntarily surrender arms; police operations: searches, checks, etc.; storage of recovered illicit arms; presentation to the public of collected arms; and a symbolic public destruction ceremony of recovered illicit arms. Despite its limited resources, Haiti reports that the programme resulted in the successful collection of several hundreds of arms, mostly small arms (2003, p. 5).

Jamaica reports that, through public education campaigns, the government and the police force engaged citizens in combating the proliferation and use of illegal weapons, including through the use of publications, radio, television, print media and billboards to appeal to the wider public to report the use of illegal guns in exchange for financial reward. It reports that it achieved positive results through the “Get the Guns” campaign sponsored by the private sector of Jamaica, which encouraged people to provide information to the police on illegal weapons in their communities and offered a financial reward (which varied according to the type of

weapon recovered) to informants if a weapon was recovered or an arrest was made (2005, p. 6).

Public destruction

The Dominican Republic reports that small arms destruction is done in public to raise awareness and that, in December 2006, the first public destruction ceremony took place, involving the destruction of 3,348 weapons (2008, p. 21).

Haiti reports that 249 weapons collected through its disarmament programme were destroyed in a ceremony, while others were integrated into the individual and collective armament of the National Haitian Police (2003, p. 5).

Jamaica reports that it has conducted public destruction ceremonies, with, for example, approximately 3,300lbs of dismantled firearms destroyed via smelting between December 2007 and February 2008 (2008).

CENTRAL AMERICA

Most states in Central America report on awareness-raising activities that have been conducted in an effort to combat the illicit trade in small arms. In many instances, this has involved gun buy-back or collection schemes, publicity campaigns about the dangers of firearms, and education programmes, including campaigns against toy guns.

Guatemala reports that it developed a campaign in 2004 to inform the public about the negative impact of guns and that in May 2006 the Ministry of Interior and the Ministry of Culture and Sports, launched a campaign against toy guns, involving an exchange of toy guns for balls, watches and other toys (2006, pp. 10, 12). The government of Guatemala has designed an intervention strategy targeting youth gangs, and is considering implementing a regional strategy for the prevention of social violence, and the rehabilitation and reintegration of youth (2006, p. 11).

Honduras reports that an awareness-raising campaign was carried in August 2002 and 2003 with the aim of promoting awareness concerning the problems and consequences of illicit use of SALW in all its aspects. Furthermore, a training programme to remove war toys and video games was given at educational centres by staff of the Preventive Police Department, the Police Education Department and the non-governmental organization Cultura de Vida in 2002 and 2003 (2004, p. 6).

Mexico reports that the Ministry of Defence, in coordination with other government agencies and private enterprise, is conducting ongoing campaigns to reduce the possession and use of firearms, involving the following activities: joint boards allowing coordination among participating authorities; publicity campaigns on radio and television to raise public awareness; campaigns for the registration and turning in of firearms, ammunition and explosives; and programmes for collecting weapons in exchange for redeemable coupons, money or household items (2003, p. 8).

Nicaragua reports that, as part of its awareness-raising campaign, it promotes sports and cultural spaces as an alternative to prevent youth violence. Additionally, the national police produces a monthly magazine, radio programme and television programme that educate and inform the public about the negative consequences of crime, including the illicit traffic in SALW (2006, p. 12). Panama reports that it implemented a “weapons for food” campaign as an awareness-raising measure (2010, p. 10).

Collection

Costa Rica reported in 2003 that it had not, so far, developed programmes for collecting weapons, but that in 2001, following an amendment of the penalties in the Arms and Explosives Act, a transitional provision was enacted that allowed citizens to turn over prohibited weapons to the state without being subject to penalties for illegal possession and allowed those possessing permitted weapons a grace period of a year in which to register them (2003, p. 6).

El Salvador reports that it undertook a weapons collection campaign entitled “Consumer Goods for Firearms”, in which civil society—in coordination with institutions such as the Legislative Assembly, the church, service clubs such as the Rotary Club, the National Civil Police, the Ministry of National Defence, the Ministry of Education, the private sector and organizations such as the UNDP—participated. Items collected were destroyed (2005, p. 9). In the context of the patriotic movement against crime (1996–1999), the armed forces destroyed 7,975 firearms and 134,405 war-related articles (ammunition, magazines, mines, detonators and explosives) (2003, p. 4)

It also reports that the National Civil Police, in cooperation with the UNDP office in El Salvador, organized the programme “Firearms are not Toys”, to increase public awareness of the danger of possessing and bearing

firearms. The National Civil Police organizes programmes in schools to raise awareness of national firearms legislation and to suggest safety measures to adopt when confronted with a weapon or an explosive, stressing that carrying a weapon is not an effective means of self-protection but rather provides only a false sense of security (2003, p. 4).

Mexico reports that the Ministry of Defence has been implementing a gun buy-back programme (the reward is either cash or appliances, and no questions are asked), which over a three-year period had collected 30,522 small arms, 283,660 rounds of ammunition and 1,063 grenades (2010, pp. 6–7). Nicaragua reports that, in 2008, 12,996 guns were seized and destroyed through the participation of the community, private enterprise and the state (2010, p. 10).

Public Destruction

Mexico reports that weapons collected through its gun buy-back programme are destroyed in a public ceremony (2010, pp. 6–7).

NORTHERN AMERICA

The United States reports that the Department of Justice engages in public awareness programmes, such as the Project Safe Neighborhoods, Violent Crime Interdiction Teams, the Southwest Border Initiative, and the public–private “Don’t Lie for the Other Guy” programme, which are designed to foster public awareness of the means to combat illicit trafficking and combat gun violence.

The Department of Defense Directorate of Defense Trade Controls regularly briefs industry on civil cases that have been concluded, and the National Security Division of the Department of Justice publishes reports on concluded criminal cases (2010, p. 12).

SOUTH AMERICA

Uruguay reports that it commenced an education plan in coordination with the primary public education authorities to provide workshops aimed at awareness among school groups regarding the proliferation of weapons. The workshops are held prior to the annual destruction of the weapons carried out by the National Army Material and Arms Department (2010, pp. 17–18).

Collection

Argentina reports that it established the National Programme on the Voluntary Surrendering of Firearms, with the support of civil society, involving the voluntary and anonymous delivery of firearms and ammunition for destruction in exchange for financial incentives, in an effort to reduce weapons circulating in the hands of civilians and promote awareness of their risks. A total of 107,488 firearms were received through the programme, which represents approximately 8.8% of the total registered weapons in civilian hands. Most of the arms were destroyed by crushing and melting, others are awaiting judicial processing (2010, pp. 12–13).

The Plurinational State of Bolivia reports that the armed forces have developed instructions for disarmament throughout the country in exchange for money, food, supplies and other items, in order to encourage people who are in possession of unauthorized arms to surrender them (2007, p. 1).

Brazil reports that, in 2004, in collaboration with state governments, civil society and churches, the federal government launched a major nationwide disarmament campaign to promote a culture of peace, raise public awareness on the dangers of weapons possession and encourage voluntary disposal. Between July 2004 and October 2005, 464,000 guns were collected by the campaign, and this is regarded as having contributed to reducing homicides in Brazil (12% from 2003 to 2006), which prior to the campaign had been on the increase since 1992. Due to the success of the campaign, the government relaunched the campaign on 31 January 2008 (2008, pp. 8–9).

Chile reports that it runs advertising campaigns each year, calling on owners of firearms “in an irregular situation” (our translation) to legalize their possession or to surrender the firearms voluntarily to authorities (2006, p. 5). Colombia reports that its security forces carried out campaigns on disarmament, using the radio and television to promote the voluntary surrender of small arms. Between 2001 and 2003, this resulted in the collection of 488 firearms, 10,264 rounds of ammunition, 21 magazines, 1kg of “pellets”, 1kg of material for fireworks and 8 grenades (2006, p. 33). Colombia also reports that it conducted awareness-raising programmes on disarmament for 390,000 people and that in 2004 it ran a campaign involving the collection of weapons in exchange for supermarket tickets (2006, p. 33).

Ecuador reports that the Joint Command of the Armed Forces launched campaigns for the voluntary surrender of firearms and symbolic weapons exchange campaigns, and that in 2008 this resulted in the voluntary surrender of 160 firearms and 1,196 rounds of ammunition (2008, pp. 4–5).

Peru reports that it began a campaign in 2005 consisting of a gun buy-back programme whereby civilians were paid \$75 for handguns and \$100 for military weapons—464 firearms were recovered (41 rifles and 423 handguns) and were later destroyed by smelting. A second phase of the campaign was conducted in 2006, with \$50 being paid for handguns and \$75 for military weapons, resulting in the recovery of 654 firearms that were also destroyed and then used to make kitchen utensils for social organizations (2008, pp. 7, 35–36).

Peru also reports that it held a weapons amnesty, to encourage civilians to hand in illegal weapons and weapons of war, coupled with legislation to strengthen regulations governing the possession and use of firearms by civilians, especially those holding expired licences. Peru reports that the amnesty succeeded in recovering a large quantity of weapons, but that of the estimated 160,000 gun owners with expired licences, only 6,702 persons came forward to renew their status, which represents only 4% of all guns registered by the Department for the Control of Security Services, Arms, Ammunition and Explosives for Civilian Use (2008, p. 7).

The Bolivarian Republic of Venezuela reports that the General Command of the National Guard in coordination with the Ministry of Interior and Justice launched a Disarmament Plan in 2005, involving the voluntary surrender of firearms by civilians who are illegally in possession of firearms (2006, p. 12).

Public destruction

Argentina reports that the weapons collected through the voluntary disarmament campaign were destroyed in a public ceremony (2010, pp. 18–19). Brazil reports that public ceremonies for the destruction of SALW take place annually in major cities, with the support of federal, state and municipal agencies and organized civil society (2005, pp. 10–11).

Peru reports that it held its first public destruction ceremony on 5 December 2002, whereby 2,573 illicit civilian arms were destroyed to celebrate the 15th anniversary of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the

Caribbean, which provided the technical and financial support (2003, p. 8). The Bolivarian Republic of Venezuela reports that public destruction of weapons takes place and is reported by television, radio and print media nationwide (2006, p. 12).

ASIA

CENTRAL ASIA

Tajikistan reports that it carries out education activities through the mass media and encourages voluntary surrender of illegal weapons, ammunition, explosives and explosive devices. Additionally law-enforcement bodies work with civil institutions and non-governmental organizations in combating the illegal trade (2003, p. 6).

Kazakhstan reports that the Ministry of Internal Affairs has developed programmes to utilize the media in working with civil society and informing them of the actions of the internal affairs agencies (2008, p. 23). Additionally, there are government websites that help interested people find information about the problems of crime, including trade in SALW (2010, p. 8).

Collection

Kazakhstan reports that there have been programmes for the voluntary surrender of weapons (2010, pp. 21–22).

EASTERN ASIA

In the Republic of Korea, the National Police Agency and the Ministry of National Defence organizes a campaign once a year in order to promote voluntary reporting on illicit firearms (2010, p. 18). China uses mass media to publicize against the use of firearms in crimes, during which documents are distributed with telephone numbers and rewards for reporting crimes (2010, p. 21).

Collection

An amnesty programme has been carried out in the Republic of Korea to encourage the voluntary surrender of firearms and to raise public awareness about safety concerns of illicit SALW (2003, p. 5).

Public destruction

China reports that public destruction was broadcast on television to raise awareness of issues relating to SALW (2003, p. 5).

SOUTHERN ASIA

Four states provide information on public awareness and confidence-building programmes or projects they have undertaken or are contemplating.⁵⁴⁷ Sri Lanka reports that it conducted a nationwide campaign called “Ballot without the Bullet” to decrease election violence (2008, p. 8). Pakistan conducted a campaign to confiscate illegal weapons and prosecute offenders (2010, p. 3).

Collection

The Islamic Republic of Iran reports that it has held three amnesties that resulted in the collection of 35,000 illicit SALW (2008, p. 3). Pakistan reports that it held a buy-back programme, through which 20,000 small arms were successfully recovered and destroyed (2010, p. 3). Sri Lanka reports that collection has taken place on two occasions: a two-month amnesty in 2004, and a government offer of cash in exchange for illegal weapons in 2005. Although these collection programmes were publicized island-wide, Sri Lanka reports that they failed to reach the expected results (2005, p. 4).

Public destruction

Sri Lanka and Pakistan report that they have undertaken public destruction of weapons in order to raise awareness on SALW issues, with Sri Lanka reporting that it gave media coverage during Arms Destruction Day in 2005 (2008, p. 10), where more than 35,000 small arms were destroyed (2005, p. 4). Bangladesh reports that it observes Small Arms Destruction Day every year (2002, p. 1).

⁵⁴⁷ Bangladesh, Iran (Islamic Republic of), Sri Lanka, Pakistan.

SOUTH-EASTERN ASIA

Five states in South-Eastern Asia report on public awareness and confidence-building programmes or projects they have undertaken or are contemplating.⁵⁴⁸ Cambodia developed awareness and education activities after the disarmament campaign in 1999 and peace and disarmament education was introduced to students and teachers (2004, p. 9). Indonesia reports that it uses the mass media to inform the public of the dangers of illicit trade and harm caused by illicit possession of SALW (2010, p. 11). The Philippines reports that it holds conferences on rules and regulations on firearms and explosives, uses the media to raise awareness of the dangers of SALW, and that the manual of the Firearms and Explosives Division of the Civil Security Group, Philippine National Police, on “Firearms and Explosives Laws, Rules, and Regulations” is published regularly (2010, p. 17). Viet Nam reports that it has used mass media to manage SALW (2006, p. 5).

Collection

Cambodia, Malaysia and Viet Nam report that they have conducted collection programmes.

Public destruction

Cambodia, Malaysia and the Philippines report that they have undertaken public destruction of weapons in order to raise awareness about the issues of small arms. The Philippines holds ceremonial burnings. During the last ceremony in 2007, 32,726 firearms were destroyed (2010, p. 17). In Cambodia’s “Flame of Peace” ceremonies, more than 242,000 SALW were destroyed (2008, p. 2).

WESTERN ASIA

Six states in Western Asia report that they have held public awareness campaigns in order to educate their populations on the dangers of SALW.⁵⁴⁹

Armenia reports that the official police television programme reports on illicit trafficking and possession cases as well as laws and legislative

548 Cambodia, Indonesia, Malaysia, Philippines, Viet Nam.

549 Armenia, Georgia, Iraq, Israel, Jordan, Saudi Arabia.

acts in order to inform the public (2010, p. 9). Georgia reports that the government supports non-governmental organization awareness projects, including one entitled “The Availability of Small Arms and Light Weapons (SALW) and Their Impact on Socio-economic Life in the Kvemo Kartli Region of Georgia” (2005, pp. 6–7).

Iraq reports that there are several SALW public awareness campaigns produced in partnership with civil society organizations and coordinated with the national focal point (2011, p. 4). Israel reports that public awareness is achieved by violations against laws and the publicity that comes with it. Additionally legislation and regulations are widely published (2008, p. 6).

Jordan reports that the media is used to present national awareness-raising campaigns on the dangers of SALW. Additionally, institutes, schools and legal rehabilitation training centres hold special sessions on legislation. Furthermore, trainers are sent overseas in order to gain skills, expertise and know-how in order to control, prevent and abolish the illegal trade (2010, pp. 7–8). Saudi Arabia reports there is a continuous awareness-raising campaign about the illicit trade in SALW (2006, p. 14).

Collection

Seven States in Western Asia report on their collection and amnesty campaigns.⁵⁵⁰ In Armenia, according to the Decree of the President of the Republic of Armenia, those who surrender arms, ammunition or military equipment before a specified date will be absolved of criminal liability (2010, p. 6). Iraq reports that the media has worked with state security forces in raising public awareness on combating terrorism and also in recovering weapons that are illegally possessed (2011, p. 4). In the Syrian Arab Republic, Decree no. 51 allows citizens six months to hand in unlicensed weapons, ammunition or explosives to avoid legal consequences and be compensated for the weapons that they turn in (2010, p. 2).

550 Armenia, Azerbaijan, Georgia, Iraq, Israel, Syrian Arab Republic, Yemen.

EUROPE

EASTERN EUROPE

Seven states in Eastern Europe report on public awareness and confidence-building programmes to raise awareness about the issues of SALW,⁵⁵¹ with several reporting this consists of publishing relevant laws and regulations,⁵⁵² and others reporting that it includes publishing information on export controls. Belarus reports that it prepares a national export report, which is placed on the Ministry of Foreign Affairs website (2003, p. 19). Poland reports that it organizes events to promote and spread best practices on export controls among companies (2010, p. 5).

In the Republic of Moldova, the government publishes articles highlighting the results of fighting illicit SALW (2008, p. 5) and has released publicity campaigns to raise awareness of SALW through mass media and public meetings (2006, p. 8).

Collection

Five states in Eastern Europe report on their collection activities in relation to illegal SALW.⁵⁵³ The Czech Republic reports that it held voluntary weapons collection programmes in 1996 and 2003. During the latter, 4,192 weapons were collected including 178 prohibited weapons (2007, p. 10). The Russian Federation reports that it has programmes that encourage the voluntary surrender or buy-back of weapons from the public, which are advertised through the mass media (2010, p. 17). In Slovakia, a voluntary hand-in campaign was successfully started in 2009, which allows people to hand in their weapons with no penalty, prosecution or explanation (2010, p. 3).

NORTHERN EUROPE

Few states in Northern Europe report that they have developed public awareness and confidence-building programmes to raise awareness of the problem of illicit trafficking, with the exception of Sweden, which reports that the Swedish Government meets on a regular basis with national non-

551 Belarus, Bulgaria, Czech Republic, Poland, Republic of Moldova, Russian Federation, Ukraine.

552 Poland (2010, p. 2), Ukraine (2010, p. 20).

553 Belarus, Czech Republic, Republic of Moldova, Russian Federation, Slovakia.

governmental organizations and supports the efforts of civil society in raising awareness about the illicit trade in small arms. Sweden reports that civil society organizations are organized through the Swedish Network on Small Arms and that there is also a SALW network within the Parliament (2010, p. 21).

Estonia, Latvia and the United Kingdom report that they hold seminars and awareness-raising activities to help industry and exporters understand the requirements and procedures governing the export of small arms.

Collection

Denmark reports that it holds so-called “safe conducts” on a regular basis, whereby individuals may hand over illicit weapons to the police without being charged for arms violations, and notes that the latest safe conduct was made in May–June 2009 where a total of 8,085 arms were handed over to the police (2010, p. 9).

Finland reports that it introduced firearms amnesty legislation in 2004, which allows civilians to surrender illegal small arms, ammunition and explosives to the police without any legal consequences if they have not been used in criminal acts. The total number of surrendered firearms in 2010 amounted to a total of 5,683 firearms (2011, p. 8).

Ireland reports that it introduced a national amnesty for firearms and offensive weapons following the enactment of the Criminal Justice Act 2006, whereby individuals were invited to surrender guns, ammunition and offensive weapons during a two-month period without incurring a penalty for illegal possession (although all weapons surrendered were forensically examined and individuals could still be charged if the weapons had been used in the commission of a criminal offence). A total of 1,002 weapons were surrendered nationwide, and following the amnesty, in November 2006 the Minister introduced mandatory minimum sentences for certain firearms offences (2010, p. 2).

Norway reports that it held an amnesty for the voluntary handing in of small arms from 1 September 2003 until 31 August 2004 (2010, p. 2). Sweden reports that it launched an amnesty campaign on civilian small arms between 1 March–31 May 2007. During the amnesty, citizens were granted anonymity when handing in firearms to the local police authorities. A total of 13,570 weapons and more than 14 metric tons of ammunition were handed in. Although most of the weapons were old hunting guns,

several pistols, revolvers and fully automatic firearms were also received (2010, pp. 20–21).

The United Kingdom reports that the latest round of decommissioning by paramilitary groups in Northern Ireland took place in January 2010, and was overseen by the Independent International Commission on Decommissioning (2010, p. 7).

SOUTHERN EUROPE

Few states in Southern Europe report that they have developed public awareness and confidence-building programmes to raise awareness of the problem of illicit trafficking. Albania reports that, in the context of raising national awareness for the consequences of illegal trafficking, there has been a campaign organized by the state institutions, non-governmental organizations and other international organizations operating in Albania, through electronic media, publications etc. (2003, p. 8). Mention is also made in other states' reports of public awareness activities carried out by the International Trust Fund for Demining and Mine Victims Assistance in Albania, through the campaign "Towards Safer Albania". The campaign includes projects to increase awareness in certain regions of the dangers and threats posed by the possession of SALW through risk-education activities and dissemination of media materials promoting the adoption of safer behaviours and to improve local response to SALW by enhancing collaboration, cooperation and coordination of all relevant stakeholders (police, schools, non-governmental organizations).

Bosnia and Herzegovina reports that, in 2005, UNDP and the Ministry of Defence launched the Small Arms Control and Reduction Project (2005–2009), which sought to decrease the threat posed to human security by the large and uncontrolled presence of SALW and ammunition in the country. Key achievements of the project in 2009 included: a National Strategy and Action Plan for SALW Control revised and adopted by the Council of Ministers, SALW Coordination Board reinforced and focal points at strategy implementing agencies were determined, a SALW Awareness Campaign was initiated, the majority of ammunition destroyed with UNDP support, technical support to the National Team for Community-based Policing and the National Strategy for Community policing was successfully provided, improvement of demilitarization capacities in Bosnia and Herzegovina was increased by 200%, civilian oversight of security and defence sectors through support to Joint Committee for Security and Defense of Parliament

was improved, and gender mainstreaming was incorporated in the project implementation (2010, p. 3).

Bosnia and Herzegovina also reports that awareness-raising on SALW has been implemented through operations conducted by the civil protection forces. For example, “Internal Harvest” involved the collection of weapons and was accompanied by media campaigns and “door-to-door” distribution of information. The project was implemented by the police and civil protection forces and monitored by the EU peacekeeping force.

It also reports that the UNDP Small Arms Programme implemented a public awareness-raising campaign against celebratory gunfire in 2005–2006, which reduced the number of incidents during the New Year and religious holidays by 200% compared to the previous year. In 2009, UNDP initiated an awareness-raising campaign that focused on negative aspects of SALW proliferation and promoted greater understanding by the public of the need for reforms, including new legislation (2010, pp. 7–8). Additionally, Handicap International in cooperation with the non-governmental organization Centre for Security Studies (supported by UNDP and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons) implemented a SALW education curriculum for schools in Bosnia and Herzegovina on the risks associated with SALW and landmines (2010, pp. 15–16).

Croatia reports that the Ministry of the Economy, Labour and Entrepreneurship organizes seminars for manufacturers and traders in military and non-military lethal goods regarding export controls, and publishes relevant information on the Ministry’s website (2010, p. 21). It also reports that the Ministry of Internal Affairs and the Police Directorate are in the process of implementing the new community policing strategy to build confidence between the police and the wider community to help improve security and quality of life in communities, including by addressing the problem of illegal firearms possession (2007, p. 9).

The former Yugoslav Republic of Macedonia reports that it implements public awareness events on a regular basis as part of the national SALW strategy (2011, p. 14), including Safer Community plans and risk-awareness campaigns in schools (2005, p. 15).

Serbia reports the important role of non-governmental organizations in raising awareness of SALW issues, especially among youth. For example, it highlights the work of organizations like the Balkan Youth Union, which take part in all activities aimed at exchanging information, raising general

public awareness of destruction projects and improving the knowledge of young people about SALW. Serbia also reports that it has engaged successfully with the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons on joint campaigns to raise awareness of risks inherent in the illegal possession, holding and use of SALW (2005, p. 4).

Collection

Bosnia and Herzegovina reports that, in partnership with UNDP, in November and December 2006 it implemented a weapons collection campaign that resulted in the surrender of a total of 332 SALW and 5,000 rounds of ammunition in two Sarajevo municipalities (2010, pp. 15–16).

Croatia reports that, in partnership with UNDP, through the “Destruction for Development” programme, it has conducted a voluntary surrender of weapons campaign (2010, p. 20) and that it started the national “Farewell to Arms” programme in 2001 to promote the handing in of weapons by civilians following the end of the conflict (2003, p. 9). The former Yugoslav Republic of Macedonia reports that the law amending the Law on Weapons of 2010 allowed citizens to voluntarily surrender by 4 June 2011 prohibited weapons or weapons possessed illegally (2011, p. 14). It also reports that it held a weapons amnesty in 2003 that resulted in the collection and destruction of 7,571 weapons (2004, p. 34). Portugal reports that it successfully conducted a campaign for the voluntary surrender of illicit weapons in 2006. A total of 6,500 illegal weapons were handed over to the police without charge (2011, p. 4).

Serbia reports that in February 2008, an amnesty was granted for some 8,000 illegal weapons, which were registered and collected (2008, p. 4). It also reports that a voluntary weapons surrender campaign was also held following the assassination of Prime Minister Djindjic in 2003 and the state of emergency that followed (2003, p. 6).

WESTERN EUROPE

Austria reports that it raised public awareness on the problems of SALW during its “open day” in the Ministry for European and International Affairs on 24 October 2007, and provided information on the impact of the illicit trade in SALW (2010, p. 9). Germany reports that both media and the educational system take due note not only of the problems of illicit trade

in SALW, but also of the development impact connected with SALW in particular (2010, p. 34).

Collection

France reports that it introduced legislative provisions allowing individuals to hand over illegally held arms without criminal prosecution. This measure aims to allow citizens illegally possessing arms to enter into the framework of legality, and the state to seize arms possessed for a long time having escaped any tracing mechanism (2008, p. 6).

OCEANIA

AUSTRALIA AND NEW ZEALAND

Australia reports that it has funded a number of initiatives to raise public awareness on the problems and consequences of the illicit trade in SALW. It also reports that the government implemented a targeted information and awareness campaign for those affected by handgun reform measures agreed to in 2002 and that the government maintains websites describing firearms measures it is taking at the domestic and international levels. Australia also reports that it conducts an outreach programme to keep the public informed of export requirements (2010, p. 8).

Collection

New Zealand reports that its legislation includes a provision on a “permanent amnesty provision” for pistols and restricted weapons. New Zealand also reports that it promotes the licensing, security and safe use of firearms (2010, p. 12). Australia reports that it funded a buy-back initiative of automatic and semi-automatic long arms in order to encourage unregistered firearms to be surrendered to the government. In a 2003 buy-back initiative for handguns, almost 69,000 weapons were surrendered and consequently destroyed (2010, pp. 3, 8).

MELANESIA

Fiji reports that it invited submissions from the general public on the Arms and Ammunition Bill 2003, through extensive publicity in all media outlets and in the three main languages (2008, p. 11). Solomon Islands reports that parliament notifies the media of national laws that have been passed (2004, p. 11). Papua New Guinea reports that an awareness campaign to

stigmatize firearms was launched by the Ministry of International Security in 2004 and a Guns Control Committee was appointed to undertake community consultations to discuss the views on and assess the impacts of firearms throughout the country (2004, p. 18).

Collection

Fiji and Solomon Islands report that they have held firearm collection activities. In Solomon Islands there have been weapon surrender ceremonies, which resulted in the weapons being destroyed by being dumped at sea (2004, p. 22).

MICRONESIA

The Marshall Islands reports that it has not been necessary for the government to educate the public about the problems and consequences of issues relating to the PoA as very few people in the Marshall Islands own a firearm (2005, p. 8).

GLOBAL FINDINGS

Details of public awareness activities are included in many reports, both within specific sections on public awareness and confidence-building measures, and as part of other sections, notably relating to seized and collected weapons. While weapons collection programmes and amnesties are a common feature across all regions, there is great disparity with respect to the nature of public awareness activities that states report on. Nevertheless, some regional trends are apparent. For example, in Africa, public awareness campaigns have frequently focused on disarmament, and buy-back and collection programmes, as well as highlighting the existence of the illicit trade. In the Americas, public awareness has included disarmament and voluntary surrender programmes, but also youth-oriented education programmes and activities to prevent youth violence. In many European countries, reporting on public awareness includes information on public seminars and informational materials about export control requirements and regulatory changes. Such disparities in reporting on public awareness efforts highlight the different problems and priorities states face with respect to SALW and PoA implementation more broadly.

OTHER POA COMMITMENTS: CRIMINALIZATION

In addition to the specific thematic commitments described above, the PoA contains commitments pertaining to the illegal possession, stockpiling and trade of SALW. These commitments are contained in paragraphs II.3 and II.6, through which states have undertaken to establish the illegal “possession, stockpiling and trade” of SALW within their areas of jurisdiction as criminal offences under their domestic law (II.3); and to identify groups and individuals engaged in the illegal “trade, stockpiling, transfer, [and] possession” of illicit SALW, and take action under appropriate national law against such groups and individuals (II.6).

The following section provides an overview of information provided by states, by subregion. Where states provided information on the criminalization of or action taken against those involved in the international illegal trade in small arms (i.e. illicit trafficking), this is included in the section on International transfers. Where states provided information on the criminalization of or action taken against those involved in the domestic illegal trade in small arms, this is included in the following section.

Details of the applicable penalties for illegal possession, illegal stockpiling and illegal trade are included in Annexes J, K and L respectively.

AFRICA

EASTERN AFRICA

Criminalization of possession, stockpiling and trade

Illegal possession: Nine states in Eastern Africa report that they have criminalized illegal possession of small arms.⁵⁵⁴

Illegal stockpiling: Four states in Eastern Africa report that they have criminalized illegal stockpiling of small arms.⁵⁵⁵

Illegal trade: Three states in Eastern Africa report that they have criminalized illegal trade of small arms,⁵⁵⁶ while Ethiopia reports that it is prohibited to engage in trade of firearms (2008, p. 1).

554 Djibouti, Kenya, Mauritius, Mozambique, Rwanda, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

555 Mozambique, Rwanda, United Republic of Tanzania, Zambia.

556 Rwanda, Uganda, Zambia.

Action against illegal possession, stockpiling or trade

Ethiopia, although it does not mention criminalization of illegal possession, stockpiling or trade, reports that the police have investigated such cases and submitted them to court (2008, p. 1).

MIDDLE AFRICA**Criminalization of possession, stockpiling and trade**

Illegal possession: Three states in Middle Africa report that they have criminalized illegal possession of small arms.⁵⁵⁷

Illegal stockpiling: No state in Middle Africa reports on this.

Illegal trade: The Democratic Republic of the Congo reports that it has criminalized the illegal trade in SALW (2010, pp. 14–15).

Action against illegal possession, stockpiling or trade

Gabon reports that seizures of weapons of war were carried out against small groups of individuals that had formed a private militia (2005, p. 1). Angola reports that the weapons collection campaign in 2008 resulted in 347 lawsuits, with 132 cases tried, 126 persons convicted with sentences ranging from three months to two years in prison, 6 persons acquitted, and 215 persons in pre-trial preparation (2010, pp. 3–4).

NORTHERN AFRICA**Criminalization of possession, stockpiling and trade**

Illegal possession: Five states in Northern Africa report that they have criminalized illegal possession.⁵⁵⁸

Illegal stockpiling: Algeria reports that it has criminalized the illegal stockpiling of weapons.

Illegal trade: Algeria and Tunisia report that they have criminalized the illegal trade in small arms (Algeria: 2010, pp. 5–6; Tunisia: 2010, pp. 1–2).

557 Congo, Democratic Republic of the Congo, Sao Tome and Principe.

558 Algeria, Libya, Morocco, Sudan, Tunisia.

Action against illegal possession, stockpiling or trade

No state in Northern Africa reports on this.

SOUTHERN AFRICA

Criminalization of possession, stockpiling and trade

Illegal possession: Three states in Southern Africa report that they have criminalized illegal possession,⁵⁵⁹ with Namibia stating that the Arms and Ammunition Act of 1996 prohibits the illegal stockpiling and possession of unmarked or inadequately marked firearms (2011, p. 5).

Illegal stockpiling: Two states in Southern Africa report they have criminalized illegal stockpiling.⁵⁶⁰

Illegal trade: South Africa reports that it has criminalized the illegal trade in small arms (2008, p. 2).

Action against illegal possession, stockpiling or trade

Lesotho reports that amendments to its existing legislation are under consideration that will prohibit civilian possession and use of light weapons, and restrict the possession of more than one firearm of the same calibre (2008, p. 12). Lesotho also reports that it has identified and taken action against individuals and or groups involved in illegal possession (2008, p. 15).

WESTERN AFRICA

Criminalization of possession, stockpiling and trade

Illegal possession: Nine Western African states report that they have criminalized the illegal possession of small arms.⁵⁶¹

Illegal stockpiling: Six Western African states report that they have criminalized the illegal stockpiling of small arms.⁵⁶²

559 Lesotho (2008, p. 12), Namibia (2011, p. 5), South Africa (2008, p. 2).

560 Namibia (2011, p. 5), South Africa (2008, p. 2).

561 Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Liberia, Senegal, Sierra Leone, Togo.

562 Burkina Faso, Côte d'Ivoire, Ghana, Senegal, Sierra Leone, Togo.

Illegal trade: Seven Western African states report that they have criminalized the illegal trade of small arms.⁵⁶³

Action against illegal possession, stockpiling or trade

No state in Western Africa reports on this.

AMERICAS

CARIBBEAN

Criminalization of possession, stockpiling and trade

Illegal possession: Four Caribbean states report that they have criminalized illegal possession of small arms.⁵⁶⁴ Barbados reports that its Firearms Act includes harsh penalties for persons who are “improperly in possession”, but does not specify that criminal penalties are imposed (2003, p. 1).

Illegal stockpiling: Trinidad and Tobago reports that, while the stockpiling of small arms is not criminalized, further amendments to the relevant law may include stockpiling as a criminal act (2010, p. 9).

Illegal trade: Four Caribbean states report that they have criminalized illegal trade in small arms.⁵⁶⁵

Action against illegal possession, stockpiling or trade

Barbados reports that it is “vigourously pursuing persons in possession of illegal firearms as well as tirelessly investigating gun related crimes”, noting that 63 people were charged with related offences in 2002 (2003, p. 1). The Dominican Republic reports that it has not detected any groups involved in the illegal manufacture or possession of small arms, or financial operations in the trafficking of firearms, but that it has identified and taken action against manufacturing of and individuals with “homemade arms” (our translation) (2010, p. 10).

563 Benin, Burkina Faso, Côte d’Ivoire, Ghana, Mali, Senegal, Togo.

564 Cuba, Grenada, Haiti, Trinidad and Tobago.

565 Cuba, Haiti, Jamaica, Trinidad and Tobago.

CENTRAL AMERICA

Criminalization of possession, stockpiling and trade

Illegal possession: Seven Central American states report that they have criminalized illegal possession of small arms.⁵⁶⁶

Illegal stockpiling: Six Central American states report that they have criminalized illegal stockpiling of small arms.⁵⁶⁷

Illegal trade: Four Central American states report that they have criminalized illegal trade in small arms.⁵⁶⁸

Action against illegal possession, stockpiling or trade

El Salvador reports that the National Civilian Police has investigative units that have records on cases, groups and individuals involved in trade, stockpiling, transfer and possession of illicit SALW (2005, p. 4). Guatemala reports that it has been successful in pursuing and adjudicating individuals for firearms-related offences, and that from January to September 2005, there were 1,491 cases of illegal defensive carrying and possession of firearms and 84 cases of the illegal offensive possession of firearms (2006, p. 16). Nicaragua reports that in 2010 49 people were prosecuted for the illegal possession and trafficking of firearms, and also for the possession of 212 firearms, of which 22 of the arrested were foreigners (2010, pp. 7, 10). Panama reports that groups and individuals have been identified and that the penal code was applied (2010, p. 4).

566 Costa Rica (carrying a gun without a permit or with an expired permit (2005, p. 2)), El Salvador (2005, p. 3), Guatemala (possession of an unmarked weapons 2010, p. 5)), Honduras (2004, p. 2), Mexico (2010, p. 2), Nicaragua (2010, p. 3), Panama (2010, p. 4).

567 Costa Rica (the stockpiling of prohibited weapons is a criminal offence (2003, p. 3)), El Salvador (2003, p. 3), Honduras (2004, p. 2), Mexico (2003, p. 3), Nicaragua (2010, p. 3), Panama (2010, p. 4).

568 Costa Rica (illegal sale to minors (2003, p. 7)), El Salvador (2005, p. 3), Honduras (2004, p. 2), Panama (2010, p. 4).

NORTHERN AMERICA

Criminalization of possession, stockpiling and trade

The United States reports that the Gun Control Act of 1968 provides criminal and civil penalties for firearms violations, ranging from licence revocation to fines and imprisonment for 10 years, but does not specify whether these penalties extend to illegal possession, stockpiling or trade.⁵⁶⁹

Illegal possession: Canada reports that it has criminalized illegal possession of small arms.

Illegal stockpiling: Canada reports that, although there are no distinct offences in the Canadian Criminal Code related to stockpiling, the provisions dealing with illegal manufacture and possession of firearms would prohibit illegal stockpiling, and that illegal stockpiling of firearms is also controlled via the existence of universal firearm registration, which acts as an administrative mechanism to detect stockpiles (2010, p. 13).

Illegal trade: Canada reports that it has criminalized illegal trade of small arms.

Action against illegal possession, stockpiling or trade

No state in Northern America reports on this.

SOUTH AMERICA

Criminalization of possession, stockpiling and trade

Illegal possession: Nine South American states report that they have criminalized illegal possession of small arms.⁵⁷⁰ Uruguay reports that it has not criminalized the illegal possession of small arms (2010, pp. 6–7).

Illegal stockpiling: Six South American states report that they have criminalized illegal stockpiling of small arms.⁵⁷¹ Uruguay reports that it has not criminalized the illegal stockpiling of small arms (2010, pp. 6–7).

569 Although it does specify that criminal penalties apply to the unlawful possession and transfer of man portable air-defence systems (2010, p. 3).

570 Argentina, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Venezuela (Bolivarian Republic of).

571 Argentina, Brazil, Chile, Ecuador, Peru, Venezuela (Bolivarian Republic of).

Illegal trade: Six South American states report that they have criminalized illegal trade in small arms.⁵⁷² Uruguay reports that it has not criminalized the illegal trade in small arms (2010, pp. 6–7).

Action against illegal possession, stockpiling or trade

Colombia reports that the number of persons convicted for the possession and trafficking of firearms, ammunition or explosives increased from 169 in 2002 to 179 in 2003 (2006, pp. 52–53, 55).

Paraguay reports that the intelligence work performed by the Directorate of War Material identifies groups and individuals engaged in the trade of firearms and related materials (2007, p. 7), but does not provide details of arrests or convictions made.

Peru reports that in 2008 and 2009 there were 1,311 and 1,283 court cases, respectively, involving the illegal possession of firearms (2010, pp. 14–15).

ASIA

CENTRAL ASIA

Criminalization of possession, stockpiling and trade

Illegal possession: Four states in Central Asia report that they have criminalized illicit possession.⁵⁷³

Illegal stockpiling: Kazakhstan, Kyrgyzstan and Turkmenistan report that they have criminalized illegal stockpiling.

Illegal trade: Four states report that they have criminalized illegal trade of SALW.⁵⁷⁴

Action against illegal possession, stockpiling or trade

Kazakhstan reports that raids were conducted in 2009 by law enforcement agencies, which confiscated 878 illegally possessed weapons (2010, p. 13).

572 Brazil, Peru, Chile, Colombia, Ecuador, Venezuela (Bolivarian Republic of).

573 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan.

574 Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan.

EASTERN ASIA

Criminalization of possession, stockpiling and trade

Illegal possession: China, Japan and the Republic of Korea report that they have criminalized the illegal possession of SALW.

Illegal stockpiling: China, Japan and the Republic of Korea report that they have criminalized the illegal stockpiling of SALW.

Illegal trade: China, Japan and the Republic of Korea report that they have criminalized the illegal trade in SALW.

Action against illegal possession, stockpiling or trade

Japan reports that “Under relevant laws and regulations, the necessary investigations against those groups and individuals engaged in the illegal ... trade, stockpiling, transfer, possession ... of the illicit SALW have taken place” (2010, p. 13).

SOUTHERN ASIA

Criminalization of possession, stockpiling and trade

Illegal possession: Five states in Southern Asia report that they have criminalized the illegal possession of small arms.⁵⁷⁵

Illegal stockpiling: Two states in Southern Asia report that they have criminalized the illegal stockpiling of weapons.⁵⁷⁶

Illegal trade: Three states in Southern Asia report that they have criminalized the illegal trade of weapons.⁵⁷⁷

Action against illegal possession, stockpiling or trade

Pakistan reports that during its de-weaponization campaign, 85,770 people were charged and, of these, 12,029 were convicted and sentenced to various terms of imprisonment (2003, p. 3). Sri Lanka reports that the National Illicit Small Arms Survey identified groups and individuals involved in illegal possession, stockpiling and trade (2008, p. 5).

575 Bangladesh, India, Iran (Islamic Republic of), Pakistan, Sri Lanka.

576 Iran (Islamic Republic of), Sri Lanka.

577 Iran (Islamic Republic of), Sri Lanka, Pakistan.

SOUTH-EASTERN ASIA

Criminalization of possession, stockpiling and trade

Illegal possession: Five states in South-Eastern Asia report that they have criminalized the illegal possession of SALW.⁵⁷⁸

Illegal stockpiling: Five states in South-Eastern Asia report that they have criminalized the illegal stockpiling of SALW.⁵⁷⁹

Illegal trade: Six states report in South-Eastern Asia that they have criminalized the illegal trade of SALW.⁵⁸⁰

Action against illegal possession, stockpiling or trade

No state in South-Eastern Asia reports on this.

WESTERN ASIA

Criminalization of possession, stockpiling and trade

Illegal possession: Eight states in Western Asia report that they have criminalized the illegal possession of SALW.⁵⁸¹

Illegal stockpiling: Three states in Western Asia report that they have criminalized the illegal stockpiling of weapons.⁵⁸²

Illegal trade: Nine states in Western Asia report that they have criminalized the illegal trade of weapons.⁵⁸³

Action against illegal possession, stockpiling or trade

No state in Western Asia reports on this.

578 Cambodia, Indonesia, Malaysia, Philippines, Thailand.

579 Cambodia, Indonesia, Malaysia, Thailand, Viet Nam.

580 Cambodia, Indonesia, Malaysia, Philippines, Thailand, Viet Nam.

581 Armenia, Azerbaijan, Georgia, Israel, Jordan, Saudi Arabia, Syrian Arab Republic, United Arab Emirates.

582 Armenia, Azerbaijan, Jordan.

583 Armenia, Azerbaijan, Georgia, Israel, Jordan, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates.

EUROPE

EASTERN EUROPE

Criminalization of possession, stockpiling and trade

Illegal possession: Ten states in Eastern Europe report that they have criminalized the illegal possession of small arms.⁵⁸⁴

Illegal stockpiling: Seven states in Eastern Europe report that they have criminalized the illegal stockpiling of small arms,⁵⁸⁵ with the Czech Republic reporting that unauthorized stockpiling is criminalized under the “unauthorized arming” clause of the Criminal Code (2007, p. 7).

Illegal trade: Ten states in Eastern Europe report that they have criminalized the illegal trade of SALW.⁵⁸⁶

Action against illegal possession, stockpiling or trade

Belarus reports that it prosecuted seven individuals in 2009 for unlawful acts in relation to SALW (2010, p. 6). The Czech Republic reports that in 2005 the police dealt with 508 cases of "unauthorized arming" (2006, p. 10). Bulgaria reports that the Ministry of the Interior constantly works to “avert, suppress and detect crimes and other offences, which are connected with the unlawful manufacture, transfer and trade in illegal SALW” (2010, p. 12). Hungary reports that groups, companies and individuals engaged in illegal manufacture, possession, trade, stockpiling and transfer of SALW are identified and prosecuted (2005, p. 3). The Republic of Moldova reports that it has permanent operations for identifying, stopping and registering criminal groups involved in firearms and has discovered various criminal groups (2003, p. 3). The Russian Federation reports that the illegal acquisition, transfer, sale, storage, transport or carrying of weapons accounted for 78% (23,253 cases) of all crimes related to the illegal trade in firearms. Illegal manufacture accounted for 14% (4,336 cases) and theft 7% (2,234 cases) (2007, p. 19).

584 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

585 Belarus, Bulgaria, Czech Republic, Hungary, Republic of Moldova, Romania, Slovakia.

586 Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine.

NORTHERN EUROPE

Criminalization of possession, stockpiling and trade

Illegal possession: Eleven states in Northern Europe report that they have criminalized the illegal possession of small arms.⁵⁸⁷

Illegal stockpiling: Three states report they have criminalized illegal stockpiling.⁵⁸⁸ Denmark reports that stockpiling is not established as a criminal offence in itself, but notes that unauthorized possession is an offence (2010, p. 4). Ireland reports that while there is no offence for stockpiling, the possession, use or carriage of a firearm without a firearm certificate is an offence (2010, p. 2).

Illegal trade: Seven states in Northern Europe report that they have criminalized the illegal trade of small arms.⁵⁸⁹

Action against illegal possession, stockpiling or trade

Ireland reports that the National Police are “constantly vigilant” in the fight against the illicit possession of SALW, and that Irish authorities “constantly work to identify groups and individuals engaged in such activities” with regular targeted intelligence-driven operations being undertaken (2005, p. 3), but it does not provide details of specific action taken against individuals engaged in illegal possession.

Latvia reports that in 2005 police seized 42 illegally acquired and stored firearms (2006, p. 6). As noted in the section on Manufacture, Latvia has provided figures for the number of persons against whom criminal charges have been made in relation to the unauthorized manufacture, possession and sale of small arms. These figures were not disaggregated. See page 42 for the figures.

Lithuania reports that its Police Department has registered and investigated small arms-related criminal offences involving the illegal disposal of firearms, ammunition, explosives or explosive material—389 in 2005, 321 in 2006, 266 in 2007, 284 in 2008 and 350 in 2009 (2010, p. 7).

587 Denmark, Estonia, Finland, Iceland, Ireland, Norway, Latvia, Lithuania, Norway, Sweden, United Kingdom.

588 Finland (2011, p. 7), Lithuania (2003, p. 2), Norway (2010, p. 5).

589 Denmark, Estonia, Finland, Ireland, Latvia, Norway, Sweden.

SOUTHERN EUROPE

Criminalization of possession, stockpiling and trade

Illegal possession: Eight states in Southern Europe report that they have criminalized the illegal possession of small arms.⁵⁹⁰

Illegal stockpiling: Five states in Southern Europe report that they have criminalized the illegal stockpiling of SALW.⁵⁹¹

Illegal trade: Eight states in Southern Europe report that they have criminalized the illegal trade of small arms.⁵⁹²

Action against illegal possession, stockpiling or trade

The former Yugoslav Republic of Macedonia reports that in January 2005 the Ministry of Interior established a special sector dealing with illegal trade in weapons, ammunition and explosive materials, and that during 2010 their actions had the following impact: 199 criminal offences for illegal manufacture, possession and trade in weapons and explosive materials were disclosed for which 223 persons were charged, while 5 charges were initiated against unknown perpetrators. In addition to criminal charges, offence proceedings were requested for 439 persons, most frequently for purchase of parts of weapons, possession of ammunition, carrying of weapons in violation of the provisions of the law, failure to file an application for registration of a weapon within a set deadline, and non-surrender of weapons and ammunition in case of owners' death (2011, p. 9).⁵⁹³

590 Albania, Andorra, Greece, Malta, Portugal, Serbia, Spain, the former Yugoslav Republic of Macedonia.

591 Andorra, Portugal, Serbia, Spain, the former Yugoslav Republic of Macedonia.

592 Andorra, Bosnia and Herzegovina, Malta, Portugal, Serbia, Slovenia, Spain.

593 The former Yugoslav Republic of Macedonia reports that the following action was taken in previous years. In 2008, 248 criminal offences of illegal manufacture, possession and trade in weapons and explosive materials, for which 288 persons were charged, as well as two criminal charges for production and purchase of weapons involving two persons (2009, p. 11). In 2007, 240 criminal offences of illegal manufacture, possession and trade in weapons and explosive materials, for which 286 persons were charged (2008, p. 11). In 2006, 250 criminal acts of illegal manufacture, possession and trade in weapons and explosive materials, for which 279 persons were charged and two criminal acts of manufacturing and acquisition of weapons for which two persons were charged (2007, p. 13). In 2005, 355 criminal offences of illegal

Serbia reports that during 2007 police uncovered an organized crime group of nine dealing in illegal arms, explosives and materiel of the armed forces. Eight of the members of the group were arrested and brought before the competent investigating judge. Also in 2007, officers of the Anti-Organized Crime Service carried out searches of several properties where they uncovered and temporarily confiscated quantities of weapons that had been brought from the battlefield for the purpose of selling (2008, p. 2). Items seized during the incidents are listed in Annex D.

Slovenia reports that in 2002 the police recorded 175 criminal offences of illegal manufacture of and trade in weapons or explosive materials under Article 310 of the Penal Code, of which 19 criminal offences were committed as a result of organized crime (2003, p. 5).

WESTERN EUROPE

Criminalization of possession, stockpiling and trade

Illegal possession: Seven states in Western Europe report that they have criminalized the illegal possession of small arms.⁵⁹⁴

Illegal stockpiling: Several states in Western Europe give information on storage requirements for dealers and manufacturers, and note that criminal sanctions may apply if storage requirements are not met. However, no state gives details of criminal offences and associated penalties for illegal stockpiling, per se. Germany reports that the law does not expressly regulate illegal stockpiling, but considers it to be subsumed under illegal possession of SALW (2010, p. 14).

Illegal trade: Four states in Western Europe report that they have criminalized the illegal trade in small arms.⁵⁹⁵

manufacture, possession and trade in weapons and explosive materials, for which 395 persons were charged and six criminal acts of manufacturing and acquisition of weapons for which seven persons were charged (2006, p. 11). In 2004, 214 criminal acts, 235 perpetrators (2005, p. 10). Between 1998 and 2003, 883 criminal charges for illegal possession of weapon and explosive materials, filed against 1,228 offenders (2003, p. 4).

594 Austria, Belgium, France, Germany, Monaco, Netherlands, Switzerland, the former Yugoslav Republic of Macedonia.

595 France, Germany, Monaco, Switzerland.

Action against illegal possession, stockpiling or trade

Although it does not give figures on the number of persons or groups identified, Switzerland reports that investigations concerning illegal manufacture, trade, possession and stockpiling are carried out by the competent cantonal authorities (i.e. police, prosecutors, etc.). The Central Office for Arms of the Federal Office of Police within the Federal Department of Justice and Police operates a database of persons with confiscated weapons (2012, p. 5).

OCEANIA**AUSTRALIA AND NEW ZEALAND****Criminalization of possession, stockpiling and trade**

Australia reports that it has established penalties for illegal possession or selling of a firearm (2010, p. 2).

Action against illegal possession, stockpiling or trade

Neither Australia nor New Zealand report on this.

MELANESIA**Criminalization of possession, stockpiling and trade**

Fiji, Papua New Guinea and Solomon Islands report that they have established illegal possession, stockpiling and trade as criminal offences.

Action against illegal possession, stockpiling or trade

Fiji reports that there have been virtually no groups or individuals found to be involved in illegal possession, stockpiling or trade (2008, p. 3). Solomon Islands reports that it has identified and taken action against individuals or groups that have been involved in the illicit possession or stockpiling of weapons. However, it reports that there is limited capacity to confiscate illegally possessed weapons, even if the authorities are aware of them (2003, p. 16). Papua New Guinea reports that, "Appropriate national laws have incriminated and imprisoned persons involved in any illegal activities" referring to illegal possession, stockpiling and trade (2005, p. 11).

MICRONESIA

No state in Micronesia reports on this.

GLOBAL FINDINGS

Table 13. Other PoA commitments (% of reporting states that have criminalized illegal possession, stockpiling and trade)

	Africa	Americas	Asia	Europe	Oceania
Criminalized illegal possession	59%	50%	74%	85%	67%
Criminalized illegal stockpiling	27%	29%	47%	34%	0%
Criminalized illegal trade	29%	39%	74%	66%	17%

The majority of reporting states indicate that they criminalize illicit possession, stockpiling and trade, with most also providing details of criminal penalties. These range dramatically within and among regions from 3 months imprisonment to the death penalty (see Annex H). Fewer states report that they have criminalized illegal stockpiling than report that they have criminalized illegal possession and trade. An explanation for this may be that the term is not defined in the PoA and may not be clearly understood by states. Many states give examples of regulations that they have established and offences that they have introduced for the storage of SALW by civilians and dealers when answering the question as to whether they have criminalized illegal stockpiling, while others give details of the stockpile management guidelines governing state stocks.

Few states provide detailed information on persons or groups that they have identified being involved in illicit possession, stockpiling or trade. However, European states have provided the most detailed information on this subject, providing numbers of people identified, and in many cases charged, and some details of the offence.

PART III
CONCLUSION

The purpose of the Second Review Conference in 2012 is to review progress made in the implementation of the PoA and the International Tracing Instrument. This report seeks to quantify efforts to implement the national level commitments contained in the PoA and the International Tracing Instrument, in order to identify areas where implementation has been strong and where examples of best practice may be available, as well as to identify gaps in implementation and areas where implementation efforts have been weak or faced with difficulties. The analysis was prepared and provided on a regional and subregional basis to identify trends and patterns with respect to implementation efforts at these levels.

A review of national reports shows that there have been significant efforts to combat the illicit trade in small arms and implement the PoA and the International Tracing Instrument. With respect to the national-level commitments we can confirm, for example, that 168 states have established an NPC, 124 states report that they regulate and control the manufacture of small arms and most states with authorized manufacturing industries ensure that certain markings are applied at the time of manufacture to facilitate tracing. Furthermore, most exporting states have a system in place controlling the export of small arms, while most importing states have controls in place regulating the authorized import of small arms. Additionally, there have been increasing efforts in all regions to improve and build capacity for stockpile management and security; and major surplus destruction projects have taken place in Southern and Eastern Europe.

However, it is also clear that that majority of states do not mark small arms at the time of import (or ensure that import markings are applied by foreign manufacturers). Almost half of reporting states do not keep records indefinitely or for the minimum period of time stipulated in the International Tracing Instrument. Transit controls are generally less well established than export controls. The majority of states have not adopted specific controls to regulate the activities of brokers. And, the issue of brokering is still not well understood or addressed.

National reports are an important and, in some cases, the only source of information on states' efforts to combat the illicit trade in small arms. However, as this report has highlighted, states do not always provide clear or detailed information on their implementation, making it difficult to assess whether and to what extent they have in fact implemented these commitments.

It is hoped that the new online reporting template developed by ODA may yield better results, and permit a more accurate assessment of states' implementation efforts. It should also make the submission of reports by states easier by allowing national reports to be stored and updated on a biennial basis. Nevertheless, commitment to reporting and coordination among relevant government agencies remain crucial elements of a successful reporting process.

The Second Review Conference provides an opportunity to assess the state of overall implementation of the PoA and the International Tracing Instrument, and set the agenda for the next six-year cycle. This report is intended as a resource to help states and practitioners prepare for the Second Review Conference by providing a detailed overview of states' efforts to implement the PoA since its adoption in 2001, and the International Tracing Instrument since 2005, based on states' own assessment of their implementation efforts, as contained in national reports.

Nevertheless, national reports reveal that the PoA and, to a lesser extent, the International Tracing Instrument have brought about significant developments in combating the illicit trade in small arms. Other instruments and arrangements, particularly those adopted at the regional level, have also made a significant contribution to efforts to address the illicit trade, and highlight the fact that the PoA stands as a framework document for small arms action. It is apparent that not all the themes and commitments covered under the PoA and the International Tracing Instrument are of equal relevance to all regions and subregions. In planning the next six-year cycle, it will therefore be important for Member States to acknowledge and accommodate the different priorities and small arms problems faced by different regions and subregions, to ensure that a strong collective effort to prevent, combat and eradicate the illicit trade in small arms remains a priority at the global level.

ANNEX A. REPORTING AND NPCS, 2002–2012¹

This table is based on information derived from the national reports submitted between 2002 and 31 December 2011 and the ODA list of National Points of Contact (as of 29 March 2012).

The bullets indicate years in which a state submitted a national report. In the column “NPC (PoA/ITI)”, a bullet indicates that the state has appointed one or more persons to be the National Focal Point on both the PoA and the ITI. In the column “NPC (PoA only)”, a bullet indicates that the state has appointed one or more persons to be the National Focal Point on the PoA only, and has not notified ODA of a National Point of Contact for the ITI. In the column “Separate ITI NPC” a bullet indicates that the state has appointed one or more persons to be the National Focal Point on the ITI as distinct from the PoA.

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Afghanistan												0			
Albania		•	•									2		•	
Algeria		•		•	•		•		•			5			•
Andorra					•		•		•			3		•	
Angola					•		•		•			3		•	
Antigua and Barbuda									•			1		•	
Argentina		•	•	•	•	•	•		•			7	•		
Armenia		•		•				•	•			4	•		
Australia	•	•	•	•	•	•	•	•	•			9			•
Austria		•		•	•	•	•		•			6	•		
Azerbaijan			•	•								2	•		
Bahamas												0			

1 The following eight states submitted their national reports for 2012 on or before 31 December 2011: Bulgaria, Cyprus, Democratic Republic of the Congo, Iraq, Luxembourg, Republic of Korea, Russian Federation and Switzerland. These reports are included in the analysis.

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Bahrain							•		•			2			•
Bangladesh	•	•							•			3		•	
Barbados		•										1		•	
Belarus	•	•	•	•	•	•	•		•			8		•	
Belgium		•							•	•		3			•
Belize												0	•		
Benin		•		•			•		•			4		•	
Bhutan												0		•	
Bolivia (Plurinational State of)		•		•	•	•			•			5		•	
Bosnia and Herzegovina			•	•	•	•	•		•	•		7		•	
Botswana	•						•		•			3		•	
Brazil		•		•			•					3			•
Brunei Darussalam												0		•	
Bulgaria	•	•		•	•	•	•		•		•	8		•	
Burkina Faso	•	•		•			•		•			5			•
Burundi		•	•	•		•	•		•			6		•	
Cambodia			•				•					2			•
Cameroon		•										1			
Canada		•	•	•	•		•		•			6			•
Cape Verde												0			
Central African Republic		•										1			•
Chad		•										1			•
Chile				•	•		•					3		•	
China		•	•	•		•	•		•			6		•	
Colombia		•		•	•		•		•			5			•
Comoros												0			
Congo		•					•		•			3		•	
Costa Rica	•	•		•								3			•
Côte d'Ivoire				•			•		•			3			•
Croatia		•	•	•	•	•	•		•			7			•
Cuba		•			•	•	•		•			5		•	
Cyprus							•				•	2			•

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Czech Republic		•	•	•	•	•	•		•			7			•
Democratic People's Republic of Korea												0			
Democratic Republic of the Congo		•							•		•	3			•
Denmark				•	•	•	•		•			5		•	
Djibouti		•					•					2		•	
Dominica												0	•		
Dominican Republic							•		•			2		•	
Ecuador		•			•		•		•	•		5		•	
Egypt		•		•	•		•		•			5		•	
El Salvador		•	•	•								3		•	
Equatorial Guinea		•										1			
Eritrea								•	•			2		•	
Estonia		•					•		•			3		•	
Ethiopia	•						•					2		•	
Fiji			•				•					2		•	
Finland		•	•	•	•	•	•		•	•		8		•	
France		•		•			•		•	•		5			•
Gabon				•								1		•	
Gambia		•		•								2		•	
Georgia				•	•		•		•			4		•	
Germany		•	•	•		•	•	•	•			7		•	
Ghana				•		•			•			3		•	
Greece		•	•	•	•	•	•					6		•	
Grenada			•									1		•	
Guatemala			•	•	•		•		•	•		6		•	
Guinea									•			1			•
Guinea-Bissau									•			1			•
Guyana									•			1		•	
Haiti		•										1		•	
Honduras		•	•									2		•	
Hungary	•	•	•	•	•	•	•		•			8		•	
Iceland							•					1			•
India		•		•		•	•		•			5			•

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Indonesia		•		•				•	•			4	•		
Iran (Islamic Republic of)		•		•			•		•			4	•		
Iraq							•		•		•	3			•
Ireland	•	•		•	•		•		•			6	•		
Israel		•	•				•					3			•
Italy		•	•	•	•	•	•		•			7	•		
Jamaica				•			•					2			•
Japan	•	•		•		•	•		•			6	•		
Jordan		•		•					•			3			•
Kazakhstan				•	•		•		•			4			•
Kenya		•		•	•		•		•			5	•		
Kiribati												0			
Kuwait												0			
Kyrgyzstan					•							1			
Lao People's Democratic Republic												0			•
Latvia		•	•	•	•		•		•			6	•		
Lebanon			•		•		•					3			•
Lesotho				•	•		•		•			4	•		
Liberia				•			•		•			3			•
Libya									•			1	•		
Liechtenstein				•			•		•			3	•		
Lithuania	•	•		•	•		•		•			6	•		
Luxembourg		•		•					•		•	4	•		
Madagascar							•					1			•
Malawi									•			1			•
Malaysia		•		•	•		•		•			5	•		
Maldives												0			•
Mali		•		•			•		•			4	•		
Malta			•	•	•	•	•		•			6			•
Marshall Islands				•								1			•
Mauritania				•								1			•
Mauritius				•			•					2			•
Mexico	•	•	•	•	•	•	•		•			8			•

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Micronesia (Federated States of)												0			
Monaco		•	•									2		•	
Mongolia												0		•	
Montenegro												0		•	
Morocco		•		•	•		•	•	•			6		•	
Mozambique				•			•		•			3			•
Myanmar												0		•	
Namibia				•	•		•		•			4			•
Nauru												0			
Nepal												0		•	
Netherlands		•		•			•		•			4		•	
New Zealand		•	•	•		•	•		•			6		•	
Nicaragua		•			•		•		•			4		•	
Niger		•		•	•		•		•			5		•	
Nigeria				•			•					2		•	
Norway		•		•	•	•	•	•	•			7		•	
Oman		•		•	•				•			4		•	
Pakistan		•		•			•		•			4		•	
Palau												0			
Panama				•			•		•			3		•	
Papua New Guinea				•								1		•	
Paraguay		•		•	•	•	•					5		•	
Peru		•	•	•	•		•		•			6		•	
Philippines		•		•	•		•		•			5		•	
Poland		•	•	•	•		•		•			6			•
Portugal		•	•			•	•	•	•	•		7			•
Qatar				•			•					2		•	
Republic of Korea		•		•	•		•		•		•	6		•	
Republic of Moldova		•		•	•	•	•		•			6		•	
Romania		•		•			•		•			4			•
Russian Federation	•	•		•	•	•	•		•		•	8		•	
Rwanda				•			•		•			3		•	
Saint Kitts and Nevis												0		•	
Saint Lucia												0		•	

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Saint Vincent and the Grenadines												0			
Samoa												0		•	
San Marino												0		•	
Sao Tome and Principe		•										1		•	
Saudi Arabia		•			•							2	•		
Senegal		•		•		•	•		•	•		6			•
Serbia		•	•	•	•	•	•					6			
Seychelles												0	•		
Sierra Leone				•			•		•			3	•		
Singapore												0			•
Slovakia		•		•			•		•			4		•	
Slovenia		•		•			•		•			4		•	
Solomon Islands		•	•									2		•	
Somalia												0			
South Africa		•		•			•					3		•	
South Sudan												0			
Spain		•		•	•	•	•		•			6			•
Sri Lanka		•		•	•		•					4		•	
Sudan		•					•		•			3		•	
Suriname												0			•
Swaziland							•					1			
Sweden		•		•			•		•			4	•		
Switzerland		•	•	•			•	•	•		•	7		•	
Syrian Arab Republic		•		•	•	•			•			5		•	
Tajikistan		•										1		•	
Thailand		•		•			•					3			•
The former Yugoslav Republic of Macedonia		•	•	•	•	•	•	•	•	•		9		•	
Timor-Leste												0			
Togo			•	•	•	•	•	•	•			7		•	
Tonga												0			
Trinidad and Tobago		•	•				•		•			4	•		
Tunisia									•			1			

State	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total	NPC (PoA/ITI)	NPC (PoA only)	Separate ITI NPC
Turkey		•	•	•			•					4			
Turkmenistan									•			1			
Tuvalu												0		•	
Uganda		•		•	•		•		•			5	•		
Ukraine		•	•	•			•		•			5	•		
United Arab Emirates				•	•					•		3			•
United Kingdom		•		•			•		•			4			•
United Republic of Tanzania					•		•		•			3	•		
United States of America	•	•	•	•		•	•		•			7			•
Uruguay				•			•		•			3	•		
Uzbekistan												0			
Vanuatu												0			
Venezuela (Bolivarian Republic of)			•		•							2		•	
Viet Nam					•							1		•	
Yemen		•			•				•			3		•	
Zambia				•					•			2		•	
Zimbabwe				•			•					2		•	
Total reports per year (global)	16	99	41	103	62	36	111	10	108	10	8	604	64	72	32

ANNEX B. STATES THAT HAVE NEVER REPORTED

Afghanistan
Bahamas
Belize
Bhutan
Brunei Darussalam
Cape Verde
Comoros
Democratic People's Republic of Korea
Dominica
Kiribati
Kuwait
Lao People's Democratic Republic
Maldives
Micronesia (Federated States of)
Mongolia
Montenegro
Myanmar
Nauru
Nepal
Palau
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
Seychelles
Singapore
Somalia
South Sudan
Suriname
Timor-Leste
Tonga
Tuvalu
Uzbekistan
Vanuatu

ANNEX C. SUBREGIONAL CLASSIFICATION OF UN MEMBER STATES

This is the subregional classification of states according to the United Nations Statistics Division.

AFRICA

Eastern Africa

Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Rwanda, Seychelles, Somalia, Uganda, United Republic of Tanzania, Zambia, Zimbabwe

Middle Africa

Angola, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Sao Tome and Principe

Northern Africa

Algeria, Egypt, Libya, Morocco, South Sudan, Sudan, Tunisia

Southern Africa

Botswana, Lesotho, Namibia, South Africa, Swaziland

Western Africa

Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo

AMERICAS

Caribbean

Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Dominican Republic, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago

Central America

Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama

South America

Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, Venezuela (Bolivarian Republic of)

Northern America

Canada, United States of America

ASIA

Central Asia

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

Eastern Asia

China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea

Southern Asia

Afghanistan, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Maldives, Nepal, Pakistan, Sri Lanka

South-Eastern Asia

Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, Timor-Leste, Viet Nam

Western Asia

Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates, Yemen

EUROPE

Eastern Europe

Belarus, Bulgaria, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Ukraine

Northern Europe

Denmark, Estonia, Finland, Iceland, Ireland, Latvia, Lithuania, Norway, Sweden, United Kingdom

Southern Europe

Albania, Andorra, Bosnia and Herzegovina, Croatia, Greece, Holy See, Italy, Malta, Montenegro, Portugal, San Marino, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia

Western Europe

Austria, Belgium, France, Germany, Liechtenstein, Luxembourg, Monaco, Netherlands, Switzerland

OCEANIA

Australia and New Zealand

Australia, New Zealand

Melanesia

Fiji, Papua New Guinea, Solomon Islands, Vanuatu

Micronesia

Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, Palau

Polynesia

Samoa, Tonga, Tuvalu

ANNEX D. COMPOSITION OF NATIONAL COORDINATION AGENCIES

The following table provides details of the names and composition of National Coordination Agencies included in national reports.

State	Composition of NCA
AFRICA	
Eastern Africa	
Burundi (2008, p. 1)	Burundi Permanent National Commission for the fight against the proliferation of SALW
Eritrea (2010, p. 2)	Eritrean Police Consults: Foreign Affairs
Ethiopia (2008, p. 1)	Ethiopian Federal Police Commission Consults: Ministry of Foreign Affairs and different governmental departments
Kenya (2008, p. 8)	Kenya established a Focal Point Committee in 2003, designed to bring together Government and Civil Society
Mozambique (2010, p. 2)	Comissão Interministerial para Prevenção, Combate e Erradicação do Tráfico Ilícito de Armas Ligeriras e de Pequeno Porte
Rwanda (2008, p. 1)	Rwanda National Focal Point Consists of: different ministries and departments such as Foreign Affairs and Regional Cooperation, Interior, Trade and Industry and Justice
Uganda (2010, p. 1)	The National Focal Point
United Republic of Tanzania (2010, p. 2)	The Tanzania National Focal Point on Small Arms and Light Weapons Consists of: ministries and agencies from the government working alongside civil society
Zambia (2010, p. 1)	Ministry of Home Affairs

Zimbabwe (2008, p. 4) National Task Force on Firearms, Ammunition and other related materials
Consists of: various members of different government departments

Middle Africa

Angola (2010, p. 1) 1) National Commission for the Materialization of the Programme of Action on the Illicit Trade in Small Arms and Light Weapons
Coordinated by: the Ministry of External Relations and involves the Ministries of the Interior, Justice, National Defense, Family and the Promotion of Women, among others, as well as representatives of civil society

2) National Commission on the Disarmament of the Civilian Population
Consists of: the Minister of the Interior, Minister of Defence, Minister of External Relations, Minister of Territorial Administration, Minister of Justice, Minister of Social Communication, Minister of Education, Minister of Social Assistance and Reintegration, Minister of Public Construction, Minister of Finance, Minister of Family and the Promotion of Women, Minister of Youth and Sports, Chief of the Angolan Armed Forces, General Commander of the National Police, Head of Information Services, Head of Military Intelligence Services, Representative of civil society, and the Council of Christian Churches of Angola

Northern Africa

Algeria (2010, p. 4) Coordination Organ
Established by: the Ministry of National Defence
Consults with: ministerial departments and institutions such as the Ministries of the Interior, Foreign Affairs, Justice, Finance, Industry and Transport

Egypt (2010, p. 1) The Department of Disarmament Affairs at the Ministry of Foreign Affairs

Morocco (2010, p. 3) Ministry of the Interior

Sudan (2010, p. 3) The National Office on Small Arms
Consists of: the Ministry of Defense, Ministry of Foreign Affairs, Ministry of Justice, Security and Intelligence Apparatuses and the DDR Commission

Southern Africa

- Botswana** (2010, p. 3) Botswana developed an inter-agency body that monitors issues relating to SALW, in response to the need of a national commission. The chair of the committee is the Deputy Commission of Police
- Lesotho** (2008, pp. 8–9) National Focal Point
Consists of: Ministry of Foreign Affairs, Ministry of Home Affairs and Public Safety, Ministry of Defense and Internal Security, Ministry of Trade and Industry, Cooperative and Marketing, Ministry of Justice, Human Rights and Rehabilitation, Lesotho Mounted Police Service, National Security Service, Lesotho Defense Force, Attorney Generals Chambers, Lesotho Revenue Authority, Directorate on Corruption and Economic offences, Lesotho Correctional Services, civil society organizations
- Namibia** (2010, p. 3) Namibian National Coordinating Agency
Consists of: senior officials from different ministries, agencies, offices, institutions and non-governmental organizations

Western Africa

- Benin** (2009, p. 2) The National Coordinating Agency of Benin
- Burkina Faso** (2010, p. 1) National Commission to Combat the Proliferation of Light Weapons
- Côte d’Ivoire** (2010, p. 1). The Côte d’Ivoire National Commission to Combat the Proliferation and Illicit Circulations of Small Arms was proposed in May 2005 (unclear if it was established)
- Ghana** (2010, pp. 2–3) Ghana National Commission on Small Arms
- Guinea** (2010, p. 3) National Commission for the Fight against the Illicit Proliferation and Circulation of Small Arms
Created by: departments of the Army, Gendarmerie, Police, Customs and Justice
- Guinea-Bissau** (2010, p. 5) National Commission against Proliferation of SALW
Consists of: a president, president of the council ministers, national assembly, ministers associated with the issues, and the international community and civil society, with the prime minister being the chairman
- Liberia** (2010, p. 2) The Liberia National Commission on Small Arms

Mali (2010, p. 1)	The National Commission to Fight against the Proliferation of Small Arms
Niger (2003, p. 4)	The National Commission for Illicit Arms Collection and Control
Sierra Leone (2010, p. 4)	The Sierra Leone National Commission on Small Arms
Togo (2008, p. 2)	National Commission to Combat the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

AMERICAS

Caribbean

Haiti (2003, p. 3)	“National Commission for Disarmament” created in 2003 to elaborate national policies, coordinate activities to control the circulation of SALW and elaborate new legislation on small arms in Haiti. The Commission is composed of 13 individuals representing five institutions of the state: State Secretary on Justice in Charge of Public Security, General Director of the National Police, Representative of the Prime Minister, Commissioner of the Government, and Departmental Directors of the National Police. It is headquartered at the Office of the State Secretariat on Justice in Charge of Public Security
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Central America

Guatemala (2006, pp. 9–10)	Guatemalan National Commission Consists of: representatives from the Ministry of Interior, Ministry of National Defence, Ministry of Foreign Affairs, Ministry of Health, Ministry of Education, Secretary for Administrative Affairs and Security of the Presidency of the Republic, Public Ministry, Secretary Social Communication of the Presidency of the Republic, General Directorate of the National Civil Police and the Department of Arms and Munitions Control, a Legislative branch, a Judiciary branch, an Attorney of Human Rights, and civil society: the Teaching Institute for Sustainable Development
Honduras (2004, p. 3)	The national coordination body responsible for policy guidance and for research to prevent, combat and eradicate the illicit trade in SALW is the Ministry of Security, supported by the Ministry of Defence. Recently, a national multidisciplinary commission for the control of the trade in SALW was established, which is responsible for national and regional coordination in launching operational initiatives aimed at preventing, combating and eradicating the illicit trade in SALW

- Mexico** (2010, p. 1) Inter-Institutional Coordinating Group for the Prevention and Control of Illegal Trafficking (GC Armas)
Consists of: representatives from the Ministry of National Defence, Ministry of the Navy, the Attorney General's Office, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Finance and Public Credit, Ministry of Public Safety
- Nicaragua** (2010, pp. 2–3) National Multidisciplinary Commission for the Control of Small Arms
Consists of: representative from the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Defence, Ministry of Education, Ministry of Health, Public Prosecutor (Attorney), National Assembly, Directorate General of Customs, Attorney General of the Republic, National Police, Army of Nicaragua, and a representative of non-governmental organizations as well as other interested institutions
- Panama** (2010, p. 1) Directorate General of Organizations and International Conference for the Ministry of Foreign Affairs and the Ministry of Public Security (formerly the Ministry of Government and Justice)

South America

- Argentina** (2008, p. 13) Committee for Coordinating Firearms Control Policies
Consists of: representatives from the Ministry of the Interior, the Ministry of Justice, Security and Human Rights, the Ministry of Defence, the Ministry of Foreign Affairs, International Trade and Worship, the Ministries of Education, Health and Social Development, the Intelligence Secretariat of the Office of the President and other agencies concerned with these issues. Members of the legislative branch, the judicial branch, the Office of the Attorney-General and representatives of the provinces
- Chile** (2006, p. 1) The General National Mobilization Directorate, from the National Defence Ministry, is the main institution for the coordination of all executive, control and advisory authorities in charge of the monitoring and oversight of firearms, explosives and similar material

- Colombia**
(2010, p. 2) National Coordinating Committee to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
Consists of the following (or a representative): the Minister of the Interior and Justice, the Minister of Foreign Affairs, the Minister of Defence, the Minister of Trade, Industry and Tourism, the Director of the Administrative Department of Security, the General Commander of the Military Forces, the Director of the National Police, the Director-General of the National Tax and Customs Authority, and the General Manager of the Colombian Military Industry. Additionally, the Attorney General is invited to attend the meetings of the Committee and other individuals or any entities may be invited
- Peru**
(2010, p. 3) National Commission Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials
Consists of: representatives from the Ministry of Foreign Affairs, Ministry of Defence, Ministry of Interior, Ministry of Justice, Ministry of Production, the Public Ministry, National Intelligence Agency, and the National Superintendency of Tax Administration (Deputy Superintendent of Customs)

Northern America

- Canada**
(2006, p. 2) Canadian National Committee on Small Arms and Light Weapons
Chaired by: the Department of Foreign Affairs and International Trade
Consists of: Canada Border Services Agency, Canada Firearms Centre, Canadian International Development Agency, Health Canada, Industry Canada, National Defence, Natural Resources Canada, Public Works and Government Services Canada, Public Safety and Emergency Preparedness Canada, Royal Canadian Mounted Police, the Canadian Association of Chiefs of Police and civil society including peace organizations, academia, industry/manufacturers and representatives of firearms owners and users

ASIA

Central Asia

Turkmenistan The State Security Council of Turkmenistan
(2010, p. 4) Headed by: the President

Kazakhstan The Arms Reduction Control and Inspection Activities Support
(2010, p. 2) Centre at the Ministry of Defence

Southern Asia

Iran (Islamic Republic of) A body of the Interior Ministry's Security Council
(2008, p. 2)

Sri Lanka Ministry of Defence
(2008, p. 2)

South-Eastern Asia

Cambodia National Commission on Reform and management of Weapons
(2008, p. 1) and Explosives

Indonesia Inter-ministerial Working Group on SALW
(2010, p. 3) Consist of: representatives from the Ministry of Defence, Ministry of Foreign Affairs, Ministry of Finance (Director General of Customs), Ministry of Justice and Human Rights, Ministry of Home Affairs, Ministry of Trade, Ministry of Research and Technology, Indonesian Armed Forces, Indonesian Police, as well as the arms industry

Malaysia The Ministry of Home Affairs Malaysia is the NCA, assisted by
(2008, p. 1) the Royal Malaysia Police, Royal Malaysian Customs and the Ministry of Finance

Philippines The Office of the Special Envoy on Transnational Crime was
(2010, p. 2) established in 2004 as "an oversight body to provide the critical link between and among local, national, regional and international agencies and organizations in forging agreements, concretizing cooperation and harmonizing action" regarding transnational organized crimes. This includes overseeing policy developments related to SALW

Western Asia

Georgia Military-Technical Issues of the Ministry of Defense of Georgia
(2010, p. 1) Cooperates with: ministries, agencies and organizations

Iraq National Commission on Conventional Weapons
(2011, p. 2) Headed by: Major General Abdul Karim Abdul Hasan

Jordan (2010, p. 2)	Directorate of International Affairs/Presidency of the National Coordination Committee/General Command of the Jordanian Armed Forces Consists of: Public Security, General Intelligence, Customs Departments and the Police Force General Directorate and General Directorate of Jordan Civil Defence
Turkey (2008, p. 4)	Ministry of Foreign Affairs
United Arab Emirates (2011, p. 6)	United Arab Emirates National Commission Under: the Ministry of Interior Consists of: members from the Ministry of Interior, general leadership of the armed forces, Ministry of Justice, Federal Customs Body and the Ministry of Foreign Affairs

EUROPE

Eastern Europe

Slovakia (2005, p. 2)	Slovakian National Coordination Agency (ad hoc working group) Consists of: representatives from the Ministry of Foreign Affairs, Ministry of Economy, Ministry of Interior, Ministry of Defense, Customs Authority, Intelligence Services
Romania (2010, p. 1)	Ministry of Foreign Affairs
Russian Federation (2005, p. 9)	A unified coordination body (service for monitoring the weapons trade) was established in the armed forces in 2003

Northern Europe

Finland (2011, p. 3)	National Coordination Group of SALW experts Consists of: representatives of the ministries involved with arms control, disarmament and non-proliferation of small arms, the Ministry for Foreign Affairs, the Ministry of Defence and Ministry of Interior. Representatives from other authorities (customs, border control etc.) are invited to participate when necessary and non-governmental organizations are invited regularly
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Southern Europe

Bosnia and Herzegovina (2010, p. 1) Coordination Board for the Control of SALW
Consists of: the Ministry of Foreign Affairs, the Ministry of Security (Office for Cooperation with INTERPOL, State Border Service, State Investigation and Protection Agency), the Ministry of Defense, the Ministry of Foreign Trade and Economic Affairs, the Indirect Taxation Authority, the Ministries of Internal Affairs

The former Yugoslav Republic of Macedonia (2011, p. 1) National Commission
Consists of: Ministry of Interior, Ministry of Foreign Affairs, Ministry of Defense, Ministry of Finances–Customs Administration, Ministry of Justice, Ministry of Education, and upon invitation representatives of the Ministry of Agriculture, Ministry of Economy, Ministry of Local Self-Government and as observers non-governmental organizations, civil society organizations and the international community

Western Europe

Belgium (2010, p. 1) Interdepartmental Coordinating Committee for the Fight against Illegal Arms Transfers
Hosted by: the Ministry of Foreign Affairs and included representatives from other ministries. Ministers responsible for export and transit licensing co-chaired that committee. The committee was also composed of the National Magistrate and representatives of the Ministry of Foreign Affairs, International Trade and Cooperation for Development, the Ministry of Justice, the Ministry of Economic Affairs, the Ministry of the Interior, the Ministry of Finance, the Ministry of National Defence, the Gendarmerie and Proof House of Firearms. Experts were invited to attend meetings¹

1 It is not clear the Committee still operates, as Belgium notes that “Following institutional changes concerning the responsibilities related to the different participants, the terms of reference of this committee have changed”.

ANNEX E. PENALTIES FOR ILLEGAL MANUFACTURE

The following table provides details of the criminal and administrative penalties for illegal manufacturing included in national reports.

State	Criminal and administrative penalties
AFRICA	
Eastern Africa	
Burundi (2005, pp. 2–3)	Imprisonment: up to 10 years and/or Fines: up to 5,000 francs
Mozambique (2010, p. 7)	Imprisonment: 8–12 years (having knowledge and the intention to perpetrate whatever crime) Other: Firearms shall be apprehended in favour of the state <i>If the Manufacture violates the rules and instructions of the competent authorities and does not aim to be used as a means of crime the penalty will be up to 2 years imprisonment and a fine up to 6 months. The same penalty applies to individuals who have licenses withheld.</i>
Uganda (2005, p. 4)	Imprisonment: for life
Middle Africa	
Democratic Republic of the Congo (2010, pp. 13–14)	Imprisonment: 5–10 years Fines: Unspecified
Sao Tome and Principe (2003, p. 2)	Imprisonment: 6 months Fines: Unspecified

Northern Africa

Algeria

(2008, p. 11)

Imprisonment: 6 months–life

Any person manufacturing munitions and material equipment in category 4 without authorization is punished by imprisonment for 10–20 years and fined 1–5 million dinars. Any person manufacturing arms and munition in category 5 without authorization is punished by imprisonment from 5–10 years and fined 500,000–3 million dinars. Any person manufacturing arms and munitions in category 6, 7 and 8 without authorization is punished by imprisonment for 2–5 years and a fine of 200,000– 500,000 dinars.

Libya

(2010, p. 2)

Imprisonment: Life, or death penalty

Investigated and prosecuted in accordance with national laws. The death penalty is carried out by firing squad in accordance with Law no. 14 of A.H. 1428 and the Penal Code.

Western Africa

Côte d'Ivoire

(2008, pp. 3–4)

The penalties are set according to the danger represented by the type of weapons and the severity of the offence committed and the penalty will vary accordingly.

Ghana

(2010, p. 5)

Imprisonment: 7–25 years

Fine: No option of a fine

Illicit manufacturing is considered a first degree felony. Ghana has identified perpetrators involved in illegal manufacture.

Liberia

(2003, p. 4)

Example: an illicit craft producer was sentenced under the Weapons Production Law of 2001 to a year imprisonment and a fine of 30,000 USD because he produced weapons without a government licence.

Senegal (2010,
p. 6)

Fines: unspecified

Additionally, judicial penalties and administrative penalties. These have established offences being made by the armed and security forces and provide for sever criminal sanction to be imposed by courts.

AMERICAS

Caribbean

Cuba

(2003, p. 3)

Imprisonment: 3–8 years

Trinidad and Tobago (2010, p. 8)	Imprisonment: 25 years Fines: TT\$25,000 <i>Additionally, the illegal manufacture of firearms and ammunition other than prohibited weapons, carries a penalty of TT\$50,000 and 10 years' imprisonment on summary conviction, and 20 years on indictment.</i>
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Central America

El Salvador (2005, p. 3)	Imprisonment: 3–5 years
Guatemala (2010, p. 4)	Imprisonment: 5–18 years
Nicaragua (2006, pp. 2–3)	Imprisonment: 5 years
Panama (2010, pp. 6–7)	Imprisonment: 7–9 years Increased to 8–10 years in prison if it involves acts of terrorism

South America

Argentina (2010, pp. 7–9)	Imprisonment: 5–10 years
Bolivia (Plurinational State of) (2006, p. 30)	Imprisonment: 6–10 years
Chile (2006, pp. 6–7)	Imprisonment: unspecified Fine: 190–1,900 tax units per month (if a serious violation)
Peru (2008, pp. 28–29)	Imprisonment: 6–15 years
Venezuela (Bolivarian Republic of) (2006, pp. 3–6)	Imprisonment: 5–8 years

Northern America

Canada (2010, p. 13)	Imprisonment: 1–10 years
United States (2010, p. 2)	Imprisonment: 10 years Fines: unspecified Other: license revocation

ASIA

Central Asia

Kazakhstan (2010, pp. 12–13) **Imprisonment:** 5 years
If the same act is committed more than once or by a group the penalty may vary between 3–8 years, for an organized group 5–10 years.

Eastern Asia

Japan (2010, p. 6) **Imprisonment:** 3 years
Additionally, manufacturing illegally for profit attracts penalties of five years to life imprisonment and a fine of up to 30 million yen.

Southern Asia

India (2007, p. 3) **Imprisonment:** unspecified and
Fines: unspecified
Other: death penalty

South-Eastern Asia

Indonesia (2010, p. 6) **Imprisonment:** up to 20 years or life

Philippines (2003, p. 5) **Imprisonment:** 1–5 years and/or
Fines: 1,000–5,000 pesos

Western Asia

Armenia (2010, p. 3) **Imprisonment:** up to 3 years
For a group this sentence can be up to 8 years.

Azerbaijan (2004, p. 4) **Fine:** 10–25 standard financial unit fine
Violators will either face this fine and/or the confiscation of weapons.

Georgia (2010, p. 3) **Imprisonment:** 5–8 years

Saudi Arabia (2006, p. 3) **Imprisonment:** up to 20 years
Fine: 200,000 riyals
Royal Decree No. 45/M states that only concerned government agencies can manufacture firearms.

Turkey (2008, p. 4) **Imprisonment:** 2 months–5 years
Fines: unspecified

EUROPE

Eastern Europe

Belarus

(2005, p. 5)

Imprisonment: up to 6 years**Other:** corrective labour for up to 2 years, detention for up to 6 months, restriction of liberty for up to 5 years, with or without confiscation of assets

If carried out repeatedly or by a group of persons acting in conspiracy: restriction of liberty for up to 5 years or imprisonment for 2–8 years with or without confiscation of assets. Actions carried out by an organized group, imprisonment for 4–10 years, with or without confiscation of assets. Illegal manufacture or sale of smooth-bore hunting weapons or basic parts of such weapons is fined or detained for up to 3 months, or restriction of liberty for up to 2 years, or imprisonment for the same period.

Bulgaria (2010,

p. 10)

Imprisonment: 1–6 years

The punishment is imprisonment of 2–8 years if the act has been committed by an official who has misused his official status, if the subject of the crime is large the punishment shall be imprisonment of 3–10 years, if the subject of the crime is large and the case is serious the punishment shall be imprisonment of 5–15 years, for people who commit a crimes under paragraph 1–4 of the Penal Code Art 337 the punishment shall be imprisonment of up to 2 years.

Hungary (2010,

p. 4)

Imprisonment: 2–8 years

This sentence will be increased to 5–10 years if it is carried out in a business-like manner or involved in conspiracy.

Poland

(2003, p. 4)

Imprisonment: 10 years**Republic of****Moldova** (2010,

p. 9)

Imprisonment: up to 3 years or**Fines:** 300–600 conventional units or**Other:** community labour of 180–240 hours**Romania** (2010,

p. 6)

Imprisonment: 1–5 years

This sentence increases by one third if prohibited weapons are involved.

Russian**Federation**

(2010, p. 9)

Imprisonment: up to 8 years

Ukraine (2010, p. 8) **Imprisonment:** 2–5 years

Northern Europe

Denmark (2010, p. 4) **Imprisonment:** up to 2 years
Fine: unspecified

If exceedingly dangerous weapons are involved, the sanctions may rise to imprisonment of up to six years.

Estonia (2010, p. 9) **Fine:** up to 300 fine units
Other: detention

If committed by a legal person, is punishable by a fine of up to 50,000 kroons.

Finland (2011, p. 7) **Imprisonment:** up to 2 years
Fine: unspecified

Latvia (2010, p. 7) **Imprisonment:** up to 10 years or

Custodial arrest (may be instead of imprisonment), with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two and not exceeding five years. If the person engaged is part of an organised group: not less than five and not exceeding fifteen years, with confiscation of property, deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years, and with police supervision for a term not exceeding three years.

Lithuania (2010, p. 7) **Imprisonment:** up to 5 years or arrest

If the same illegal activities are committed with three or more firearms or big quantities of ammunition or explosives, it incurs from 4–8 years of imprisonment.

Sweden (2010, p. 9) **Imprisonment:** up to 2 years (if the offence is intentional)
Fine: unspecified

A fine or imprisonment of not more than six months is issued if the offence is the result of negligence. Imprisonment of not less than 6 months and not more than 4 years if the offence was committed intentionally and is to be considered a serious offence.

Southern Europe

Andorra (2006, p. 3) **Imprisonment:** 4–10 years

Malta (2010, p. 4)	Imprisonment: up to 3 months and/or Fines: 1,164.69 euros
Portugal (2011, p. 4)	Imprisonment: up to 10 years Fines: unspecified
Slovenia (2010, p. 5)	Imprisonment: 6 months–5 years <i>If the crime involves a large quantity or was committed by a criminal organization: not less than 1–10 years, if it involves individual firearms or a minor quantity of ammunition: up to 1 year.</i>
The former Yugoslav Republic of Macedonia (2011, pp. 8–9)	Imprisonment: 3–10 years <i>If the crime is committed as part of a group, gang or other criminal enterprise, the perpetrator shall be sentenced to imprisonment of at least 8 years.</i>
Western Europe	
Belgium (2010, pp. 2–5)	Imprisonment: 1 month–5 years or Fine: 100–25,000 euros
France (2010, p. 6)	Imprisonment: 5–7 years Fines: 4,500–100,000 euros <i>In parallel to these criminal penalties, there are rules on administrative sanctions that mainly consist of withdrawing authorizations to manufacture and trade in weapons of war.</i>
Germany (2010, p. 14)	(All weapons) standard case: imprisonment 1–5 years, major (serious) case: imprisonment: 1–10 years, minor (less serious) case: imprisonment not exceeding 3 years or imposition of a fine

Monaco (2004,
p. 3)¹

Imprisonment: 1–5 years
Fine: 9,000–18,000 euros

Monaco's laws are under French law.

Netherlands
(2008, p. 8)

Imprisonment: 3 months
Fine: 7,400 euros

If the violation is in relation to category II or III arms of the Wet Wapens en Munitie, imprisonment may be 4 years and the fine may be 74,000 euros. If the prohibited actions are being made into a profession or custom imprisonment may be 8 years and the fine may be 74,000 euros.

Switzerland
(2012, pp. 3–4,
and 2010, p. 10)

Imprisonment: up to 3 years
Fine: 1,000,000 francs

If done with intent and for profit, such acts are punishable by imprisonment not exceeding 5 years. In serious cases imprisonment up to 10 years and a fine up to 5,000,000 francs. If the act is committed through negligence, the penalty is imprisonment for up to 6 months or a fine of up to 100,000 francs.

OCEANIA

**Papua New
Guinea**
(2005, p. 10)

Imprisonment: up to 5 years

A fine shall not be exchanged for imprisonment.

Solomon Islands
(2004, p. 12)

Imprisonment: 10 years and/or
Fine: 5,000 dollars

1 Monaco also reports that it became a signatory on 24 June 2002 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, and was in the process of finalizing new legislation to facilitate ratification of the Protocol, which included a new criminal offence of illicit manufacturing of and trafficking in firearms which would carry a penalty of 1–5 years of imprisonment and fines ranging from €9,000 to €18,000. If the offence is also of a transnational nature and has been committed by an organized criminal group, the penalty will be a prison term of 10 to 20 years and fines ranging from €18,000 to €90,000; the maximum amount may be multiplied by 20 (2004, p. 3).

ANNEX F. FIGURES ON SEIZED AND COLLECTED SMALL ARMS

The following table includes details of figures on seized, confiscated and destroyed SALW included in national reports. Additional figures of seized and collected weapons destroyed during public destruction ceremonies are included in the section on Public Awareness and Confidence-Building Programmes.

State	Year	Number of seized, confiscated and destroyed weapons
AFRICA		
Eastern Africa		
Burundi	2005	311 arms and 1,200 rounds of ammunition of all categories were destroyed (2007, p. 5)
Burundi	2006	1,660 arms and a lot of ammunition destroyed (2007, p. 5)
Burundi	2007	400 arms destroyed during the celebration of the 7th anniversary of the Nairobi declaration on the fight against the proliferation of SALW (2007, p. 5)
Kenya	2003	22,634 firearms and 50,000 rounds of ammunition and 36,000 old military ordinances have been destroyed by burning and smelting (2010, p. 9)
Malawi	2006	1,000 firearms were destroyed, with 1,000 muzzle loaders still needing destruction (2010, p. 6)
Mozambique	2005	1,235 firearms, 33,352 rounds of ammunition and 624 other related materials were destroyed (2005, p. 10)
Rwanda	2005	6,000 arms were destroyed (2005, p. 3)
Uganda	2005	41,000 arms were destroyed (2005, p. 9)
Uganda	2008–2010	Uganda disposed of 523 tons of redundant explosive ordnance and 4,700 pieces of recovered illicit SALW (2010, p. 2)
United Republic of Tanzania	2003–2008	8,540 arms have been destroyed (2005, p. 5)

Middle Africa

Angola 2008–2010 Destroyed 33,702 obsolete weapons and 11,078 obsolete explosives. Weapons found to be in good technical condition were registered and stored to later be delivered to the armed forces and national police (2010, p. 4)

Southern Africa

Botswana 2008 Botswana organized a public destruction of 1,159 illicit and surplus firearms (2008, p. 7)

Lesotho 2001 3,800 firearms were destroyed (2005, p. 3)

Namibia Namibia found, seized or confiscated 152 SALW, which have been stored securely, marked and registered (2011, pp. 4–5)

South Africa 2003 202,796 firearms were destroyed (2005, p. 6)

South Africa 2005 25,000 firearms were confiscated, and 400,000 firearms and 595,000 rounds of ammunition were destroyed (2008, p. 3)

Western Africa

Benin Up until 2008, Benin seized and stored 1,800 weapons, which they report to destroy soon (2008, p. 5)

Ghana 675 weapons were destroyed on destruction day (2007, p. 6)

Guinea-Bissau 2000–2010 160,384 items of ordnance, 3,072 mines and 29 weapons have been destroyed up until 2010 (2010, p. 6)

Mali Collection: 2,326 firearms and 9,207 rounds of ammunition. In the framework of the Development Programme of North Mali, Libya financed a project that allowed collection of 1,431 firearms (2010, p. 1)

Mauritania 3 hunting weapons seized (2005, p. 1)

Nigeria Nigeria destroyed 1,466 arms and 15,080 rounds of ammunition in commemoration of the 2004 UN Arms Destruction Day (2005, p. 3)

Niger 2001–2003 2001: 200 arms destroyed, 2002: 100 arms destroyed, 2003: 100 arms destroyed (2003, p. 8)

Niger	2009	Niger destroyed more than 30,000 seized or voluntarily surrendered anti-tank mines and other ordnance (2010, pp. 18–19)
Sierra Leone		Weapons from over 45,000 ex-combatants were collected as a part of the DDR programme (2010, p. 9)
Togo		Togo has carried out five destruction events of illegal arms seized from road bandits, robbers and poachers, destroying 9,909 illicit weapons (2010, pp. 6–7)

AMERICAS

Caribbean

Antigua and Barbuda	2006–2009	342 weapons found, seized or confiscated (2010, p. 22)
Barbados	2002–2003	107 rounds of ammunition were seized (2003, p. 1)
Dominican Republic	2004–2007	Between 2004 and 2007, the Dominican Republic seized over 4,000 firearms (2010, pp. 8–9)

Central America

Costa Rica	May 2002–Feb 2003	The National Arsenal received, and held by court order, a total of 5,209 weapons seized by various courts, of which 1,126 had been confiscated and 4,083 were being held for safekeeping (2003, p. 4)
El Salvador	1996–2004	More than 24,566 firearms were destroyed (2005, pp. 5–7)
Guatemala	2001–2005	16,970 SALW were seized by the National Police (38.8% came from Guatemala City, around 43% were pistols, 24% were revolvers, 11% were rifles and 10.6% were home-made guns. Of the total seized, 1.91% were carried by women and 7.8% by a person in possession of a user licence) (2010, pp. 4, 14)
Guatemala	2007	3,000 units destroyed (2008, p. 7)
Guatemala	2008	7,000 units scheduled for destruction via melting (2008, p. 7)
Guatemala	2009	1,500 in October 2009 (2010, p. 3)
Guatemala	2010	6,200 firearms scheduled for destruction via smelting (2010, p. 3)

Mexico		Mexico destroyed 28,302 weapons, 762,966 cartridges and 11,847 cartridge clips (2008, p. 3)
Nicaragua	2005–2007	8,140 different types of weapons, 1,071,164 rounds of ammunition (different calibres), 7,818 explosives (different kinds) (2008, p. 9)
Nicaragua	2008	927 weapons seized, 11,303 rounds of ammunition, and 2 explosives (2008, p. 8)
Nicaragua		("in this period"): 1,809 firearms (2010, pp. 3–4)
South America		
Argentina	2009	1,884 weapons destroyed (2010, pp. 6–7)
Brazil	Aug 2004–July 2005	253,321 weapons destroyed (187,803 of which were collected during the "Disarmament Campaign") (2005, p. 10)
Chile	2002–2004	7,856 firearms seized or voluntarily surrendered by their owners were destroyed (2006, pp. 8–9)
Colombia	2003	54,756 arms seized and 2,076,937 rounds of ammunition. Types of firearms seized—shotgun: 7,781, revolver: 29,822, pistol: 13,124, carbine: 247, machine gun and sub-machine gun: 328, rifle: 2,937, and other: 517 (2006, pp. 54–55)
Colombia	2004	71,937 arms seized and 2,479,613 rounds of ammunition. Types of firearms seized—revolver: 38,717, pistol: 17,951, shotgun: 9,638, carbine: 363, machine gun and sub-machine gun: 408, rifle: 3,841, and other: 1,019 (2006, pp. 54–55)
Colombia	2008	45,725 firearms were seized and 27,864 were destroyed, of which 11,146 were original (40% of the total), and 16,718 were handmade (60% remaining) (2010, pp. 24–25)
Colombia	2009	47,941 firearms were seized and 26,014 were destroyed, of which 11,396 were original (43.80% of the total) and 14,618 were handmade (56.19% remaining). Types of firearms seized—shotgun: 8,440, pistol: 11,398, revolver: 25,969, sub-machine gun: 125 (2010, pp. 24–25)

Peru	2008	2,276 weapons seized in raids by the Peruvian National Police. Types of weapons seized—handguns: 676, revolvers: 959, shotguns: 269, carbine: 49, machine pistol: 2, rifle: 26, and handcrafted shotguns: 295 (2010, p. 13)
Peru	2009	8,312 civilian weapons destroyed through smelting, and the leftover metal was converted into agricultural instruments and given to farmers. Types of weapons destroyed: a) civilian weapons—carbine: 63, shotgun: 189, pistol: 191, revolver: 752, machine pistol: 9, pneumatic weapon: 14; b) weapons seized through infringement of Law no. 25054—carbine: 156, shotgun: 630, pistol: 616, revolver: 3,147, rifle: 40, blank weapon: 1,006, toy gun: 843, pneumatic weapon: 107 (2010, p. 23)
Peru	2009	1,987 weapons seized in raids by the Peruvian National Police. Types of weapons seized—handguns: 634, revolvers: 919, shotguns: 193, carbine: 58, machine pistol: 1, rifle: 15, and handcrafted shotguns: 167 (2010, p. 13)
Peru		Illegal ammunition seized: 3,000 cartridges of 7.62mm calibre, 5,308 cartridges of 38mm calibre, 4,950 cartridges of 22mm calibre, 5,000 cartridges of 12mm calibre, 1,000 cartridges of 16mm calibre, 5,000 shotgun cartridges and 10,100 cartridges of various calibres. Some of the ammunition seized belonged to the Peruvian Air Force (2010, pp. 7–9)
Uruguay	1998– 2009	Uruguay holds an annual destruction of illegally or voluntarily surrendered firearms, and that the figures for these destruction activities are—30 April 1998: 2,592, 2 September 1999: 2,930, 2 August 2000: 1,837, 9 July 2001: 1,346, 9 August 2002: 1,611, 8 August 2003: 3,203, 5 August 2004: 2,564, 13 September 2005: 1,512, 17 August 2006: 2,103, 27 July 2007: 7,857, 23 May 2008: 1,615, 24 July 2008: 8,151, 3 August 2009: 2,352 (2010, pp. 17–18)

Northern America		
Canada	2009	20,557 firearms were destroyed (2010, p. 9) ¹
ASIA		
Central Asia		
Kazakhstan	2009	4,453 weapons were surrendered voluntarily and 2,197 weapons were confiscated and thus 4,569 weapons were destroyed (2010, p. 26)
Kyrgyzstan	2006	Authorities seized 248 unites of small arms, 14,237 rounds of ammunition, 18 grenades and one grenade thrower, one fragmentation mine and 5.4kg of explosive substances (2006, pp. 11–12)
Tajikistan	2003	Law enforcement bodies seized 22,831 weapons (2003, p. 4)
Eastern Asia		
China		Up to March 2010 there were 223,000 illicit firearms confiscated and destroyed. 94,256 of which were standard arms (including 17,658 firearms for military use, 7,786 small-calibre firearms, 26,319 hunting rifles, 42,466 air guns and 128,907 powder shotguns (2010, p. 14)
Southern Asia		
Pakistan		During the amnesty period 90,000 weapons were recovered throughout the country (2008, p. 5)
Sri Lanka	2005	35,000 firearms were destroyed (2005, p. 4)
South-Eastern Asia		
Cambodia		In Cambodia's "Flame of Peace Ceremony" more than 242,000 SALW were destroyed (2008, p. 2)

1 Canada includes this information under the heading "Disposal of Surplus Stocks" in its 2010 report, however, it indicates the figure relates to seized rather than surplus arms, noting: "A record of all seized firearms that are destroyed is kept and the resulting information is made available to foreign police within the context of specific investigations. In 2009, a total of 20,557 firearms were destroyed" (2010, p. 9).

Cambodia 128,815 firearms were collected and destroyed, 36,505 were destroyed by bulldozer and 88,370 were burned (2004, p. 4)

Western Asia

Turkey 2007 864 long-barrel rifles, 120 revolvers, 1,224 bombs and explosives and 79,324 rounds of ammunition (2008, p. 13)

EUROPE

Eastern Europe

Belarus 2003 Destroyed 66,407 (2005, p. 13)

Belarus 2004 Destroyed 60,000 (2005, p. 13)

Belarus 2005 Destroyed 12,344 (2006, p. 16)

Belarus 2006 Destroyed 918 (2007, p. 15)

Belarus 2007 Destroyed 751, plus civilians voluntarily surrendered to internal affairs authorities 1,128 firearms (2008, p. 6)

Czech Republic 2006 4,500 arms destroyed (including prohibited and unserviceable weapons) (2007, p. 9)

Republic of Moldova 2005 Destroyed 1,657 weapons through melting (2006, p. 7)

Republic of Moldova 2008 2,197 confiscated weapons were smelted (2008, p. 5)

Russian Federation 2000–2003 More than 20,000 firearms and over 3.2 million rounds of ammunition (including 9,300 grenades) were confiscated (2003, p. 4)

Russian Federation 2002 Buy-back programme, where weapons were voluntarily surrendered. 16,000 weapons were surrendered with over 7,000 illegal weapons (2003, p. 9)

Russian Federation 2002 Chechnya: 3,000 firearms were seized or voluntarily surrendered (2003, p. 9)

Russian Federation 2006 27,045 firearms (including 5,591 rifled, 18,198 smooth-bore and 2,579 gas weapons), 7 tons of explosives and about 1 million cartridges were removed from illicit circulation (2007, p. 18)

Russian Federation	2006	60 regional operations were undertaken, which resulted in the confiscation of 781 firearms and 75,473 cartridges (2007, p. 19)
Russian Federation	2007	33,000 confiscated foreign-made firearms had been recorded by the Ministry of Internal Affairs (including 13,000 rifled weapons) (2007, p. 11)
Ukraine	2008	More than 1,600 firearms, 3 machine guns, 19 sub-machine guns, 134 carbines and rifles, 163 pistols and revolvers, 472 sawn-off rifles, 825 self-made weapons were seized (2008, p. 7)
Northern Europe		
Finland	2004	Finland reports that the total number of firearms confiscated during the year was 3,479 (2005, p. 7)
Finland	2005	Finland reports that the total number of firearms destroyed in 2005 was 6,299 and the total number of firearms confiscated during the year was 1,097 (2006, p. 8)
Finland	2006	Finland reports that the total number of firearms confiscated during the year was 2,119 (2007, p. 8)
Finland	2007	Finland reports that the total number of firearms destroyed in 2007 was 3,283 (which was 91% of the total amount of firearms confiscated or handed over to the state) (2008, p. 10)
Finland	2009	Finland reports that the total number of firearms destroyed in 2009 was 6,338 (2010, p. 10)
Finland	2010	Finland reports that the total number of firearms destroyed 2010 was 5,587 (2011, p. 11)
Lithuania	2001	SALW destroyed: amateur homemade guns: 100, rifles: 691, pistols and revolvers: 204, pneumatic gas weapons: 80, machine guns: 7, spare parts: 164, ammunition: 42,967, pyrotechnic articles: 1,211, gas balloons: 25 (2002, p. 4)
Lithuania	2005	Self-loading pistols 12, revolvers 3, carbines 1, sub-machine guns 4, grenades 19, other firearms 3, portable anti-tank grenade launcher 1, arm barrels 1, ammunition 3,109, explosive material 5.85kg (2010, p. 10)

Lithuania	2006	Self-loading pistols 75, revolvers 6, carbines 132, grenades 4, grenade launchers 6, other firearms 71, ammunition 4,580, self-made explosive devices 9, explosive material 1.7kg (2010, p. 10)
Lithuania	2007	Self-loading pistols 93, revolvers 18, carbines 65, sub-machine guns 5, grenades 2, other firearms 85, ammunition 2,410, explosive material 2kg (2010, p. 10)
Lithuania	2008	Self-loading pistols 23, revolvers 3, sub-machine guns 6, grenades 1, other firearms 86, ammunition 1,247, explosive material 1.6kg (2010, p. 10)
Lithuania	2009	Self-loading pistols 18, revolvers 3, carbines 5, sub-machine guns 3, grenades 7, other firearms 93, ammunition 3,921, self-made explosive devices 1, explosive material 58.1kg (2010, p. 10)
Estonia		The total number of firearms destroyed every year is roughly 1,000 (2010, p. 15)

Southern Europe

Croatia	1992–2003	Voluntary surrender of 33,598 automatic weapons and semi-automatic weapons, 1,670,355 mines and explosive ordnance, 7,601kg of explosives, 5,080,693 rounds of ammunition, and the seizure of 27,413 automatic weapons and semi-automatic weapons, 235,041 mines and explosive ordnance, 7,935kg of explosives, 737,955 rounds of ammunition (2003, p. 9)
Croatia	2009	2 revolvers, 10 pistols, 4 hunting rifles, 488 rounds of ammunition, 1 optical sight, 9 knives, 3 gas pistols, 4 grenades, 2 cartridges ammunition, 7 holsters, 1 police baton and 1 device for ammunition were seized (2010, pp. 24–25)
Greece	2003	136 assault rifles, 256 pistols, 111 revolvers and 903 shot guns, 342,493 rounds of ammunition of various types and 75 flares were confiscated (2004, p. 3)
Greece	2006	Weapons confiscated by the Hellenic Police: 88 automatic rifles, 303 pistols, 114 handguns, 674 shotguns (2007, p. 3)

Greece	2007	Weapons confiscated by the Hellenic Police: 186 automatic rifles, 404 pistols, 141 handguns, 696 shotguns (2008, p. 3)
Portugal	2007	1,542 weapons and 605,432 rounds of ammunition were apprehended, 2,889 were delivered to the authorities (2008, p. 4)
Portugal	2008	4,170 weapons were apprehended, 53 were destroyed (2009, p. 4)
Portugal	2009	3,932 weapons were apprehended, 1,103 were destroyed (2010, p. 3)
Serbia	2001	52,000 SALW were collected and destroyed (2003, p. 4)
Serbia	2002	23,223 SALW were collected and destroyed (2003, p. 4)
Serbia	2003	2,046 SALW, 33,478 rounds of ammunition and 198.5kg of explosives were collected. Around 40,000 SALW were voluntarily surrendered. 136 weapons, 1,463 mines, 272 hand grenades, 10kg of explosives and 113,095 rounds of ammunition were found and seized. 3,859 SALW were destroyed (2003, p. 4)
Slovenia	1994–2004	Overview of seized and found weapons, 1994–2004: weapons—1994: 2,011, 1995: 2,196, 1996: 2,381, 1997: 4,875, 1998: 2,203, 1999: 2,117, 2000: 2,614, 2001: 9,062, 2002: 1,392, 2003: 1,135, 2004: 1,000 (2005, p. 7); ammunition—1994: 102,821, 1995: 370,259, 1996: 183,770, 1997: 149,054, 1998: 310,837, 1999: 157,025, 2000: 98,953, 2001: 64,231, 2002: 50,329, 2003: 42,358, 2004: 23,275 (2005, p. 7)
Slovenia	2001	In dealing with criminal offences the following weapons were confiscated: hunting weapons: 1,347, pistols: 974, automatic firearms: 1,324, bombs: 40, military firearms: 4,016, revolvers: 974, ammunition: 13,457 pieces, explosives: 11,033g, explosive materials: 40, military rocket launchers: 203, disguised weapons: 4 (2003, p. 5)

Slovenia	2002	In dealing with criminal offences the following weapons were confiscated—hunting weapons: 50, pistols: 93, automatic firearms: 27, bombs: 42, military firearms: 30, revolvers: 93, ammunition: 17,206 pieces, explosives: 2,390g, explosive materials: 42, military rocket launchers: 1, disguised weapons: 7 (2003, p. 5)
Slovenia	2004	Police recorded 763 cases of private persons using weapons for criminal purposes (11.3% less than in 2003). In 2004, the police seized 855 items of SALW while investigating criminal offences (less than the previous year when 1,074 items of SALW were seized) (2003, p. 4)
Slovenia	2006	Seized weapons—gas: 58, side: 362, hunting: 121, air weapon: 6,026, pistol: 179, gun, 81, bombs: 10, explosives: 25,823g (2008, p. 10)
Slovenia	2007	Seized weapons—gas: 61, side: 539, hunting: 98, air weapon: 30, pistol: 137, gun, 51, bombs: 18, explosives: 10,036g (2008, p. 10)
Slovenia	2008	Seized weapons—gas weapons: 29, cold steel/arms: 296, pistols: 141, guns, 152, bombs: 173, ammunition: 7,817, explosives: 6,090g (2010, p. 11)
Slovenia	2009	Seized weapons—gas weapons: 25, cold steel/arms: 287, pistols: 79, guns, 31, bombs: 18, ammunition: 8,979, explosives: 1,931g (2010, p. 11)
Slovenia		A total of 27,499 (22,193) items were seized in procedures relating to criminal offences or violations (2010, p. 10)
The former Yugoslav Republic of Macedonia	1998–2003	9,876 weapons (3,119 military weapons, 219 sporting rifles, 571 hunting rifles), 5,915 other types of weapons (industrial use, cold weapons, etc) and 477,894 rounds of ammunition were confiscated (2004, p. 13)
The former Yugoslav Republic of Macedonia	2005	2,264 confiscated weapons destroyed in public destruction (2005, p. 12), 5,300 weapons destroyed after court decision (2006, p. 12)
The former Yugoslav Republic of Macedonia	2006	Yearly public destruction events where 1,500 pieces will be destroyed (2006, p. 12)

The former Yugoslav Republic of Macedonia	2007	Yearly public destruction events where 1,500 pieces will be destroyed (2007, p. 14), plus 633 weapons destroyed after court decisions (2008, p. 12)
The former Yugoslav Republic of Macedonia	2008	922 weapons, 820 explosive devices and ammunition with calibre over 12.7mm, 1,860 pieces of blank pistol ammunition, and 129,030 rounds of ammunition smaller than 12.7mm were destroyed after a court decision (2009, pp. 12–13)
The former Yugoslav Republic of Macedonia	2009	782 weapons were destroyed after a court decision (2010, p. 12)
The former Yugoslav Republic of Macedonia	2010	694 weapons were destroyed after a court decision (2011, p. 11)

Western Europe

Germany	2001	181 cases of SALW seizures were registered in the Federal Criminal Police Bureau's central database, comprising: 177 hand grenades, 44 machine guns, 3 anti-tank weapons, 74 assault rifles, 150 sub-machine guns (2004, p. 49)
Germany	2002	124 cases of SALW seizures: 75 hand grenades, 19 machine guns, 9 anti-tank weapons, 32 assault rifles, 101 sub-machine guns; 2001–2002: 251 sub-machine guns, 63 machine guns and 106 assault rifles were seized (and traced back to the country of manufacture). 87 pieces of the total amount of 540 seized weapons could not be traced to the country of production (2004, p. 50)
Germany	2004	191 cases of SALW seizures were registered in the Federal Criminal Police Bureau's central database, comprising: 353 hand grenades, 39 machine guns, 10 anti-tank weapons, 30 assault rifles, 162 sub-machine guns (2005, p. 50); 81 sub-machine guns, 9 machine guns and 24 assault rifles were seized (and traced back to the country of manufacture). 117 pieces of the total amount of 231 seized weapons could not be traced to the country of production (2005, p. 51)

Germany	2007	177 cases of SALW seizures registered in the Federal Criminal Police Bureau's central database, comprising: 38 machine guns, 14 anti-tank weapons, 545 assault rifles, 133 sub-machine guns (2008, p. 51); 83 sub-machine guns, 19 machine guns, 536 assault rifles and 1 anti-tank weapon were seized (and traced back to the country of manufacture). 91 pieces of the total amount of 730 seized firearms could not be traced to the country of production (2008, p. 52)
Germany	2008	237 cases of SALW seizures were registered in the Federal Criminal Police Bureau's central database, comprising: 51 machine guns, 8 anti-tank weapons, 245 assault rifles, 150 sub-machine guns (2009, p. 47). In 2008, 68 sub-machine guns, 27 machine guns, 211 assault rifles and 4 anti-tank weapon were seized (and traced back to the country of manufacture). 144 pieces of the 454 seized firearms could not be traced to the country of production (2009, p. 48)
Germany	2009	Federal Customs Administration destroyed 5,188 short-rifle weapons and 3 sub-machine guns (2010, p. 19); 123 cases of SALW seizures were registered in the Federal Criminal Police Bureau's central database, comprising: 29 machine guns, 3 anti-tank weapons, 28 assault rifles, 110 sub-machine guns (2010, p. 48); 64 sub-machine guns, 7 machine guns, 17 assault rifles and 2 anti-tank weapon were seized (and traced back to the country of manufacture). 80 of the total 170 seized firearms could not be traced to the country of production (2010, p. 49)

Oceania

Australia	642,000 firearms were surrendered, destroyed and the owners compensated under a buy-back scheme funded by the Government (2010, p. 2)
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ANNEX G. PENALTIES FOR ILLEGAL TRAFFICKING

The following table provides details of the criminal and administrative penalties for illegal trade (international) and trafficking included in national reports (while Annex L includes penalties for domestic trade).¹

State	Penalties for illegal trafficking
AFRICA	
Eastern Africa	
Burundi (2005, pp. 2–3)	Imprisonment: up to 10 years and/or Fines: up to 5,000 francs
Middle Africa	
Sao Tome and Principe (2003, p. 2)	Imprisonment: 6 months Fines: unspecified
Western Africa	
Senegal (2010, pp. 7–9)	Imprisonment: 1–5 years and/or Fines: 50,000–1,500,000 francs
Togo (2010, pp. 15–16)	Imprisonment : 3 months–1 year and/or Fines: 1,000–2,000 francs

1 States did not always clearly indicate whether the penalties mentioned in their reports related to the illegal trade in SALW at the domestic level (e.g. illegal sales to civilians by dealers) or at the international level (e.g. importing or exporting SALW without an appropriate licence or authorization).

Northern Africa

Algeria (2008, p. 11)

Imprisonment: 6 months–life

Any person importing or exporting munitions and material equipment in category 4 without authorization is punished by imprisonment for 10–20 years and fined 1–5 million dinars. Any person importing or exporting in arms and munition in category 5 without authorization is punished by imprisonment from 5–10 year and fined 500,000–3 million dinars. Any person importing or exporting in arms and munitions in category 6, 7 and 8 without authorization is punished by imprisonment for 2–5 years and a fine of 200,000–500,000 dinars. Smuggling activities involving arms will be punished with life imprisonment and smuggling acts involving the bearing of firearms is punished by 10–20 years imprisonment.

Tunisia (2010, pp. 1–2)

Imprisonment: up to 10 years

Other: confiscation of arms, ammunition and means of transport used for this purpose

Western Africa

Togo (2010, pp. 15–16)

Imprisonment: up to 2 years and/or

Fines: unspecified

Other: confiscation of arms and/or temporary or permanent withdrawal of licence on import or sale of arms and ammunition

AMERICAS

Central America

El Salvador
(2005, p. 3)

Imprisonment: 1–3 years

Guatemala
(2010, p. 4)

Imprisonment: 5–18 years

Mexico (2003, p. 7)

Imprisonment: 5–30 days

Fines: 20–500 pesos

Nicaragua
(2006, pp. 2–3)

Imprisonment: 10–12 years

Panama
(2005, pp. 6–7)

Imprisonment: 7–9 years

Increased to 8–10 years if it involves acts of terrorism

South America

- Argentina** (2010, pp. 7–9) **Imprisonment:** 6 months–8 years
If the act involves, inter alia, military weapons, ammunition or materials considered as military-related the sentence is increased to 2–10 years' imprisonment.
- Bolivia (Plurinational State of)** (2006, p. 30) **Imprisonment:** 6–10 years
Any person who unlawfully traffics in, inter alia, small arms, shall be punished with imprisonment from ten to twenty years.
- Brazil** (2008, p. 7) **Imprisonment:** 4–8 years
Fine: unspecified
- Venezuela (Bolivarian Republic of)** (2006, pp. 3–6) **Imprisonment:** 5–8 years

Northern America

- Canada** (2010, pp. 13–14) **Imprisonment:** more than 1 year
Violations of the United Nations Act (which implements UN Security Council embargoes) carry a maximum penalty of 10 years imprisonment.
- United States** (2010, p. 7) **Imprisonment:** 10 years
Administrative: ranging from license revocation to fines
Unfavorable Blue Lantern checks can result in denial or revocation of export licenses, debarment, and criminal or civil.

ASIA

Central Asia

- Kazakhstan** (2010, pp. 10–11) **Imprisonment:** 5 years
If committed repeatedly, 2–8 years imprisonment. If committed repeatedly or by a person who exploits their official capacity or aggression towards a customs officer, 7–15 years. If illicit smuggling is carried out by an organized group, 7–15 years imprisonment.

Eastern Asia

- China** (2010, p. 12) **Other:** administrative punishment and prosecution

Japan (2010,
p. 7)

Imprisonment: up to 10 years
Fine: 10,000,000 yen

Additionally if the export material is worth more than 10 million yen, the fine could be up to five times the amount.

Republic of Korea (2010,
p. 10)

Imprisonment: up to 10 years
Fine: 20,000,000 KRW

South-Eastern Asia

Indonesia
(2010, p. 6)

Imprisonment: up to 20 years or life
Other: death penalty

Western Asia

Azerbaijan
(2004, p. 4)

Fine: 10–25 standard financial units and/or
Other: confiscation of weapons

Jordan (2010,
p. 4)

Other: death penalty and weapon forfeited

Syrian Arab Republic
(2010, p. 4)

Imprisonment: 5–15 years
Fine: 3–10 times the value of the weapons and rounds of ammunition seized

Turkey (2008,
pp. 7–8)

Imprisonment: up to 8 years (for individuals)
Imprisonment up to 12 years for organized smuggling.

EUROPE

Eastern Europe

Belarus (2005,
p. 5)

Imprisonment: 3–7 years
Other: with or without confiscation of assets

If carried out in a conspiracy by a group of persons, by a person with a previous conviction for smuggling, by an official in an official capacity or with use of force against a person performing customs checks, imprisonment for 5–10 years, with or without confiscation of assets. Actions carried out by an organized group, imprisonment for 7–12 years with or without confiscation of assets.

Poland (2008,
p. 6)

Imprisonment: up to 10 years
Fines: up to 50,000 euros

Russian Federation
(2010, p. 9)

Imprisonment: 12 years

Ukraine (2005, p. 5) **Fines:** unspecified
Other: confiscation of property, administrative detention of property and confiscation of documents

Northern Europe

Denmark (2010, p. 4) **Imprisonment:** up to 2 years
Fine: unspecified

In cases involving the manufacture of war materiel, sanctions may vary from a fine to imprisonment up to one year, and in cases concerning exceedingly dangerous weapons the sanctions may rise to imprisonment up to 6 years.

Finland (2011, p. 9) **Imprisonment:** up to 2 years or fine (unspecified)
 Under aggravating circumstances, the maximum punishment is imprisonment for 4 years, and the minimum punishment imprisonment for 4 months (a gross firearms crime) (2011, p. 17)

Iceland (2008, p. 4) **Imprisonment:** up to 4 years
Fines: unspecified

(Unless more severe penalties apply under other laws).

Ireland (2008, p. 1) **Imprisonment:** up to 5 years imprisonment and/or
Fine: up to 10,000,000 euros or three times the values of the goods exported illegally

- Latvia** (2010, pp. 6–8) Violation of authorization to import or export: fine up to 250,00 LVL (natural persons), fine of 50–350 LVL (legal entities)
- Violation of legislation on imports, exports, transfer or transit of military or dual-use goods: fine of 50–400 LVL (natural persons), fine of 250–5,000 LVL (legal persons), with or without confiscation of the goods. If violation is repeated within a year: fine of 250–500 LVL (natural persons), fine of 1,000–10,000 LVL (legal entities) with confiscation of the goods (2010, p. 6)
- Unlawful movement of restricted goods: imprisonment: not exceeding 10 years or community service, or fine: not exceeding 100 times the minimum monthly wage, with or without confiscation of property. If the person repeats the offence, or it is committed in a group, or on a large scale, the sentence is: imprisonment: 5 to 12 years, or a fine: not exceeding 200 times the minimum monthly wage, with or without confiscation of property. If committed by a person in a organized group, sentence is imprisonment: not less than 8 and not exceeding 15 years, with confiscation of property, and with police supervision for a term not exceeding 3 years (2010, p. 8)

Lithuania (2010, p. 12) **Imprisonment:** up to 10 years

Sweden (2010, p. 10) **Imprisonment:** up to 2 years
Fines: unspecified

If the offence is considered minor a fine may be imposed. If the offence is gross the person should be sentenced for gross smuggling with imprisonment of no less than 6 months–6 years.

Southern Europe

Croatia (2010, p. 11) **Imprisonment:** 1–5 years

OCEANIA

Australia (2010, p. 2) **Imprisonment:** 10 years and/or
Fines: 275,000 AUD

ANNEX H. PENALTIES FOR ILLEGAL BROKERING

The following table includes details of criminal penalties for illicit brokering included in national reports.¹

State	Criminal and administrative penalties
AMERICAS	
Central America	
Nicaragua (2006, pp. 8–9)	Imprisonment: 3–5 years and Other: an additional penalty payment of 12 average minimum wages
ASIA	
Eastern Asia	
Japan (2010, pp. 18–19)	Imprisonment: up to 10 years and/or Fine: up to 10,000,000 yen <i>If five times the amount of the subject matter of contravention exceeds 10 million yen, the fine is up to the five times the amount. [This penalty increased. In its 2008 report, Japan says it was 5 years and 2 million yen (p. 15)].</i>
South-Eastern Asia	
Malaysia (2010, p. 9)	Imprisonment: 6 months or Fines: unspecified or Other: death <i>Depending on the seriousness of the offences.</i>
Western Asia	
Jordan (2010, p. 4)	Other: death penalty
EUROPE	
Eastern Europe	
Poland (2008, p. 6)	Imprisonment: up to 10 years and Fines: up to 50,000 euros

¹ Details of penalties for illegal or illicit dealing provided in national reports are not included in this annex.

Romania **Imprisonment:** unspecified
(2003, p. 8)

Slovakia **Imprisonment:** up to 8 years
(2005, p. 2) **Fines:** up to 10,000,000 Slovak crowns

Northern Europe

Finland **Imprisonment:** up to 4 years
(2011, p. 18)

Lithuania **Imprisonment:** up to 5 years
(2010, p. 7) **Fines:** unspecified
Other: Prohibition to engage in certain types of activities or arrest

Norway **Imprisonment:** up to 5 years
(2005, pp. 7–8) **Fines:** unspecified
Other: possible confiscation of account books and documents
Complicity in any offence is subject to the same penalty

If the offence is committed in negligence: imprisonment: up to 2 years, or fines: unspecified. If a punishable act is committed by legal person: fine (unspecified) and possible deprivation of the right to engage in commercial activities.

Southern Europe

Croatia **Imprisonment:** one to five years
(2010, p. 18) **Fines:** HRK 10,000–100,000

If a criminal offence has caused the death of more persons or inflicted large-scale damage, the offender shall be sentenced to at least 5 years of imprisonment.

Portugal **Imprisonment:** up to 10 years
(2011, p. 4) **Fines:** unspecified

Slovenia **Imprisonment:** 6 months–5 years
(2005, p. 6)

If the offence involves a large quantity of or very valuable or dangerous firearms, ammunition, explosive substances or other means of combat which represent a danger, or if the offence has been committed as part of a criminal association, imprisonment: 1–10 years. Brokering with respect to parts and components for manufacture: imprisonment: up to 5 years.

Western Europe

Austria **Imprisonment:** up to 2 years
(2008, p. 4) *For brokering of war material.*

- Belgium**
(2010, pp. 2–5)
Imprisonment: 1 month–5 years and/or
Fines: 100–25,000 euros
- France**
(2010, p. 6)
Imprisonment: 5–7 years and
Fines: 4,500–100,000 euros
In parallel to these criminal penalties, there are rules on administrative sanctions that mainly consist of withdrawing authorizations to manufacture and trade in weapons of war.
- Germany**
(2010, p. 29)
(War weapons) standard case: imprisonment 1–5 years, major (serious) case: imprisonment: 1–10 years, minor (less serious) case: imprisonment not exceeding 3 years;
(Other weapons) standard case: imprisonment 6 months–5 years, minor (less serious) case: imprisonment not exceeding 3 years or imposition of a fine
- Luxembourg**
(2012, p. 4)
Imprisonment: 5 years and
Fines: 250,000 euros
- Monaco**
(2004, p. 3)
Imprisonment: 1–5 years and
Fine: 9,000–18,000 euros
Other: confiscate, auction or deactivate seized weapons and ammunition, withdraw permits that have been issued or suspend administrative declarations
- Switzerland**
(2012, p. 12)
Imprisonment: unspecified or
Fines: up to 1,000,000 francs
In serious cases the penalty is imprisonment: up to 10 years. This may be combined with a fine of up to 5 million francs. If the act is committed through negligence, the penalty is imprisonment: up to 6 months or a fine of up to 100,000 francs.

Oceania

- Marshall Islands**
(2005, p. 6)
Imprisonment: up to 5 years or
Fines: up to \$2,000

ANNEX I. FIGURES ON SURPLUS SMALL ARMS

The following table includes details of figures on destroyed surplus SALW included in national reports.¹

State	Year	Reported number of weapons destroyed	Remarks
AFRICA			
Eastern Africa			
Ethiopia	May 2006–February 2007	20,000	Surplus SALW from national police stocks from (2008, p. 2)
Malawi	2006	1,000	Destruction was last carried out in 2006, destroying about 1,000 firearms (2010, p. 6)
Mozambique	2002–2003	77,417 (SALW), 9,911 (ammunition), 500 (anti-personnel landmines)	These items were identified as “obsolete” weapons (2005, p. 10)
Rwanda		30,266	Destroyed 30,266 surplus, seized, confiscated and obsolete SALW during the period under review (2010, p. 1)

¹ Where states provided figures on destroyed surplus, seized and collected SALW without disaggregating how many SALW constituted surplus and how many constituted seized or collected weapons, these figures are included in this annex.

Uganda	2006	50,000	Destroyed over 50,000 SALW, including surplus, in May 2006 following the public destruction of 3,000 SALW on 26 September 2005, to mark the launching of the National Action Plan (2006, p. 3)
Uganda	2007	400t (ammunition)	Obsolete military ammunition destroyed with the assistance from the South African Army. 260t pending destruction in 2008 (2008, p. 2)
Uganda			28,000 SALW collected from ex-combatants (2010, p. 3)
United Republic of Tanzania	2009	2,765	In May 2009, 2,765 obsolete firearms belonging to the Tanzanian Prison Services were destroyed. Up to 2010, 11,205 weapons have been destroyed since 2003 (2010, p. 4)

Middle Africa

Democratic Republic of the Congo	2006	67,623 (SALW), 214t (ammunition)	NGO Mine Action Group is carrying out the destruction of stockpiles of surplus, obsolete or unused arms and ammunition (2010, pp. 19, 36)
Democratic Republic of the Congo	2007	82,425 (SALW), 316t (ammunition)	(2010, p. 36)
Democratic Republic of the Congo	2008	87,000 (SALW), 411t (ammunition)	(2010, p. 36)
Democratic Republic of the Congo	2009	100,243 (SALW), 500t (ammunition)	(2010, p. 36)

Southern Africa			
Mozambique		21,600 (SALW), 5,100,000 (ammunition)	Destroyed with the assistance of South Africa (South Africa: 2003, p. 5)
Lesotho		3,800	Destroyed with the assistance of South Africa (South Africa: 2003, p. 5)
South Africa	2003– 2005	202,796	South African Police Service destroyed 202,796 firearms, which were either seized during crime operations or which were in the possession of the state and found to be redundant or obsolete (2005, p. 6)
South Africa		271,867	Destroyed surplus by crushing (2003, p. 5)
Western Africa			
Senegal	2003	8,000	Destroyed 8,000 weapons (though reports it has no surplus) (2007, p. 12)
AMERICAS			
Caribbean			
Dominican Republic		1,236	Destruction of 1,236 firearms found in War Material depots of the armed forces, Interior and police, is expected to take place by the end of 2008. Summary of illegal, unmarked, irregular or surplus firearms to be destroyed: pistols: 186, revolvers: 1,613, shotguns: 1,519, rifles: 29 (2008, p. 22)

South America

Argentina	1993– 2009	167,723	Argentina gives figures of destroyed surplus (including weapons confiscated during police operations, weapons handed over by courts for destruction after judicial determination, weapons individuals voluntarily surrendered for destruction, and police surplus): 1993: 709, 1994: 916, 1995: 3,650, 1996: 1,376, 1998: 2,626, 1999: 70, 2000: 14,822, 2001: 3,92, 2002: 4,381, 2003: 14,471, 2004: 11,200, 2005: 4,808, 2006: 305, 2007: 20,037, 2008: 32,825, 2009: 51,672 (2010, p. 12)
Ecuador	2003– 2007	15,519 (SALW), 254,731 (ammunition), 10,795 (explosives), 10,714 (items of related equipment)	Decommissioned and destroyed these items. Notes that in 2008, the figures for decommissioned equipment in storage facilities were: 2,591 firearms, 46,777 rounds of ammunition, 2,517 explosives, and 883 items of related equipment (2008, p. 5)
Paraguay	2003	2,615 (SALW), 80,926kg (ammunition)	These surplus stocks of the National Police were destroyed (2007, p. 24)
Peru	2008	34,765	The National Police destroyed these weapons used by police that were declared obsolete and written off by the institution (revolvers: 10,000, carbines: 2,236, rifle: 667, machine gun: 180, machine pistol: 7,518) (2010, p. 23)
Chile		7,856	Destroyed 7,856 weapons over the preceding few years (2006, pp. 8–9)

Northern America			
Canada		20,000	Royal Canadian Mounted Police destroyed surplus revolvers as part of a small arms replacement programme (2003, p. 13)
EUROPE			
Eastern Europe			
Bulgaria	2007 reporting period	928 (SALW), 36,000 (ammunition)	Destroyed by Bulgarian Armed Forces. Plus 46,577 small arms and 1,194,803 items of ammunition were declared surplus (2008, p. 6)
Hungary	2004–2009	Over 35,000t (ammunition, missile, mine and explosive stocks)	Surplus military stocks disposed of (2010, p. 7)
Republic of Moldova	2000–2009	9,678	9,678 SALW were destroyed (no reference to whether these were surplus weapons or not) (2010, p. 14)
Russian Federation			<p>In 2010, the Russian Federation reports that it is planning the disposal of 9 million SALW and 200,000 wagon loads of ammunition by 2016 (2010, p. 13)</p> <p>In 2005 and 2007, the Russian Federation reported that it was establishing a special federal programme on industrial recycling of weapons and military equipment, which would include an upgrade of methods and procedures for effective destruction. The programme was due to take place from 2005 to 2010 at a cost of RUB 11 billion. In 2007, the Russian Federation reports that 100,000 obsolete surplus firearms are currently being stored (2007, p. 12)</p>

Ukraine	2006– 2008		Destroyed pursuant to an arrangement between the Ministry of Defense and NATO. To date, 132,000 weapons have been destroyed (33% of the contract) (2008, p. 8)
Ukraine		148,408	In its 2004 report, Ukraine asked for assistance to destroy weapons. To date, 148,408 weapons have been destroyed pursuant to an arrangement between the Ministry of Defense and NATO (2010, p. 12)

Northern Europe

Estonia	2006	6,000	In connection with the procurement of new pistols, the following were destroyed—pistol 7.62mm: 4,500, pistol 9mm: 1,000, pistol 11.43mm: 500 (2008, p. 5)
Lithuania	2007	935	Lithuanian Police transferred 935 surplus pistols to the Weaponry fund (2008, p. 10)
Lithuania	2008– 2009	1,313	Police Department has transferred 1,313 surplus firearms to the Weaponry Fund (2010, p. 9)
Sweden	1989– 2003	480,000	SALW were identified as surplus and destroyed (2005, p. 12)

Southern Europe

Albania	2000– 2004	20,000t (ammunition)	Up to April 2004, the Albanian Armed Forces destroyed around 20,000t of ammunition by detonation and the process is ongoing (2004, p. 11)
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Albania	2004	12,500 (SALW), 1,500t (ammunition)	12,500 SALW and 1,500t of ammunition were due for destruction by July 2004 with assistance from the United States, and a further 1,500t of ammunition were to be destroyed by December 2004 with assistance from the United Kingdom (2004, p. 18)
Bosnia and Herzegovina		65,000 (SALW), 6,800t (ammunition)	The estimated surplus of the military is up to 95,000 SALW and between 25,000– 30,000t of ammunition. To date, around 6,800t of ammunition were destroyed and some 65,000 military rifles. There are some additional 4,000t of ammunition assigned for destruction (2011, p. 9)
Croatia	2008	7,538	In 2008, Croatia reported that it intended to destroy 25,000 SALW in the possession of the Armed Forces commencing in January 2008, and that at the time of reporting, it had destroyed 7,538 pistols, rifles, machine guns, mortars and recoilless canons (2008, p. 3)
Greece	2001	339	For 2001, 339 SALW were reported as deemed surplus and destroyed and 518 as confiscated (2004, p. 3)
Greece	2002	231	The reported corresponding figures for 2002 were 231 and 672 SALW (2004, p. 3)
Italy	2005	37,371	In 2005, armed forces destroyed the following SALW, identified as surplus: 31,291 pistols, 5,066 carabines, 1,014 light weapons of different models (2006, p. 3)
Italy	2006	140,088	In 2006, armed forces destroyed the following SALW, identified as surplus: 770 self-loading pistols, 93,697 rifles, 37,390 assault rifles, 8,231 miscellaneous (2007, p. 4)

Italy	2007	169,925	In 2007, armed forces destroyed the following SALW, identified as surplus: 16,872 self-loading pistols, 130,645 rifles, 11,812 assault rifles, 10,596 miscellaneous (2008, p. 6)
Italy	2009	15,027	The armed forces destroyed 15,027 SALW identified as surplus (2010, p. 7)
Serbia	2001– 2004	100,000 (SALW), 2,000,000 (ammunition)	(2005, p. 3) ²
Serbia	2004	27,530+	In 2004, Serbia reports that it entered an agreement with the US Embassy in Belgrade, to finance a number of destruction projects for 36,850 SALW, plus 2 million rounds of ammunition, it also signed an MoU with NATO in 2003 resulting in the destruction of 27,530 SALW (2004, p. 6) In 2003, Serbia reports that destruction activities were conducted. For Serbia—first project: 3,859 weapons, second project: 7,379 weapons and 42,000 rounds of ammunition. For Montenegro—first project: 9,621 weapons, second project: 5,028 weapons and 63,777 rounds of ammunition (2003, p. 4)
Slovenia	2003	601	Assorted machine guns, automatic rifles and pistols (details of each type are included in the report) (2005, p. 9)

2 Note that Serbia classifies the following as surplus: weapons confiscated during illegal border crossing attempts, illicit arms or weapons transported or trafficked (2005, p. 2). Information provided by Serbia that specifically relates to collected and confiscated SALW is included in Annex F.

Slovenia	2004	971	Assorted machine guns, automatic rifles and pistols (details of each type are included in the report) (2005, p. 10)
Western Europe			
Austria	2006	82,252 (SALW)	Destroyed 81,481 assault rifles and 771 pistols (2010, p. 6)
Germany	1990–2009	2,303,252 (SALW) ³	In 2010, Germany reported that from 1990 to 2009, the Federal Armed Forces had destroyed a total of 2,303,252 SALW and provided a detailed breakdown of the types of weapons destroyed (2010, p. 19)
ASIA			
South-Eastern Asia			
Cambodia		120,000	Since 2000, the Royal Government has destroyed over 120,000 weapons (2004, p. 12)
OCEANIA			
New Zealand		750	New Zealand police destroyed surplus stock of 750 rifles as part of a rifle replacement programme (2007, p. 9)

3 At least 727,171 SALW were destroyed between 2002 and 2009 (i.e. after the adoption of the PoA), since Germany reports that between 1990 and 2002, it reduced 1,576,081 SALW.

ANNEX J. PENALTIES FOR ILLEGAL POSSESSION

The following table includes details of criminal penalties for illegal possession included in national reports.

State	Criminal and administrative penalties
AFRICA	
Eastern Africa	
Burundi (2005, pp. 2–3)	Imprisonment: up to 10 years and/or Fines: up to 5,000 francs
Kenya (2008, p. 10)	Imprisonment: more than 10 years
Mozambique (2010, p. 7)	Imprisonment: 8–12 years (having knowledge and the intention to perpetrate whatever crime) Other: Firearms shall be apprehended in favour of the state <i>If a manufacture violates the rules and instructions of the competent authorities and does not aim to be used as a means of crime the penalty will be up to 2 years imprisonment and a fine up to 6 months. The same penalty applies to individuals who have licenses withheld.</i>
Rwanda (2008, p. 3)	Imprisonment: 5 years Fines: unspecified Other: Confiscation of their ammunition
Uganda (2005, p. 7)	Imprisonment: up to 10 years and/or (without valid firearms certificate) Fines: up to 20,000 Ugandan shillings <i>If the possession is without a permit, issued by a licensing officer: penalty is imprisonment: up to 6 months or fines up to 2,000 Ugandan shillings or both. According to the National Resistance Army Statue, persons found in possession of small arms, ammunition, equipment and other classified stores of the arms and sentenced to death for the misuse of war materials or the failure to protect them.</i>
Zimbabwe (2008, p. 9)	Imprisonment: 5 years and/or Fines: unspecified

Middle Africa

Democratic Republic of the Congo (2010, pp. 13–14) **Imprisonment:** 5–10 years
Fine: unspecified

Sao Tome and Principe (2003, p. 2) **Imprisonment:** 6 months

Northern Africa

Algeria (2010, p. 6) **Imprisonment:** 5–10 years (weapons of 1st, 2nd, 3rd Categories)
Fines: 1,000,000–2,000,000 million Algerian dinars
4th category weapons: imprisonment from 2–10 years and a fine from 500,000–1,000,000 Algerian dinars. 5th category weapons: imprisonment from 2–5 years and a fine from 100,000–200,000 Algerian dinars.

Libya (2010, p. 2) **Imprisonment:** life imprisonment or
Other: death penalty
The death penalty is carried out by firing squad in accordance with Law no. 14 of A.H. 1428 and the Penal Code.

Morocco (2010, p. 5) **Imprisonment:** up to 2 years and/or
Fines: unspecified
Other: the confiscation of arms and/or the withdrawal of a licence on import or sale of arms and ammunition

Sudan (2010, p. 6) *In 2000, the penalties for illegal possession increased, which ended in more illegal possession cases being detected and the accused person being brought before the court.*

Tunisia (2010, pp. 1–2) **Imprisonment:** up to 10 years
Other: confiscation of arms, ammunition and means of transport used for this purpose

Western Africa

Benin (2003, pp. 7–8) **Fines:** 300–36,000 CFA francs
Other: confiscation of weapons

Ghana (2010, p. 4) **Imprisonment:** 7–25 years
Illegal possession is a 1st degree felony.

Liberia (2003, p. 4) Example of a punishment:
Imprisonment: 1 year
Fines: 30,000 USD

Sierra Leone (2008, p. 10)	Imprisonment: unspecified Fines: unspecified
Togo (2010, pp. 15–16)	Imprisonment: up to 2 years and/or Fines: unspecified Other: confiscation of arms and/or temporary or permanent withdrawal of licence on import or sale of arms and ammunition

AMERICAS

Caribbean

Cuba (2010, p. 3)	Imprisonment: 2–5 years imprisonment
Trinidad and Tobago (2010, p. 9)	Imprisonment: 5 years (summary conviction) Fines: TT\$10,000 and on conviction <i>On indictment, the penalty is increased to TT\$50,000 and 10 years imprisonment, and 20 years imprisonment respectively, if the person in illegal possession is a “restricted person”.</i>

Central America

El Salvador (2005, p. 3)	Imprisonment: 3–5 years Repeat offender with a criminal record in place: 5–8 years
Panama (2005, pp. 6–7)	Imprisonment: 2–4 years imprisonment or Fine: 200–350 day fine
Nicaragua (2006, pp. 2–3)	Imprisonment: 6–12 months. The crime of “carrying and illegal use” incurs a sentence of up to 3 years in prison

South America

Argentina (2010, pp. 7–9)	Imprisonment: 6 months–2 years Fine: \$1,000–\$10,000 <i>2–6 years imprisonment for illegal possession of military weapons.</i>
Brazil (2008, p. 7)	Fine: unspecified Other: confinement <i>Penalty for irregular ownership of firearms of permitted usage is imprisonment from 1–3 years plus a fine.</i>
Guyana (2010, p. 2)	Imprisonment: 2–5 years Fine: \$15,000–\$100,000 <i>On indictment: fine of not less than \$100,000 or more than \$500,000 plus imprisonment for 10 years.</i>

Peru (2003,
p. 5)

Imprisonment: up to 2 years

Other: loss of civil rights for double the time of the sentence

If the person has an attested occupation and no criminal record, they will be penalized administratively with a fine of not less than one tenth of the minimum monthly wage and not more than five times that wage

The possession of dangerous materials (including certain arms) carries a sentence of not less than 6 and not more than 15 years' imprisonment (2008, pp. 28–29)

**Venezuela
(Bolivarian
Republic of)**
(2006, pp. 3–6)

Imprisonment: 5–8 years

Northern America

Canada (2010,
p. 13)

Imprisonment: up to 10 years

Fines: unspecified

ASIA

Central Asia

Kazakhstan
(2010, p. 11)

Imprisonment: up to 5 years

If the act is committed by a group with premeditation or repeatedly 3–8 years imprisonment. Or by an organized group, 5–10 years.

Eastern Asia

China (2010,
p. 11)

Imprisonment: fixed-term or life

Other: penal detention, public surveillance, death penalty

Japan (2010,
p. 11)

Imprisonment: up to 1 year and/or

Fines: 500 yen

**Republic of
Korea** (2010,
p. 11)

Imprisonment: up to 10 years

Fines: up to 20,000,000 KRW

Similarly someone who abandons or inadequately stores small arms or light weapons can be fined up to 5,000,000 KRW or imprisoned for up to 2 years.

Southern Asia

India (2007, p. 3) **Imprisonment:** unspecified and
Fines: unspecified
Other: death penalty

Sri Lanka (2008, p. 4) **Imprisonment:** life

South-Eastern Asia

Indonesia (2010, p. 6) **Imprisonment:** up to 20 years or life

Philippines (2003, p. 5) **Imprisonment:** 1–5 years and/or
Fines: 1,000–5,000 pesos

Western Asia

Armenia (2010, p. 3) **Imprisonment:** up to 3 years and/or
Fines: 500 times the national salary or
Other: Detention up to three months
If the actions were committed by a group with prior agreement: 2–6 years, by an organized group: 3–8 years.

Azerbaijan (2004, p. 4) **Imprisonment:** up to 3 years
Other: corrective labour for up to 2 years
If committed repeatedly or by a group acting in conspiracy: 3–5 years, if committed by an organized group: 5–8 years.

Georgia (2010, p. 3) **Imprisonment:** 3–5 years
Fines: unspecified

Jordan (2010, p. 4) **Other:** death penalty

Saudi Arabia (2006, p. 6) **Imprisonment:** up to 2 years and/or
Fines: up to 7,000 riyals

Syrian Arab Republic (2010, p. 4) **Imprisonment:** 3–6 years
Fines: 10,000–50,000 Syrian pounds
With a lesser penalty for illegally possession a military revolver or ammunition.

United Arab Emirates (2006, p. 4) **Imprisonment:** up to 3 years
Fines: up to 30,000 dirham

EUROPE

Eastern Europe

- Bulgaria** (2010, p. 10) **Imprisonment:** 1–6 years
The punishment is imprisonment of 2–8 years if the act has been committed by an official who has misused his official status, repeatedly in major cases, if the subject of the crime is large the punishment shall be imprisonment of 3–10 years, if the subject of the crime is large and the case is serious the punishment shall be imprisonment of 5–15 years.
- Hungary** (2010, p. 4) **Imprisonment:** 2–8 years
This sentence will be increased to 5–10 years if it is carried out in a business-like manner or involved in conspiracy.
- Slovakia** (2010, p. 9) **Imprisonment:** up to 15 years
Other: confiscation of the weapon
- Republic of Moldova** (2007, p. 3) **Other:** deprivation of liberty for up to 10 years
This has increased from 2004, where it was up to 5 years (2003, p. 4).
- Russian Federation** (2010, p. 9) **Imprisonment:** 8 years
- Romania** (2010, p. 6) **Imprisonment:** 1–5 years
This sentence increases by one third if prohibited weapons are involved.
- Ukraine** (2010, pp. 8–9) **Imprisonment:** 3–7 years
If committed repeatedly or as the result of conspiracy punishment is 5–10 years. If carried out by an organized group as well as extortion of such items using force endangering life and limb are punishable by imprisonment of 10–15 years with confiscation of property.

Northern Europe

- Denmark** (2010, p. 4) **Imprisonment:** up to 2 years
In cases concerning exceedingly dangerous weapons the sanctions may rise to imprisonment up to 6 years.

- Estonia** (2010, p. 10) **Imprisonment:** up to 3 years
If committed by a group: punishable by pecuniary punishment or up to 5 years imprisonment. If committed by a criminal organization: punishable by 2–10 years imprisonment. If committed by a legal person, it is punishable by a pecuniary punishment. According to the same Act § 418, unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition, except for the unlawful handling of small quantities of cartridges, is punishable by 1–5 years' imprisonment.
- Finland** (2011, p. 17) **Imprisonment:** up to 2 years
Fines: unspecified
Under aggravating circumstances, the maximum punishment is imprisonment for 4 years, and the minimum punishment imprisonment for 4 months (a gross firearms crime).
- Iceland** (2008, p. 4) Reports that illegal possession is criminalized, but does not give details of the applicable penalties
- Ireland** (2010, p. 2) **Imprisonment:** 5–14 years (with criminal intent)
Possession of firearms with intent to endanger life—maximum sentence of life imprisonment and mandatory minimum sentence of 10 years imprisonment. Use of firearms to resist arrest or aid escape—maximum sentence of life imprisonment and a mandatory minimum sentence of 10 years imprisonment. Possession of firearms while hijacking a vehicle—maximum sentence of 14 years imprisonment and a mandatory minimum sentence of 5 years imprisonment. Possession of firearms or ammunition in suspicious circumstances—maximum sentence of 14 years imprisonment and a mandatory minimum sentence of 5 years imprisonment.
- Latvia** (2010, p. 6) **Fines:** 250 LVL or
Other: cancellation of the right to possess and carry firearms for period of one to three years
Where such violations are committed by legal persons, the penalty is a fine from 50–350 LVL or cancellation of the right to possess and carry firearms from 1–3 years.
- Lithuania** (2010, p. 7) **Imprisonment:** up to 5 years
Other: arrest
If the same illegal activities are committed with three or more firearms or big quantities of ammunition or explosives, it incurs from 4–8 years of imprisonment.

Norway (2010, p. 5)	Reports that illegal possession is criminalized, but does not give details of the applicable penalties
Sweden (2010, p. 13)	Imprisonment: up to 1 year <i>If the offence is regarded as gross, imprisonment for at least 6 months and at most 4 years may be imposed.</i>
United Kingdom (2008, p. 1)	Imprisonment: minimum 5 years

Southern Europe

Albania (2004, p. 5)	Imprisonment: up to 15 years
Andorra (2006, p. 3)	Imprisonment: 1 year <i>A possibility to apply a prison sentence ranging from 3 months to 3 years in case of aggravating circumstance, as for example, if it concerns a short firearm, if it lacks the manufacturer's marking, or if it has been altered, or if it has been smuggled into the Andorran territory.</i>
Greece (2004, p. 2)	Imprisonment: 1–5 years and/or Fines: unspecified
Malta (2010, p. 4)	Imprisonment: not less than 3 months and not exceeding 5 years <i>If minor offence: a fine of not less than six hundred and ninety-eight euro and eighty-one cents (698.81) or to imprisonment for a term not exceeding three months or to both.</i>
Portugal (2011, p. 4)	Imprisonment: up to 10 years Fines: unspecified

Western Europe

Austria (2010, p. 4)	Imprisonment: up to 2 years
France (2010, pp. 3–4)	Penal or administrative penalties
Germany (2010, p. 14)	Imprisonment: standard case—6 months–5 years, major (serious) case—imprisonment (1–10 years), minor (less serious) case—imprisonment (not exceeding 3 years) or imposition of fine

Monaco (2004,
p. 3)

Imprisonment: 1–5 years
Fine: 9,000–18,000 euros

Monaco's laws are under French law.

Netherlands
(2008, p. 8)

Imprisonment: 3 months
Fines: 7,400 euros

If the violation is in relation to category II or III arms, the jail sentence may be 4 years, the fine may be 74,000 euros. If the prohibited actions are being made into a profession or custom the jail sentence may be 8 years and the fine may be 74,000 euros.

Switzerland
(2010, p. 10)

Imprisonment: up to 3 years or
Fines: up to 1,000,000 francs

If done with intent and profit: imprisonment up to 5 years. In serious cases: imprisonment up to 10 years, which may be combined with a fine up to 5 million francs. Any form of willful aiding and abetting will also be penalized by imprisonment and/or a fine. If the act is committed through negligence, the penalty is imprisonment for up to 6 months or a fine of up to 100,000 francs.

OCEANIA

**Papua New
Guinea** (2005,
pp. 10–11)

Imprisonment: up to 6 months
Fines: up to K 1,500

**Solomon
Islands** (2004,
p. 13)

Fines: \$25,000

ANNEX K. PENALTIES FOR ILLEGAL STOCKPILING

The following table includes details of criminal penalties for illegal stockpiling included in national reports.

State	Criminal and administrative penalties
AFRICA	
Eastern Africa	
Mozambique (2010, p. 7)	Imprisonment: 8–12 years (having knowledge and the intention to perpetrate whatever crime) Other: Firearms shall be apprehended in favour of the state
Ghana (2010, p. 4)	Imprisonment: 7–25 years <i>Illegal stockpiling is a 1st degree felony.</i>
AMERICAS	
Central America	
El Salvador (2003, p. 3)	Imprisonment: 1–3 years (establishing storage facilities for weapons of war or ammunition not authorized by the law or by a competent authority)
Nicaragua (2006, pp. 8–9)	Imprisonment: 3–5 years and Other: an additional penalty payment of 12 average minimum wages Imprisonment: 8–12 years (for collection or storage of prohibited weapons) (2006, pp. 2–3)
South America	
Argentina (2010, pp. 7–9)	Imprisonment: 4–10 years
Chile (2006, pp. 6–7)	Fine: 190–1,900 tax units per month
Peru (2008, pp. 28–29)	Imprisonment: not less than 6 and not more than 15 years

ASIA

Central Asia

Kazakhstan
(2010, p. 11) **Imprisonment:** up to 5 years
If the act is committed by a group with premeditation or repeatedly 3–8 years imprisonment, or by an organized group, 5–10 years.

Eastern Asia

China
(2010, p. 11) **Imprisonment:** fixed term or life
Other: penal detention, public surveillance or death penalty

Japan
(2010, p. 11) **Imprisonment:** up to 1 year and/or
Fines: up to 500 yen

Republic of Korea
(2010, p. 11) **Imprisonment:** up to 10 years
Fines: up to 50,000,000 KRW
Similarly someone who abandons or inadequately stores small arms or light weapons can be fined up to 5,000,000 KRW or imprisoned for up to 2 years.

South-Eastern Asia

Indonesia (2010, p. 6) **Imprisonment:** up to 20 years or life

Viet Nam (2006, p. 1) **Imprisonment:** 1 year–life

Western Asia

Armenia
(2010, p. 3) **Imprisonment:** of up to 2 years and/or
Fines: up to 500 times the minimal salary
Other: 3 months detention

Azerbaijan
(2004, p. 4) **Imprisonment:** up to 3 years or
Other: up to 2 years corrective labour

EUROPE

Eastern Europe

Belarus

(2005, p. 5)

Imprisonment: up to 6 years

Other: corrective labour for up to 2 years, detention for up to 6 months, restriction of liberty for up to 5 years with or without confiscation of assets

Actions carried out repeatedly or by a group of persons acting in conspiracy, restriction of liberty for up to 5 years or imprisonment for 2–8 years with or without confiscation of assets. Actions carried out by an organized group, imprisonment for 4–10 years, with or without confiscation of assets.

Hungary

(2010, p. 4)

Imprisonment: 2–8 years

This sentence will be increased to 5–10 years if it is carried out in a business-like manner or involved in conspiracy.

Republic of Moldova

(2010, p. 9)

Imprisonment: up to 3 years

Fines: 300–600 conventional units

Romania

(2010, p. 7)

Imprisonment: 2–7 years

Other: limitation of some rights

For stealing of lethal weapons or ammunition from stockpiles

Russian Federation

(2007, p. 6)

Imprisonment: up to 8 years

Southern Europe

Andorra (2006, p. 3)

Imprisonment: 4 years

With respect to weapons of war, their manufacture, development, sale, transfer of stockpiling of firearms in a depot are punished with a sentence of imprisonment from 4–10 years.

Portugal (2011, p. 4)

Imprisonment: up to 10 years

Fines: unspecified

ANNEX L. PENALTIES FOR ILLEGAL TRADE

The following table includes details of criminal penalties for illegal trade included in national reports.

State	Criminal and administrative penalties
AFRICA	
Eastern Africa	
Burundi (2005, pp. 2–3)	Imprisonment: up to 10 years and/or Fines: up to 5,000 francs
Rwanda (2008, p. 3)	Imprisonment: 5 years Fines: unspecified Other: Confiscation of ammunition
Middle Africa	
Democratic Republic of Congo (2010, pp. 14–15)	Imprisonment: 5–10 years Fines: unspecified
Northern Africa	
Algeria (2008, p. 11)	Imprisonment: 6 months–life <i>Any person trading munitions and material equipment in category 4 without authorization is punished by imprisonment for 10–20 years and fined 1–5 million dinars. Any person trading arms and munitions in category 5 without authorization is punished by imprisonment from 5–10 year and fined 500,000–3 million dinars. Any person trading arms and munitions in category 6, 7 and 8 without authorization is punished by imprisonment for 2–5 years and a fine of 200,000–500,000 dinars.</i>
Tunisia (2010, pp. 1–2)	Imprisonment: up to 10 years Other: seizure and confiscation of arms, ammunition and means of transport used for this purpose
Western Africa	
Ghana (2010, p. 4)	Imprisonment: 7–25 years <i>Illegal trading is a 1st degree felony.</i>

Togo (2010, pp. 15–16) **Imprisonment:** up to 2 years and/or
Fines: unspecified
Other: confiscation of arms and/or temporary or permanent withdrawal of licence on import or sale of arms and ammunition

AMERICAS

Caribbean

Cuba (2003, p. 3) **Imprisonment:** 6 months–2 years or a fine of 200–500 days' wages (if a licenced individual lends or transfer a weapon to another person)

Trinidad and Tobago (2010, p. 9) **Imprisonment:** 5 years (summary conviction)
Fine: TT\$50,000
On conviction, 10 years imprisonment.

Central America

Costa Rica (2003, p. 7) **Imprisonment:** 15 days–3 months for selling arms to minors or mentally incompetent persons

El Salvador (2005, p. 3) **Imprisonment:** 3–5 years
Repeat offender with a criminal record in place: 5–8 years

South America

Brazil (2008, p. 7) **Imprisonment:** 4–8 years
Fine: unspecified

Chile (2006, pp. 6–7) **Imprisonment:** unspecified
Fine: (for serious violation of the conditions imposed in the authorization) 190–1,900 tax units per month
Other: closure of the facilities, stockpiles or stores, besides the cessation or renovation of that authorisation

Peru (2008, pp. 28–29) **Imprisonment:** 6–15 years

Venezuela (Bolivarian Republic of) (2006, pp. 3–6) **Imprisonment:** 5–8 years

Northern America

Canada (2010, p. 13) **Imprisonment:** up to 10 years

United States (2010, p. 3) Penalties range from license revocation to fines and imprisonment for 10 years

ASIA

Central Asia

Kazakhstan (2010, p. 11) **Imprisonment:** up to 5 years
If the act is committed by a group with premeditation or repeatedly 3–8 years imprisonment. By an organized group, 5–10 years.

Eastern Asia

China (2010, p. 11) **Imprisonment:** fixed-term or life or
Other: death penalty, penal detention, public surveillance

Japan (2010, p. 11) **Imprisonment:** up to 1 year and/or
Fines: up to 500 yen

Republic of Korea (2010, p. 10) **Imprisonment:** up to 10 years
Fines: up to 20,000,000 KRW

Southern Asia

India (2007, p. 3) **Imprisonment:** unspecified and
Fines: unspecified
Other: death penalty

South-Eastern Asia

Indonesia (2010, p. 6) **Imprisonment:** up to 20 years or life

Philippines (2003, p. 5) **Imprisonment:** 1–5 years and/or
Fines: 1,000–5,000 pesos
Any person violating the provision of the Revised Administrative Code of the Philippines Section 2690, selling of firearms to unlicensed purchasers will be imprisoned for up to 2 years or fined up to 2,000 pesos or both.

Western Asia

Armenia (2010, p. 3) **Imprisonment:** up to 2 years and/or
Fine: up to 500 times the minimal salary
Other: three months of detention

Azerbaijan (2004, p. 4)	Imprisonment: up to 3 years Other: corrective labour up to 2 years <i>If the same actions, committed repeatedly or by a group acting in conspiracy, punishment is imprisonment for 3–5 years. If committed by an organized group imprisonment if for 5–8 years.</i>
Georgia (2010, p. 6)	Imprisonment: 3–10 years <i>Groups will be imprisoned for 7–15 years.</i>
Israel (2003, p. 3)	Reports to have prosecuted many people involved in the illegal trafficking of SALW.
Jordan (2010, p. 4)	Other: death penalty
Saudi Arabia (2006, p. 5)	Imprisonment: up to 10 years and/or Fines: 100,000 riyals
United Arab Emirates (2006, p. 4)	Imprisonment: up to 10 years Fines: 100,000 dirhams

EUROPE

Eastern Europe

Belarus (2005, p. 5)	Imprisonment: up to 6 years Other: corrective labour for up to 2 years, detention for up to 6 months, restriction of liberty for up to 5 years with or without confiscation of assets <i>Actions carried out repeatedly or by a group of persons acting in conspiracy, restriction of liberty for up to 5 years or imprisonment for 2–8 years with or without confiscation of assets. Actions carried out by an organized group, imprisonment for 4–10 years, with or without confiscation of assets. Illegal sale of smooth-bore hunting weapons or basic parts of such weapons is fined or detained for up to 3 months, or restriction of liberty for up to 2 years, or imprisonment for the same period.</i>
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- Bulgaria** (2010, p. 8) **Imprisonment:** 1–6 years
The punishment is imprisonment of 2–8 years if the act has been committed by an official who has misused his official status, repeatedly in major cases, if the subject of the crime is large the punishment shall be imprisonment of 3–10 years, if the subject of the crime is large and the case is serious the punishment shall be imprisonment of 5–15 years, for people who commit a crimes under paragraph 1-4 of the Penal Code art. 337, the punishment shall be imprisonment of up to 2 years.
- Hungary** (2010, p. 4) **Imprisonment:** 2–8 years
This sentence will be increased to 5–10 years if it is carried out in a business-like manner or involved in conspiracy.
- Republic of Moldova** (2007, p. 3) **Other:** deprivation of liberty for up to 10 years
This has increased from 2004, where it was up to 5 years (2003, p. 4).
- Russian Federation** (2010, p. 9) **Imprisonment:** up to 8 years
- Northern Europe**
- Denmark** (2010, p. 4) **Imprisonment:** up to 2 years
In cases concerning exceedingly dangerous weapons the sanctions may rise to imprisonment up to 6 years.
- Estonia** (2010, pp. 10–11) **Imprisonment:** up to 3 years' imprisonment or fine (unspecified) (for "unlawful handling" of firearms, essential components, or ammunition), 5 years if it involves prohibited weapons
*If committed by a group, imprisonment: up to 5 years or fine (unspecified). If committed by a criminal organization, imprisonment: 2–10 years.
 If committed by a legal person, it is punishable by a pecuniary punishment.*
- Finland** (2011, p. 17) **Imprisonment:** up to 2 years or fine (unspecified)
Under aggravating circumstances, the maximum punishment is imprisonment for 4 years, and the minimum punishment imprisonment for 4 months (a gross firearms crime).
- Iceland** (2008, p. 4) Reports that illegal trade is criminalized, but does not give details of the applicable penalties

- Lithuania** (2010, p. 7) **Imprisonment:** up to 5 years
If the same illegal activities are committed with 3 or more firearms or big quantities of ammunition or explosives, it incurs from 4–8 years of imprisonment.
- Sweden** (2010, p. 13) **Imprisonment:** 6 months–4 years
Any person who transfers or lends firearms unlawfully may be sentenced to imprisonment for at most 1 year. If the offence is regarded as gross, imprisonment for at least 6 months and at most 4 years may be imposed. Any person who trades with firearms without authorization may be sentenced to imprisonment for at most 6 months.

Southern Europe

- Andorra** (2006, p. 3) **Imprisonment:** 4 years
Finally, concerning weapons of war, their manufacture, development, sale, transfer of stockpiling of firearms in a depot are punished with a sentence of imprisonment from 4–10 years.
- Greece** (2004, p. 2) **Imprisonment:** 1–5 years
Fines: unspecified
- Malta** (2010, p. 5) **Imprisonment:** 6 months–5 years
- Portugal** (2011, p. 4) **Imprisonment:** up to 10 years
- Slovenia** (2010, p. 6) **Imprisonment:** 6 months–5 years
- The former Yugoslav Republic of Macedonia** (2011, p. 9) **Imprisonment:** 3–10 years
If the crime is committed as part of a group, gang or other criminal enterprise, the perpetrator shall be sentenced to imprisonment of at least 8 years.

Western Europe

- Belgium** (2010, pp. 2–5) **Imprisonment:** 1 month to 5 years and/or
Fine: 100–25,000 euros
- France** (2010, p. 6) **Imprisonment:** 5–7 years
Fine: 4,500–100,000 euros
In parallel to these criminal penalties, there are rules on administrative sanctions that mainly consist of withdrawing authorisations to trade in weapons of war.

- Germany** (2010, p. 15) War weapons—standard case: imprisonment 1–5 years, major (serious) case: imprisonment: 1–10 years, minor (less serious) case: imprisonment not exceeding 3 years
Other weapons—standard case: imprisonment 6 months–5 years, major (serious) case: imprisonment: 1–10 years, minor (less serious) case: imprisonment not exceeding 3 years or imposition of a fine
Foreign Trade and Payments Act—standard case: imprisonment (not exceeding 5 years) or imposition of fine
If the violation jeopardizes Germany’s security of the Federal Republic of Germany, disrupts the peaceful coexistence of nations, or considerably disrupts Germany’s foreign relations: imprisonment (of at least 2 years)
- Monaco** (2004, pp. 2–3) **Imprisonment:** 1–5 years
Fine: 9,000–18,000 euros
Other: confiscation, auction or deactivation of seized weapons and ammunition, withdrawal of permits that have been issued or suspension of administrative declarations
French law, which, under the Convention, applies to weapons of war in the territory of Monaco.
- Switzerland** (2005, p. 16) **Imprisonment:** up to 3 years
Fine: 1,000,000 francs
If done with intent and profit, such acts are punishable by imprisonment not exceeding 5 years. In serious cases imprisonment up to 10 years and a fine up to 5,000,000 francs can be pronounced. Any form of willful aiding and abetting will also be penalized by imprisonment and/or a fine. If the act is committed through negligence, the penalty is imprisonment for up to 6 months or a fine of up to 100,000 francs.

OCEANIA

- New Zealand** (2008, p. 10) **Imprisonment:** up to 3 months and/or
Fines: unspecified
Additionally a fine of up to 1,000 NZD for supplying ammunition to someone who is not a holder of a firearms or dealers license and 3 years imprisonment or a fine of up to 4,000 NZD for selling or supplying certain weapons to someone who does not hold a permit to import/produce that weapon.
- Papua New Guinea** (2005, pp. 10–11) **Imprisonment:** up to 6 months
Fine: up to 1,500 K

ABBREVIATIONS

BMS	Biennial Meeting of States
CIP	Commission Internationale Permanente pour l'Épreuve des Armes à Feu Portatives
EUC	end-user certificate
MoU	memorandum of understanding
NCA	National Coordination Agency
NPC	National Point of Contact
ODA	United Nations Office for Disarmament Affairs
OSCE	Organization for Security and Co-operation in Europe
PoA-ISS	Programme of Action Implementation Support System
SALW	small arms and light weapons
UNDP	United Nations Development Programme

UNIDIR

This report analyses the national reports on implementation of the 2001 United Nations Programme of Action on Small Arms submitted by states from the date of its adoption to 31 December 2012. It provides an overview of reporting trends and in-depth review of states' implementation of the national-level commitments contained in the Programme of Action and the International Tracing Instrument, adopted by Member States in 2005: National Coordination Agencies and National Points of Contact, manufacturing, marking, record-keeping, tracing, international transfers (including export, import, transit and other commitments), brokering, stockpile management, surplus, public awareness and confidence-building, and other themes addressed in the PoA.

This analysis is part of a joint project of UNIDIR and the Small Arms Survey, established to assist states to better fulfil their commitments under the Programme of Action. It gives an overview of implementation efforts so far and highlights gaps in implementation. The report is designed to help states prepare for the Second Review Conference in August 2012, and identify priority areas for consideration and focused attention in the next review cycle.