

# **combating the illicit trade in small arms and light weapons**

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strengthening domestic regulations

Briefing 7

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BRITISH AMERICAN SECURITY INFORMATION COUNCIL

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# Combating the Illicit Trade in Small Arms and Light Weapons: Strengthening domestic regulations

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# Executive Summary

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## Problem

It is estimated that more than 500,000 people are killed each year with SALW.<sup>2</sup> Violence and conflict fueled by illicitly trafficked SALW impedes economic development, good governance and human rights.<sup>3</sup> Studies have shown that illicit trafficking of weapons affects almost every region of the world.<sup>4</sup> The UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects provides a unique opportunity to develop an international strategy for addressing this serious threat. Most illicit SALW began as legal weapons and the diversion of civilian weapons is one source of supply. Consequently, domestic regulation of SALW, which reduces the diversion of legal civilian weapons to illegal markets, is an essential part of this strategy.

## The role of domestic regulation

The importance of effective domestic regulations in reducing the misuse and proliferation of SALW has been affirmed by the United Nations in several different contexts, including: the UN Security Council Resolution 1209 (1998); the Report of the Disarmament Commission considered at the General Assembly (1999); and the Report of the UN Commission on Crime Prevention and Criminal Justice (1997). These emphasise the importance of effective domestic legislation in reducing the diversion and misuse of SALW.

## Civilian markets: licit/illicit links

Virtually every illegal small arm began as a legal small arm, whether in the hands of the state, non-state actors, or civilians. Worldwide there are as many SALW in the hands of civilians as in the hands of states. It is estimated that more than 500,000 of these are stolen each year<sup>5</sup> and enter illegal markets. Indeed, in many regions of the world diversion from civilian supplies is the principal source of illegal SALW.

There is a range of ways in which in civilian possession are diverted to illicit markets<sup>6</sup> including through:

- illegal manufacture and modification;
- illegal sales and transfers (primary, secondary via brokers);
- illegal resale and “straw purchases”;
- theft;
- diversion from surplus – (illegal or unwanted weapons); and
- falsification of documents and illegal importation (e.g. concealment).<sup>7</sup>

In addition, experience shows clearly that if surplus SALW are not removed from uncontrolled circulation following conflict, levels of violence remain high, as interpersonal violence substitutes for violence between warring factions.

The dimensions of illicit trafficking vary from region to region and only a fraction of incidents are detected. Relatively few countries systematically collect or analyse data on SALW which are recovered by law enforcement officials.

## Definitions

In many conflict and post-conflict contexts, military assault weapons dominate illegal markets. In other countries, such as South Africa<sup>8</sup> and Brazil,<sup>9</sup> most of the weapons recovered are handguns. A strategy to address illicit trafficking of “small arms” must therefore address “firearms” because of the interactions between state and civilian markets, particularly where pistols and revolvers are concerned. In this regard the International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, 22-23 June 2000, mandated by the Organisation of African Unity (OAU), maintained that the OAU should focus on a single accepted definition of SALW that meets the real needs of Africa. It proposed a synthesis of the definition used by the UN Panel of Experts on Small Arms and that used in the draft UN Firearm Protocol, suggesting that “firearm” be used instead to encompass the

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# Executive Summary

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## Definitions

full range of weapons. At the same time, it is also important that the UN Conference agree a standard definition of “military assault rifle”. While these are only a small proportion of illicitly trafficked SALW, they do need to be particularly tightly regulated.

## Preventing diversion through domestic regulation

Regulations on acquisition, possession, storage and use of SALW by civilians are critical because these legal SALW “leak” to illegal markets. The same mechanisms used to divert SALW in legal civilian markets to illicit markets within states in turn fuel international markets. Countries where there is little effective regulation often play a major role in feeding the illicit supply of SALW to countries where regulations may be more restrictive. In addition, the absence of effective domestic regulation makes it difficult to distinguish licit from illicit SALW and to combat trafficking in these weapons.

## Opportunities for the UN 2001 Conference

The objectives for the UN 2001 Conference relating to civilian supplies of SALW, should, in principle, be similar to the other key dimensions of the international action programme. Therefore the Programme of Action should aim to achieve agreements at a high political level that:

- Reinforce understanding of the linkages between licit, illicit, domestic and international markets, and the need for a comprehensive and integrated strategy.
  - Consolidate and strengthen international norms and standards regarding national regulation of civilian possession of SALW, building on previous declarations of the UN General Assembly and the UN Security Council, and the 1997 resolution of the UN Commission on Crime Prevention and Criminal Justice, while complementing (not duplicating) initiatives under the Firearms Protocol to the Convention on Transnational Organised Crime.
  - Establish and strengthen international programmes to promote and support regional and national initiatives aimed at strengthening regulation of civilian possession of SALW to reduce illicit trafficking and misuse of these weapons.
  - Establish follow-up processes including an annual review of the status of these initiatives and ongoing support for data collection, information exchange and technical co-operation in key areas.
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# Introduction

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Small arms and light weapons have become the weapons of choice in conflicts around the world and figure prominently in crime. Recently, considerable attention has been focused on the proliferation of SALW at the national, regional and international level. The recognition that most illicit SALW began as legal weapons is, however, fundamental to efforts to reduce the proliferation and misuse of SALW and the diversion of civilian weapons is one source of supply. Indeed, it is estimated that there are as many SALW in the hands of civilians worldwide as there are in the possession of states, and that in many parts of the world diversion from civilian stocks is the principal source of the illicit supply. Consequently, strengthening domestic regulation, which reduces the diversion of legal weapons to illegal markets, is a critical part of any strategy to address illicit trafficking. It is also consistent with resolutions from the United Nations Security Council and other Commissions as well as regional initiatives. This briefing reviews the ways in which SALW are diverted from legal to illegal markets and the measures which can be used to reduce this diversion. In addressing illicit trafficking in all its aspects, it is imperative that the UN Conference not does neglect this significant problem.

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# Civilian Markets: Licit/Illicit Links

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## Methods of diversion

Virtually every illegal small arm began as a legal small arm, whether in the hands of the state, non-state actors, or civilians. Worldwide there are as many SALW in the hands of civilians as in the hands of states. It is estimated that more than 500,000 of these are stolen each year<sup>10</sup> and enter illegal markets. Indeed, in many regions of the world diversion from civilian supplies is the principal source of illegal SALW.

There is a range of ways in which SALW in civilian possession are diverted to illicit markets<sup>11</sup> including through:

- illegal manufacture and modification;
- illegal sales and transfers (primary, secondary, via brokers);
- illegal resale and “straw purchases”;
- theft;
- diversion from surplus – (illegal or unwanted weapons);
- falsification of documents and illegal importation (e.g. concealment).<sup>12</sup>

### Illegal manufacture and modification

In general, illegally manufactured SALW are a small proportion of the problem of illicit trafficking, but they are a factor in some contexts. For example, of the SALW seized by the South African Police Service in 1998, approximately 15 per cent were home-made.<sup>13</sup> In some cases, the illegal or unauthorised manufacture of weapons is facilitated by the use of components that have been imported or stolen. The domestic manufacture and assembly of SALW from imported parts, for example, is cited as a major source of illicit weapons in Australia. A related problem is posed by the reactivation of SALW that were legally owned at one time but that have been deactivated because of a change in laws.<sup>14</sup> Regulation of the SALW that may be held legally by civilians assists in detecting and deterring illegal production.

### Illegal sales by legal dealers

At each point in the distribution chain there are opportunities for diversion. Sometimes SALW are sold illegally by licensed dealers, indeed a large percentage of illegal weapons may stem from a small number of “dirty” dealers. For example, in the United States, more than half of the weapons traced by the Bureau of Alcohol, Tobacco and Firearms (BATF) originated with fewer than 900 (0.5 percent) of the 180,000 licensed dealers in the United States.<sup>15</sup> In some cases, dishonest SALW dealers have engaged in the legal SALW trade while diverting some of their SALW to illicit markets.<sup>16</sup> Other cases of this type have been identified by major police investigations such as Operation ABONAR in the United Kingdom.<sup>17</sup> Regulation of dealers and sales assist in reducing the likelihood that weapons will be sold illegally.

### A View from Brazil

Brazil's rates of firearm homicide are comparable to those of South Africa, 25.7 per 100,000, more than 40,000 people per year. According to a recent analysis of guns recovered in Rio de Janeiro during 1994-99, the vast majority of firearms recovered are revolvers (73%) and pistols (15.6%). The majority of the firearms recovered (83%) are Brazilian made and many of them appear to have been exported and illegally re-imported although the lack of information makes this difficult to assess. Approximately 2.5% of the firearms were made in Argentina and 6.7% were made in the United States. Again the routes by which these reach the illegal market are not always clear.<sup>18</sup> Paraguay is believed to be a major conduit for guns entering.

## Civilian Markets: Licit/Illicit Links

<b>Arms recovered – Rio de Janeiro (Enero de 1994 – Marzo de 1999)<sup>19</sup></b>	Type	Number	% of Total
	Revólver	32,469	73.1
	Pistola	6,916	15.6
	Espingarda	2,505	5.6
	Metrallata	835	1.9
	Fusil, Rifle y Carabina	1,707	3.8
	Bazooka y Lanza Granada	5	0.01
	<b>Total de armas</b>	<b>44,437</b>	<b>100</b>

### Methods of diversion

#### Illegal resale and “straw purchases”

Small arms and light weapons that are bought legally and then sold or given to a second owner are a problem in many countries, particularly in those which do not regulate resale or secondary markets, such as gun shows. Within the United States, “straw purchases” – where a gun is purchased legally and sold illegally – are the principal means used to move guns from legal to illegal markets.<sup>20</sup> The same mechanisms are often used to supply SALW to illegal markets in Canada<sup>21</sup> and Mexico.<sup>22</sup> While there is limited empirical data on the extent of this problem globally, in Canada, more than half the handguns recovered in crime are illegally imported, and straw purchases in the United States are one of the principal means by which SALW enter the illegal market.<sup>23</sup> Gun shows, which are largely unregulated, have also proved to be a major source of illicit guns to international illegal markets.<sup>24</sup> Regulating secondary sales is therefore essential in order to reduce opportunities for diversion.

#### Theft

Governments participating in the UN International Study on Firearm Regulation reported more than 100,000 SALW lost or stolen annually. According to the UN study, the United States reported more than 12,000 stolen guns during a nine-month period to September 1996. However, other sources have estimated that the number could be as high as half a million.<sup>25</sup> South Africa reported nearly 17,500 guns stolen annually to the UN study; more recent studies indicate that the figure is at least twice this.<sup>26</sup> Stolen guns travel globally. In Uruguay, for example, officials recovered 156 9mm pistols and 15 machine guns that had been stolen in Poland.<sup>27</sup>

#### Diversion from surplus – illegal, unwanted weapons

Just as weapons left over from conflicts have been diverted, weapons collected in amnesties, as well as those recovered in crime, may flow back into the illegal market if they are not destroyed. For example, over 3,000 firearms recovered in crime or surrendered in amnesties to the Toronto Metropolitan Police Service in Canada were illegally sold by officers and civilians working in the unit.<sup>28</sup> Destruction of these weapons thus reduces opportunities for diversion.

#### Illegal importation – concealment and false declarations

The main mechanisms for moving illegal weapons from one country to another are concealment, false declaration, falsification of documents and mail order.<sup>29</sup> The Organisation of American States (OAS) agreement and the proposed UN Firearms Protocol is designed to reduce this form of diversion. By improving the tracking of legal SALW, these initiatives are intended to reduce the opportunities for diversion, to improve enforcement of laws against illicit trafficking, and to help deter criminal activity.<sup>30</sup>



# Civilian Markets: Licit/Illicit Links

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## Methods of diversion

### A View from Central America

Although the illicit sale, use and trafficking of SALW constitutes a major social problem throughout Central America, there is relatively little reliable information on the subject. Estimates on the number of illegal weapons in the hands of civilians range from two million for the entire region to two million in Guatemala alone.<sup>31</sup> What is clear is that the impact of this illicit arsenal of SALW on the region has been devastating. The homicide rate in the region is approaching 60 per 100,000 population, or almost double the average for the rest of the Americas.<sup>32</sup> In Honduras, an opinion poll carried out in 1998 and 1999 showed that violence and crime were overwhelmingly considered to be the greatest problems facing the country – 16 points ahead of the devastation wrought by hurricane Mitch.<sup>33</sup> The sources for the weapons that contribute to these alarming levels of insecurity are myriad. The hundreds of thousands of small arms, grenades and assault rifles transferred to the region during the years of civil conflict continue to circulate. Of these, AK-47 and M16 assault rifles and RPG 7 pistols appear to predominate. In addition, large quantities of SALW continue to be imported into the region; twenty million dollars worth between 1997 and 2000 in El Salvador alone.<sup>34</sup> There is also a small but significant cottage industry involved in the illegal manufacture of small arms in some urban centres. In addition to the large illicit market created by this surplus within the region, significant illicit channels have emerged to supply these weapons to international organised crime and civil conflict in neighbouring countries.

### A View from Southern Africa

Criminal violence dwarfs political conflict as a cause of death in South Africa.<sup>35</sup> Not only does violence impede economic development, but it has been called the greatest threat to human rights in the young democracy. There are three main sources of illegal SALW in South Africa: post-conflict weapons; weapons diverted from state sources, including the police; and weapons diverted from legal civilian markets. Efforts by the South African Police Service to track the supply of SALW recovered in crime are relatively recent, but they do not support claims regarding the prevalence of post-conflict military weapons.<sup>36</sup> Rather, military assault rifles represent a small proportion of guns used in crime or murder in recent years. There were 12,298 murders with firearms in South Africa in 1998. Handguns accounted for 57% of these, commercial rifles or shotguns 24.8%, military SALW 2.8% and 15%.<sup>37</sup> This pattern holds for the SALW recovered in crime as well: in 1998 only 500 of 21,000 firearms recovered in crime were AK-47s. The effects of this illegal SALW market are seen in the surrounding region. As Botswana's Police Commissioner, Normal Moleboge noted, "rightly or wrongly we believe these weapons come across the border from South Africa. I personally believe they have very liberal laws in South Africa, which are not as stringent as ours. We collect a lot of firearms in the South Africa-Botswana border. It doesn't occur to some visitors to leave their gun behind when they visit our country."<sup>38</sup>

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## Civilian Markets: Licit/Illicit Links

### Firearms seized by the South African Police Service 1994-1998<sup>39</sup>

	1994	1995	1996	1997	1998
<b>Rifles</b>					
AK-47 rifles	1,589	1,392	1,169	803	527
Nagant, R1, R4, R5, LM4, LM5	237	345	283	225	342
Carbines	28	18	28	54	203
Submachine guns	45	256	202	53	56
<b>Other rifles</b>	1,297	892	963	898	964
<b>Shotguns</b>	692	632	599	647	741
<b>Pistols</b>					
Machine pistols	27	125	353	225	305
Makarov and Tokarev	220	230	484	382	317
Other non-machine pistols	5,160	6,934	8,455	6,457	10,899
<b>Revolvers</b>	2,370	2,842	2,812	2,272	3,282
<b>Home made firearms</b>	3,124	2,624	2,806	2,954	2,066
<b>All</b>	14,789	16,290	18,154	14,970	20,702

### Methods of diversion

#### The Horn of Africa and the Great Lakes

In many regions, there is limited empirical information about the types and sources of SALW but in many areas, the arms recovered in crime have flowed from post-conflict weapon stocks. For example, at a meeting of senior police officers, the assistant commissioner Ole Mpesha, Firearms Licensing Officer, Kenya, noted that the number of SALW recovered had increased in recent years and that most of these SALW were AK-47s. Although the SALW recovered represent only a fraction of illegal SALW in circulation and changes are affected by enforcement, the numbers of AK-47s recovered have tended to increase over the past 5 years: 214 in 1994, 430 in 1996, 755 in 1997, 1476 in 1998, and 676 in 1999.

# The Role of Domestic Regulation

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## Selected international agreements

While some countries simply ban civilian possession of all SALW and others prohibit certain types (for example military-style assault rifles), most countries allow civilian possession under certain circumstances for specific purposes. Efforts to regulate civilian possession of SALW are based on the notion that by imposing some regulations and restrictions on the licit possession and use of SALW, it is possible to reduce the risk of misuse and diversion to illegal markets. To a certain extent, this has been recognized.

### **UN Convention on Transnational Organised Crime – The Firearms Protocol**

While its focus is on the misuse of firearms by organised crime, the proposed UN Crime Prevention and Criminal Justice Commission Draft Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, also focuses on ensuring adequate control, marking, transparency and record-keeping, and enforcement measures relating to the import, export and in-transit shipment of commercial shipments of firearms. The proposed system will require countries to provide authorisation to one another before allowing commercial shipments of firearms to leave, enter or move across their territory. By improving the marking and tracking of legal firearms, these measures are intended to reduce the opportunities for diversion, to improve enforcement of laws against illicit trafficking, and to help deter criminal activity.<sup>40</sup> Efforts to regulate SALW and reduce illicit trafficking and misuse rest, in large part, on the ability to track individual weapons.

The Firearms Protocol focuses only on commercial shipments and does not address state-to-state transfers or the movements of SALW within countries. Given that SALW manufacturers often serve both commercial and military markets,<sup>41</sup> co-ordination of efforts to develop international standards for marking all weapons, including unique identifiers and record-keeping, are essential.

### **UN Security Council**

The UN Security Council Resolution 1209, adopted 19 November 1998,<sup>42</sup> reflected concerns with the destabilising effects of SALW in sub-Saharan Africa and the importance of stemming illicit flows. The resolution:

*“2. Encourages African States to enact legislation on the domestic possession and use of arms, including the establishment of national legal and judicial mechanisms for the effective implementation of such laws, and to implement effective import, export and re-export controls, and encourages, also, the international community, in consultation with African States, to assist in these efforts.”*

Clearly, the same principles that have been suggested for the African continent to reduce illicit trafficking of SALW apply in other contexts as well.

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# The Role of Domestic Regulation

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## Selected international agreements

### **United Nations General Assembly – Report of the Disarmament Commission**

The report of the UN Disarmament Commission, reviewed at the UN General Assembly in December 1999, reinforces the importance of national measures including appropriate domestic legislation.<sup>43</sup> Specifically, it says:

*“36. States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define the conditions under which firearms can be acquired, used and traded by private persons. In particular they should consider the prohibition of the unrestricted trade and private ownership of SALW specifically designed for military purposes, such as automatic guns (e.g. assault rifles and machine guns).”*

The report also emphasises the importance of marking weapons to assist national law enforcement agencies in combating illicit arms trafficking.

### **UN Commission on Crime Prevention and Criminal Justice Resolution**

The United Nations Commission on Crime Prevention and Criminal Justice has recognised the need for these efforts in its resolution of 1997. At the May 1997 meeting of the UN Crime Prevention and Criminal Justice Commission, a resolution sponsored by 33 countries was endorsed which explicitly linked access to SALW to death and injury, and acknowledged the important role of domestic legislation in controlling the flow of guns from less-regulated to more-regulated areas.<sup>44</sup> The resolution “Requests the Secretary-General to promote, within existing resources, technical co-operation projects that recognize the relevance of small arm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime and in re-establishing or strengthening the rule of law in post-conflict peace-keeping projects.” Specifically, it:

- “5. Encourages Member States to consider, where they have not yet done so, regulatory approaches to the civilian use of firearms that include the following common elements:*
- (a) Regulations relating to firearm safety and storage;*
  - (b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;*
  - (c) Mitigation of, or exemption from, criminal responsibility, amnesty or similar programmes that individual Member States determine to be appropriate to encourage citizens to surrender illegal, unsafe or unwanted firearms;*
  - (d) A licensing system, inter alia, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of respective Member States from owning or possessing firearms;*
  - (e) A record-keeping system for firearms, inter alia, including a system for the commercial distribution of firearms and a requirement for appropriate marking of firearms at manufacture and at import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States.”*
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# The Role of Domestic Regulation

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## Selected international agreements

While the Firearms Protocol, which has been under negotiation as part of the UN Convention on Transnational Organized Crime, addresses recommendation 5(e), there has been little attention paid on an international or even regional basis to the other elements. Implementations of these recommendations would not only improve the safety of citizens within their borders, but also would reduce illicit trafficking between states. It goes without saying that the laws alone are not enough. It is also essential to develop the capacity to implement and enforce those laws in a transparent fashion.

### Universal Declaration on Human Rights

While rights for legitimate national security, self determination, and national sovereignty have been reaffirmed several times, there is no evidence of a general right to unrestricted civilian access to arms under any international human rights instrument.<sup>45</sup> Even within the United States, where constitutional claims of the civilian right to bear arms are often invoked, courts repeatedly and unanimously have maintained that the US Constitution does not guarantee individuals the right to possess or carry guns; the Second Amendment protects only the right of the states to maintain organised military forces. It does not impede local, state, or national legislatures from enacting or enforcing gun control laws. Many other jurisdictions, including in South Africa, the United Kingdom, New Zealand and Canada, have explicitly rejected the notion that such a right exists. Indeed it has been argued that the right to life, liberty and security of the person under Article 3 of the Universal Declaration of Human Rights supports efforts to reduce access to arms.

## National legislation

Some countries virtually prohibit civilian possession of SALW. Many allow civilian possession for such purposes as hunting, sport or pest control. Such regulations also make it easier to enforce laws against illicit trafficking and possession: what is “legal” is clearly defined in terms of licensing, registration and safe storage, therefore it is much easier to define what is “illegal”.

Countries in both the North and the South have emphasised the importance of strengthening domestic regulation as part of the international strategy to reduce illicit trafficking and misuse of SALW.<sup>46</sup> Restrictions on SALW possession and ownership are not the sole province of developed countries, however. The United Nations, through the Commission on Crime Prevention and Criminal Justice (which operates under the auspices of the Economic and Social Council), has undertaken a study of the extent of such regulation in member countries.<sup>47</sup> Of the initial respondents, which included 22 high-income and 24 developing countries, the majority (39 of those 46 countries) required licensing of all firearms and purchases, and another six required licensing for at least some firearms.<sup>48</sup> A significant majority also require registration of firearms and there are safe storage regulations in approximately three-quarters of responding countries. Since this initial survey, more than half of the participating nations have reported that they have recently amended their legislation and administration of civilian firearms ownership. A summary of the legislation in high-income countries along with estimated rates of firearm ownership and intentional firearm death rates is contained below. While other factors are important, it should be noted that intentional firearm death rates in high-income countries tend to vary with levels of firearm ownership.<sup>49</sup>

Some of the key features of typical domestic legislation that are relevant to efforts to reducing illicit trafficking are outlined below.

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# The Role of Domestic Regulation

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## National legislation

### **Controlling sales**

Regulating firearm dealers and imposing record-keeping requirements reduces the likelihood that SALW will be sold to unlicensed individuals or on the illegal market. Many countries impose rigorous standards for individuals wishing to engage in the SALW trade, including both initial and subsequent sales. Indeed, some do not allow transfers unless they are made through authorised dealers. Controls on sales not only prevent diversion, but also aid law enforcement efforts to trace the source of illicit SALW and to prosecute traffickers. Efforts to increase the standards for licensing firearm dealers have been shown to have a significant effect on the illegal gun trade.

### **Licensing possession**

The aim of licensing is to authorise certain individuals to legally use and possess SALW, and to reduce the risk that SALW will be misused or diverted. The licensing process also provides information about who owns SALW, thereby improving accountability and supporting enforcement. Different countries impose different standards on those who wish to possess SALW, ranging from simple criminal record checks to more detailed screening, including reference checks and requirements to demonstrate legitimate “need”. Often the standards vary depending on the type of small arm. Most countries, for example, have extremely strict controls on handguns and fewer restrictions on hunting rifles. Very few countries allow civilians to carry handguns and generally regulate, precisely, the conditions under which handguns may be transported. In general, the more rigorous the standards and enforcement of licensing, the more difficult it is to divert legally possessed SALW. Licensing lawful possession of SALW also aids in the detection and prosecution of illicit traffickers by clearly defining who may possess SALW under what circumstances.

### **Registration and record-keeping**

Registering SALW requires the maintenance of information about the SALW owned by an individual. The aim is to improve accountability and reduce the likelihood that SALW will be diverted to unauthorised individuals. Maintaining records about individual SALW at each stage in the distribution chain also supports law enforcement by allowing illicit SALW to be tracked to their source. Most industrialised countries and many others already register SALW in civilian possession. Many are improving their record-keeping systems to support improved access to this information. High standards of marking, including unique identifiers, are important to aiding accurate registration.

### **Safe storage**

Safe storage regulations are intended to reduce unauthorised access, impulsive use and theft of SALW. Often the standards are different for different classes of SALW. In most countries, safe storage requirements preclude ready access to SALW for “self-protection” although often exceptions are made for predator control in rural areas. Standards for safe storage should include storing the small arm in secure locked containers separate from the ammunition.

### **Controls on ammunition**

Controls on ammunition are intended to reduce the likelihood that an illegally obtained small arm can be used. Although ammunition can be made relatively easily, many countries have strict controls over the purchase and possession of ammunition.

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# The Role of Domestic Regulation

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## National legislation

### **Prohibiting civilian possession of some weapons**

Some countries have banned possession of certain types of weapons by civilians. For example the UK banned possession of handguns in 1997 and instituted a buy-back programme to remove them from circulation. The types of weapons which civilians may possess vary from country to country depending on the context, but most countries prohibit civilian possession of military assault weapons. Military assault weapons are not designed for hunting, target shooting or controlling predators on farms. Military assault weapons are designed to kill and maim multiple victims quickly and easily with much less skill than is required, for example, to use a high-precision hunting rifle. Considerable research has been undertaken regarding the particular risks posed by these weapons in terms of lethality.<sup>50</sup> Studies have shown that where they are available they tend to account for a disproportionate percentage of weapons used in crime. However, the definitions of military assault weapons vary, even within countries. Some, for example, classify only fully automatic weapons as military, others include semi-automatic variants. In terms of regulation, some countries have prohibited importation but not possession; some have prohibitions based on manufacturer and model. Others prohibit based on characteristics because of the tendency for manufacturers to re-brand. While many countries have different standards regarding the SALW they consider to have legitimate purposes for civilian possession, there is an emerging consensus in favour of banning the civilian sale and possession of military weapons.

### **Amnesties, buy-backs and collection programmes**

Amnesties, buy-backs and collection programmes have been used to removed surplus or illicit SALW from circulation with mixed success. In the case of Great Britain and Australia these types of programmes have accompanied changes in the law which made certain weapons illegal after a given point in time. Compensation was given to those who surrendered weapons and severe penalties were imposed on those who retained the weapons. In these cases, the buy-backs required a significant investment but also yielded large quantities of SALW – more than 500,000 in the case of Australia. While many agree that removing illegal and unneeded SALW from circulation is desirable, research suggests that the impact of various weapon collections programmes, buy-backs and amnesties on the supply of illicit SALW has been uneven, at best. The factors affecting their effectiveness have been the subject of much discussion.<sup>51</sup>

### **Enforcement and capacity building**

The experience of the US Bureau of Alcohol, Tobacco and Firearms and Interpol suggests that detailed analysis of data has proved invaluable to criminal investigations and to identifying “hot spots”. Improved exchange of information among police agencies is considered critical to addressing the problem on an international level. Increased information sharing among intelligence, customs, police and other law enforcement agencies and/or information exchange regarding sensitive end users is essential. Co-operation between intelligence and enforcement agencies in countries of source, destination and transit assists in the monitoring and countering the activities of traffickers, suspect brokers and potential unlawful end-users. However, many countries simply lack the capacity to effectively enforce the law. To this end, capacity building is critical if such efforts are to succeed.<sup>52</sup>

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# The Role of Domestic Regulation

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## National legislation

### The Nairobi Declaration, 2000

The Horn of Africa and Great Lakes region has identified domestic regulation and legislation and policing as priorities to counter the proliferation of SALW. In a sub-regional meeting in Kampala on 31 January-1 February 2000, it was clearly identified that the countries represented should review and update firearm legislation.<sup>53</sup> The purpose of the review would be to harmonise regulations governing the possession, use, import, export and transit in SALW, at the sub-regional level, and to further develop a sub-regional treaty or convention on these issues. The Nairobi Declaration of 15 March, 2000 fully supports domestic controls and the adoption of national laws, regulations and control mechanisms to govern civilian possession of arms.<sup>54</sup> A comprehensive implementation plan was developed by governmental experts and NGOs in Nairobi on 6-8 November 2000. The plan established a sub-regional secretariat and national focal points to assist in the development of national priorities and to ensure harmonisation at the sub-regional level.

### The Antigua Declaration, 2000

Participants at an NGO-organised conference of July 2000 in Antigua, Guatemala<sup>55</sup> underlined the importance of effective domestic legislation in combating these problems, and called on their governments to:

- Harmonise national legislation with regard to the control, registration, traffic, commercialisation, ownership and possession of weapons and munitions in the most restrictive manner possible, and bring these into line with existing norms;
- Promote the incorporation of the control of the legal trade in arms and ammunition in the action plans of those national, regional and international organisations which deal exclusively with control on the illegal trade in such materials; and
- Consider the implementation of a moratorium on the export and import of all weapons to and from the Central American region, similar to that which now exists among the Economic Community of West African States.

### Strengthening Domestic Legislation in Southern Africa

South Africa has recently passed new domestic legislation strengthening licensing requirements, reducing the number of SALW an individual may possess, and closing loopholes identified in the existing legislation. Other countries in the region have strict domestic laws. Botswana, for example, presently has a total prohibition on issuing handgun licensed to individuals. Namibia's domestic firearms policy allows licenses to be issued for up to four firearms, all of which are registered; owners must be finger-printed and a photograph issued with the license. Lesotho's Internal Security Arms and Ammunition Act requires firearms owners to be licensed and registration certificates to be issued by local police, rifles were banned in 1999. Malawi's Firearm's Act allows annual firearms licenses to be issued.

Mozambique's domestic firearms legislation was created with the Regulamento de Armas e Municoes of 1973 and also requires that all firearms owners be licensed. Each license must be individually confirmed by the Minister of the Interior and accompanied by letters explaining the need for the firearm. Applicants are fingerprinted and ownership is restricted to three hunting rifles and one handgun per person. It is estimated that there are only about 3,000 legal firearm owners in the country.

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# The Role of Domestic Regulation

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## National legislation

### Strengthening Domestic Legislation in Southern Africa (cont'd)

Swaziland's Arms and Ammunition Act no. 24 of 1964 requires that licenses to possess firearms and purchase ammunition be renewed annually. Tanzania's Arms and Ammunition Act of 1991 sets out strict processes for acquiring firearms licenses. Zambia's Firearms Act of 1969 requires both licensing and registration and restricts ownership to individuals of 21 years and older. Zimbabwe's Firearms Act of 1957 also requires a firearms certificate for persons over the age of 16.<sup>56</sup>

Both the Southern Africa Regional Action Programme on Light Arms and Illicit Trafficking (of May 1998<sup>57</sup>) and the OAU International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons of June 2000, emphasised the importance of strengthening and harmonising laws and regulations governing the possession, use and transfer of SALW. The latter also suggested that a single and accepted definition synthesising the definition used by the UN Panel of Experts on Small Arms and the Firearms Protocol be developed for SALW.

## Current approaches

While much discussion of the effects of illicit SALW trafficking has tended to focus on areas in the South, the reality is that many regions in the North are also affected. As national border controls are eroded, there is also evidence that these weapons are a growing concern in many nations both in the context of crime and political conflicts. States which establish strict controls on civilian possession of SALW are still vulnerable to weapons illegally imported from other states. For example, in countries with relatively strict domestic legislation, such as Mexico, Jamaica, Canada and Japan, most of the SALW recovered in crime are illegally imported. In Canada, studies undertaken in 1995 and 1997 in a number of jurisdictions revealed that the SALW most often recovered in crime were rifles and shotguns, most of which originated in domestic markets,<sup>58</sup> and that, overall, about 20 percent of the SALW recovered in crime are handguns. However, of the handguns recovered in crime in major cities such as Toronto, it is estimated that over half originate in the United States and are smuggled into Canada using many of the same techniques that are used to divert legal SALW to illegal markets in the United States, particularly straw purchases and gun show sales. Military-style assault weapons which, along with sawn-off shotguns, are prohibited weapons account for fewer than three percent of SALW recovered. The routes by which SALW reach Japan are circuitous, however, most of the seized SALW are handguns of which 32.6 % are manufactured in the United States and 20.9% are manufactured in China.<sup>59</sup>

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## The Role of Domestic Regulation

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### **Conclusion**

A number of international and regional agreements such as the OAS Convention and the UN Firearms Protocol address critical aspects of the commercial SALW market and provide international standards for import/export/in transit and marking of these shipments in order to reduce possibilities for diversion. Other international agreements and declarations emphasise the importance of regulating the civilian sale, possession, storage and use of SALW in order to prevent illicit trafficking and to facilitate post-conflict development. However, since there are a range of ways in which legal civilian SALW can be diverted to illegal markets, regulations must address every step of the life-cycle of a firearm: initial and subsequent sales must be regulated to reduce the risk of diversion; possession of SALW (and ammunition) should be licensed to reduce the risk of diversion and misuse, and to improve accountability; registration of individual weapons coupled with record-keeping is necessary to reduce illegal sales, and to increase transparency and accountability of civilian owners; storage should be regulated to reduce the risks of theft and unauthorised access; particular types of weapons ought to be prohibited altogether, particularly where the risk is considered to outweigh the utility; amnesty programmes, buy-backs and collection are useful for removing surplus civilian weapons from circulation and are most effective when accompanied with destruction programmes; whilst targeted enforcement, technical cooperation and sharing of best practices are ways of supporting effective implementation.

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## The Role of Domestic Regulation

### International firearms regulations, access and deaths in high-income countries<sup>60</sup>

Country	Licensing of Owners?	Registration of all Firearms?	Other	Households with firearms (%)	Gun Homicide (per 100,000)	Gun Suicide (per 100,000)	Total Intentional (per 100,000)
Japan	Yes	Yes	Prohibits handguns with few exceptions	0.6	0.03	0.04	0.07
Taiwan	N/A	N/A		N/A	0.15	0.12	0.27
Singapore	Yes	Yes	Most handguns and rifles prohibited	0.01 (795 in the country)	0.07	0.17	0.24
Kuwait	N/A	N/A		N/A	0.34	0.03	0.37
Netherlands	Yes	Yes		1.9	0.27	0.28	0.55
England/Wales	Yes	Yes	Prohibits handguns	4.0	0.07	0.33	0.4
Scotland	Yes	Yes	Identical legislation to England and Wales though made separately	4.0	0.19	0.30	0.49
Ireland	Yes	Yes	Severely restricts handguns	N/A	0.30	0.94	1.24
Denmark	Yes	For long guns		8	0.23	2.25	2.48
Northern Ireland	Yes	Yes	UK legislation applies except for right to possess for self defence	8.4	3.55	1.18	4.72
Germany	Yes	Yes		8.9	0.21	1.23	1.44
Spain	Yes	Yes	Some handguns and rifles are prohibited	13.1	0.19	0.55	0.74
Austria	Yes	All 8 states after 1997	Banned semiautomatics unless good reason shown	16.0	0.56	2.38	2.94
Belgium	For certain types	Yes	Some rifles are prohibited	16.5	0.87	2.45	3.32
Sweden	Yes	Yes	Restrictions in some regions	20	0.18	2.09	2.27
New Zealand	Yes	Handguns only Proposed for long guns		20	0.22	2.45	2.67
France	Yes	Yes, except for selected sporting rifles		22.6	0.55	4.93	5.48
Canada	Yes	Handguns only, all guns by 2003	Automatic, converted and semi-automatic assault weapons and some handguns	26	0.60	3.35	3.95
Italy	Yes	Yes		N/A	1.16	1.11	2.27
Switzerland	Yes	Yes		27.2	0.46	5.74	6.2
Israel	Yes	Yes		N/A	0.72	1.84	2.56
Norway	Yes	Unknown		32	0.36	3.87	4.23
USA	In some States	Handguns in some States	Some weapons in some States	41	6.24	7.23	13.47
Finland	Yes	Yes	No prohibitions	50 <sup>61</sup>	0.87	5.78	6.65

# Opportunities for the UN 2001 Conference

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## Objectives

The importance of effective domestic legislation in reducing illicit trafficking of SALW must not be ignored. The UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects must, almost by definition, consider the ways in which civilian supplies of SALW are diverted to illicit markets and ways of reducing this diversion.

The objectives for the UN 2001 Conference relating to civilian supplies of SALW should, in principle, be similar to the other key dimensions of the international Programme of Action. It should therefore aim to achieve agreements at a high political level that:

- Reinforce understanding of the linkages between licit, illicit, domestic and international markets and the need for a comprehensive and integrated strategy.
- Consolidate and strengthen international norms and standards regarding national regulation of civilian possession of SALW, building on previous declarations of the UN General Assembly and the UN Security Council, and the 1997 resolution of the UN Commission on Crime Prevention and Criminal Justice, while complementing (not duplicating) initiatives under the Firearms Protocol to the Convention on Transnational Organised Crime.
- Establish and strengthen international programmes to promote and support regional and national initiatives aimed at strengthening regulation of civilian possession of SALW to reduce illicit trafficking and misuse of these weapons.
- Establish follow-up processes including an annual review of the status of these initiatives and ongoing support for data collection, information exchange and technical co-operation in key areas.

## Definitions

A strategy to address illicit trafficking of “small arms” must also address “firearms” because of the interactions between these markets and the fact that the delineation of “state” versus “civilian” markets is by no means clear. For example, as mentioned above, the OAU International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons maintained that the Organisation should focus on a single accepted definition of SALW based upon a synthesis of the definition used by the UN Panel on Small Arms and that used in the draft Firearm Protocol, suggesting that “firearm” be used instead to encompass the full range of these.

Recognising that further work may be needed to refine the definitions, rather than debating the semantic issues, the Programme of Action should:

- Use a single accepted definition of SALW that addresses the requirements of combating the illicit trade in SALW in all its aspects, and reflects the realities of SALW-affected regions such as Africa. For these purposes, the terms “small arm” and “firearm” are, in effect, synonymous, and include: “revolvers and self-loading pistols; rifles and carbines; submachine guns; assault rifles; light machine guns”<sup>62</sup> regardless of their intended use (military, police, civilian).
  - Specifically define “military assault rifles, for example, as “light machine guns, submachine guns, fully automatic, or selective-fire rifles with characteristics, which may include, but are not limited to, large-capacity magazines, folding stocks and bayonet mounts, and are intended for combat purposes rather than hunting.”
  - Ensure a high level of coordination and consistency be maintained among various UN initiatives such as the Firearms Protocol, particularly with respect to import/export/transit and brokering, standards for marking, and standards for record-keeping, to ensure that all SALW, whether directed at military, police or civilian markets, are subject to rigorous controls, in order to prevent illicit trafficking.
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## Opportunities for the UN 2001 Conference

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### **Marking and tracing**

Clearly, successful completion of the adoption, ratification and implementation of the UN Firearms Protocol as part of the UN Convention on Transnational Organized Crime is critical to addressing the problem of illicit SALW trafficking. International legally binding standards for marking commercial shipments of SALW should be implemented. States should make a priority the conclusion of these negotiations and the development of compatible standards for the marking of other shipments of SALW. As stated,<sup>63</sup> whether it is successfully negotiated within the Convention on Transnational Organized Crime or elsewhere, it is critical that this marking standard:

- Require at manufacture the marking of SALW and components to identify the manufacturer, place of manufacture, and unique identifier or serial number for every weapon, according to an internationally recognised standard.
- Require adequate record-keeping, allowing the tracing of these weapons and components at every stage in their life-cycle (wholesale, import/export/in transit, initial sale, secondary sale, possession, destruction).
- Prevent the manufacture, import, export or transshipment, sale or possession of unmarked SALW and components.
- Develop standards for re-marking at import/export/transit, sale and possession, where necessary.
- Reinforce co-operation with other states and with relevant intergovernmental organisations in the tracing of illicit or suspect SALW, components and ammunition.

### **Regulation of civilian possession**

#### **Encourage national and regional efforts**

The regulation of civilian possession of SALW is critical to international efforts to combat illicit trafficking in all its aspects and is consistent with a number of resolutions by the General Assembly and the Security Council. Therefore, the Programme of Action should:

- Encourage and support regional initiatives aimed at improving the standards for domestic regulation of civilian possession and sale of SALW, and at harmonising approaches to civilian regulation.
- Encourage and support the implementation of national initiatives to regulate civilian access to SALW as outlined in the 1997 Resolution of the UN Crime Prevention and Criminal Justice Commission.

#### **National legislation to regulate possession of SALW**

The Programme of Action should encourage and support the implementation of national legislation by states which licenses the possession and sale of SALW to civilians, including requirements which:

- Confirm the identity of the licensees.
  - Define the conditions under which persons may own or possess SALW by law.
  - Establish standards that prevent persons convicted of serious crimes or who are prohibited by law from owning SALW.
  - Maintain records of civilian small arm/firearm owners.
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## Opportunities for the UN 2001 Conference

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### Regulation of civilian possession

#### **National legislation to licence dealers and sellers of SALW**

The Programme of Action should encourage and support states which have not done so in implementing national legislation that regulates initial and subsequent sale of to civilians, including requirements that:

- Licence dealers to ensure that SALW are not distributed to persons convicted of serious crime or persons prohibited under the laws of states from owning or possessing SALW.
- Regulate initial sale and resale of SALW components and ammunition.
- Require records to be maintained of initial sales and re-sales of SALW.

#### **A record keeping systems for all SALW**

The Programme of Action should:

- Encourage and support states which have not done so in implementing national legislation to ensure accurate and accessible records are maintained of a) the SALW sold (including initial sales and re-sales), as well as b) the business or individual to which they are sold, in order to discourage theft and ensure that SALW are distributed only to persons who may lawfully own or possess SALW under the laws of respective states.
- Encourage and support regions and national governments in establishing regulations to address the problems of unmarked SALW and those without unique serial numbers, in order to ensure that adequate and accessible records may be maintained.

#### **Safe storage requirements**

Theft from civilian sellers and possessors of SALW is a major source fuelling the international illicit supply. Standards for safe storage should be designed to reduce the risk of theft and increase the accountability of those in possession of SALW. The programme of action should:

- Encourage the development of national laws regulating civilian possession and storage of SALW and ammunition to reduce the risks of diversion.

### Prohibit civilian possession of military assault weapons

Efforts should be made to establish a norm of non-possession of military assault weapons by civilians. In order to do this, the Programme of Action should:

- Establish an internationally accepted definition of military assault weapons not appropriate for civilian possession (see above).
  - Encourage the development of national laws prohibition of the sale to, or possession by, civilians of these military assault weapons.
  - Prioritise collection and destruction of military assault weapons in civilian possession.
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## Opportunities for the UN 2001 Conference

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### **Enforcement**

The Programme of Action should require states to:

- Establish appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession or trafficking of SALW.
- Establish appropriate penalties and/or administrative sanctions for offences involving the unlawful trade or possession of unmarked or unregistered SALW.
- Prioritise enforcement needed to promote compliance, and support the detection and prosecution of illicit trafficking.
- Develop capacity to support timely, confidential reporting and information sharing among international, regional and national policing agencies regarding incidents and investigations of illicit trafficking, in order to improve detection, investigation and prosecution of offences.
- Develop amnesty programs to promote the collection and destruction of illegal, unwanted and surplus civilian weapons.

### **Technical support and cooperation**

The Programme of Action should establish a full range of follow-up measures to strengthen global, regional and national capacity to combat illicit trafficking among relevant agencies and stakeholders. These should include the police, customs, border guards, the justice system and civil society. Many states have the will but need support in order to implement these recommendations. The Programme of Action should establish mechanisms to:

- Assist national governments in identifying training requirements, facilities and programmes to ensure police, customs, border guards and others have the skills and tools needed to address the problem of illicit trafficking.
  - Assist national governments in improving record-keeping systems and in developing technology needed to improve collection, analysis and sharing of information.
  - Encourage countries to establish uniform standards for data collection and reporting regarding SALW used and recovered in crime and violence.
  - Share new technological approaches to record-keeping, tracing and destruction.
  - Encourage countries to collect information regarding illicit trafficking in their area and to provide Interpol with regular updates for the International Weapons and Explosives Tracking System (IWETS), in order to facilitate cooperation and monitoring of the global problem.
  - Establish programmes to provide human, technical and financial resources needed.
  - Develop collaborative approaches with civil society to promote research, education and public awareness and effective implementation of these measures.
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## Opportunities for the UN 2001 Conference

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### **Research and information exchange**

Information is critical to effective development and implementation of the Programme of Action. Consequently, it should:

- In consultation with the appropriate intergovernmental agencies as well as research institutes and other NGOs, establish uniform standards and approaches to collect national data on SALW trafficking, misuse and approaches to regulation, and coordinate collection of this information in order to provide an annual or bi-annual update. This update would include: data regarding crime, death and injury; new and emerging approaches to regulation (building on the 1997 UN International Study on Firearm Regulation); best practices including approaches to legislation, community based initiatives, and enforcement.
- Encourage countries to establish uniform standards for data collection and reporting regarding SALW used and recovered in crime and violence.
- Share new technological approaches to record-keeping, tracing and destruction.
- Encourage countries to collect information regarding illicit trafficking in their area and to provide Interpol with regular updates for the International Weapons and Explosives Tracking System (in order to facilitate cooperation and monitoring of the global problem).

### **Follow up mechanisms**

In order to ensure the development and full implementation of comprehensive legislation and governing domestic regulation of civilian SALW, the UN 2001 Conference should establish procedures for follow-up and regular international review of progress in this area. This should include assessment of the implementation of measures at the global, regional and national level based upon regular and detailed information exchange on the part of all states and should incorporate consultations with relevant sectors of civil society that are concerned with preventing the proliferation and misuse of SALW. The progressive development of norms, standards and legislation to control civilian SALW should also be promoted through formal review of the implementation of the UN Conference Programme of Action, which should take place no later than 2004/2005.

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# Endnotes

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- <sup>1</sup> The Small Arms/Firearms Education and Research Network (SAFER-Net) is a collaborative research project aimed at furthering collection and dissemination of empirical data and information about firearms/small arms including: effects (death, injury, crime, economic effects, vulnerable populations); sources and types which are misused (legal, "grey" and illegal markets), strategies to counter misuse (legislation, education, etc.), national profiles and current sources of information. SAFER-Net was established with support from the Canadian Centre for Foreign Policy. [www.research.ryerson.ca/SAFER-Net](http://www.research.ryerson.ca/SAFER-Net) Ryerson Polytechnic University 350 Victoria St. Room S363A Toronto ON M5B 2K3 CANADA Tel: 1 416-979-5000 x.6740 Fax: 1 416-979-5249 email: [wucukier@acs.ryerson.ca](mailto:wucukier@acs.ryerson.ca)
  - <sup>2</sup> The acronym SALW is from hereon used to describe all types of firearms, small arms and light weapons and their ammunition.
  - <sup>3</sup> Wendy Cukier, Cindy Collins and Antoine Chapdelaine, *Globalization of Small Arms: A Public Health Perspective*, Development, 1999.
  - <sup>4</sup> United Nations, International Study on Firearms Regulation, 1997.
  - <sup>5</sup> Philip J. Cook, Stephanie Molliconi and Thomas B. Cole, *Regulating Gun Markets*, The Journal of Criminal Law and Criminology 86, no. 1: 59-91, 1995
  - <sup>6</sup> Lora Lumpe, Ed. Running Guns, London, Zed, 2000.
  - <sup>7</sup> Wendy Cukier, *Firearms/Small arms: Finding Common Ground*, Canadian Foreign Policy, 6 (1) Fall, 1998.
  - <sup>8</sup> Robert Chetty ed. *Firearm Use and Distribution in South Africa*, NCPC, 2000.
  - <sup>9</sup> DEFAE, *Investigación: Brazilian Institute of Higher Studies in Religion (ISER)*, Rio de Janeiro.
  - <sup>10</sup> Philip J. Cook, Stephanie Molliconi and Thomas B. Cole *Op Cit*
  - <sup>11</sup> Lora Lumpe, Ed. Running Guns, London, Zed, 2000.
  - <sup>12</sup> Wendy Cukier, *Firearms/Small arms: Finding Common Ground* Canadian Foreign Policy, 6 (1) Fall, 1998.
  - <sup>13</sup> Robert Chetty, op. cit.
  - <sup>14</sup> UN op. cit., 1997. For an example see also
  - <sup>15</sup> Glenn L. Pierce LeBaron Briggs, and David Carlson, *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategies: A Report to the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms*. Northeastern University.
  - <sup>16</sup> Anecdotal information abounds for example, on May 2, 2000, Canadian authorities laid charges in what they believed to be a large international smuggling operation. Over 23,000 SALW and components were seized after a clerk alerted her supervisor to the registration of over 1,000 weapons by a single owner.
  - <sup>17</sup> Michael Hallowes, Directorate of Intelligence, Operation ABONAR, Scotland Yard, London 1999.
  - <sup>18</sup> Survey conducted by the Brazilian Institute of Higher Studies on Religion (ISER), released on 2 August 1999.
  - <sup>19</sup> DEFAE; Investigación: ISER, Rio de Janeiro
  - <sup>20</sup> Natalie Goldring, Domestic Laws and International Controls, in Jeffrey Boutwell and Michael Klare, eds, *Light Weapons and Civil Conflict: Controlling the Tools of Violence* Lanham, MD: Rowman & Littlefield, 1999.
  - <sup>21</sup> Geoffrey A. Francis, *Illicit Firearms in Canada: Sources, Smuggling and Trends*, RCMP Gazette, Vol. 57, No. 2, 1995.
  - <sup>22</sup> See for example, Lora Lumpe, *The US Arms Both Sides of Mexico's Drug War*; Covert Action Quarterly, Vol. 61, Summer 1998; Philip Cook and Thomas Cole, *Strategic Thinking About Gun Markets and Violence*, Journal of the American Medical Association, Vol.273, No. 22, June 1996.
  - <sup>23</sup> Smuggling Work Group, 'Report of the Smuggling Work Group,' Department of Justice Canada, 1995
  - <sup>24</sup> For example, an individual was arrested having purchased a consignment of 30 Lorcin pistols at gun shows in Miami and Dallas. The weapons were destined for Romania. For example, a large portion of SALW recovered in Columbia had been legally purchased in the US and imported to Columbia before being diverted to organized crime. Anecdotal evidence suggests that the same principles apply elsewhere. South Africa has been a source of handguns for destinations as far away as Japan. In one example, 205 pistols were recovered in Austria en route to Rotterdam via Germany. In another American citizens were charged after purchasing 93 assault rifles and 22 handguns in Arizona for resale to a Mexican drug lord. (W. Cukier, *Licit/Illicit Links*, SAFER-Net, 2000) Yet another case three Irishmen, including two Sinn Fein members, were convicted in a Florida court of illegally shipping at least 122 handguns to the Provisional IRA at the same time as negotiations for decommissioning of weapons were underway Rony Harnden, "Irish Gun-runners Convicted in US", Electronic Telegraph, June 14, 2000)
  - <sup>25</sup> Cook et. al, 1995 The FBI compiles national data only on the value of the firearms reported to the police department, not the number of firearms. Depending on the assumptions regarding the average value of guns, the Police Foundation estimated that in 1991 between 300,000 and 600,000 guns were stolen. According to the National Crime Victimization Study the average number of incidents in which at least one gun was stolen during the period 1987-1992 was 340,700 per year.
  - <sup>26</sup> United Nations, International Study on Firearm Regulation database, August, 1999. See also K. McKenzie, *Domestic Gun Control Policy in Ten SADC Countries*, Gun Free South Africa, September 1999. This study states that 29,694 guns were reported lost or stolen in 1998. According to a press statement by the then Safety and Security Deputy Minister, Joe Matthews, "From 1 January 1996 to November 10 1997 about 50,585 legally possessed SALW had been stolen or lost. Of these, 12,218 are state owned. Only 27,401 have, in the same period, been recovered," The Star, Johannesburg, 5 Dec 97.
  - <sup>27</sup> La Republica, 12 December 1995.
  - <sup>28</sup> John Duncanson and Jim Rankin, "Officer is jailed in gun scandal", Toronto Star, 15 April 1998; John Duncanson and Jim Rankin, "3000 guns go "missing" from police", Toronto Star, 10 September 1997.
  - <sup>29</sup> United Nations, International Study on Firearms Regulation database, August 1999.
  - <sup>30</sup> BASIC REPORTS, *Combating Illicit Light Weapons Trafficking: Developments and Opportunities*, 1998
  - <sup>31</sup> Because of the complexities involved in estimating the total number of SALW in circulation in Central America, estimates have varied widely. See for example William Goodnick, "Illicit arms in Central America", paper presented at "Small arms and light weapons: An issue for the OSCE", British American Security Information Council, or Vincenc Fisas, Ob. "Adios a las Armas Ligeras", Icaria Editorial, s.a. España, February 2000.
  - <sup>32</sup> UNDP Human Development Report, 1999.
  - <sup>33</sup> Poll carried out by CID GALLUP and cited in Julieta Catellanos, "Honduras: Armamentismo y Violencia" paper presented at the Central American Forum on the Proliferation of Light Weapons, June 27-29 2000, Antigua, Guatemala. All research available at <http://www.arias.or.cr/fundarias/cpr/armasliv>
  - <sup>34</sup> According to the Register of the Oficina de Renta de Aduanas del Ministerio de Hacienda of El Salvador, cited in José Miguel Cruz and Maria Antonieta Beltran, "Las Armas en El Salvador: Diagnostico Sobre la Situación y su Impacto", available at <http://www.arias.or.cr/fundarias/cpr/armasliv>
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## Endnotes

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- <sup>35</sup> J. Cock, "Fixing our sights: A sociological perspective on gun violence in Contemporary South Africa" *Society in Transition* 1, 1997
- <sup>36</sup> M. Chachiua, "Operations Rachel 1996-1999", Institute for Security Studies, monograph No. 38, 1999. See also BASIC, *Illicit Traffic in Small Arms*, July 1999
- <sup>37</sup> Robert Chetty, ed. op. cit.
- <sup>38</sup> K. McKenzie, Op Cit
- <sup>39</sup> Robert Chetty, ed. op.cit.
- <sup>40</sup> BASIC, *Combating Illicit Light Weapons Trafficking: Developments and Opportunities*, 1998
- <sup>41</sup> Canada, DFAIT, *Marking Small Arms: An Examination of Methodologies*, February, 1999.
- <sup>42</sup> United Nations, Security Council, S/RES/1209 (1998).
- <sup>43</sup> United Nations General Assembly, A/54/565 (1999), special thanks to P.M. for bringing this to our attention.
- <sup>44</sup> United Nations Commission on Crime Prevention and Criminal Justice, Sixth Session, Criminal Justice Reform and Strengthening of Legal Institutions Measures to Regulate Firearms, Resolution L.19 (E/CN.15/1997/L.19/Rev.1). Vienna: May 9, 1997). This resolution was Co-sponsored by 35 countries
- <sup>45</sup> This section is drawn from W. Cukier, T. Sarkar, T. Quigley, *Firearms Regulation: International Jurisprudence*, Canadian Law Review, Forthcoming.
- <sup>46</sup> Andrew McLean, op. cit.
- <sup>47</sup> UN, op. cit. 1997
- <sup>48</sup> Ibid.
- <sup>49</sup> W. Cukier, *Firearm Regulation: Canada in the International Context*, *Chronic Diseases in Canada*, April, 1998b and M. Killias, *International correlations between gun ownership and rates of homicide and suicide*. *Can Med Ass Journal* 1993; 148(10): 1721-1725
- <sup>50</sup> International Committee of the Red Cross, *Arms Availability and the Situation of Civilians in Armed Conflict*, Geneva, ICRC, June 1999 and Coupland, Robin M., "The effect of weapons on health", *Lancet*, 347 (February 17, 1996) 450-451.
- <sup>51</sup> S. Meek, *Buy or Barter: History and Prospects for Voluntary Weapons Collection Programs*, Institute for Security Studies, Monograph No 22 March 1998.
- <sup>52</sup> Pericles Gasparini Alves and Diana Belinda Cipollone, *Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda*, United Nations Institute for Disarmament Research (UNIDIR), Geneva, March 1998.
- <sup>53</sup> Preparatory Meeting on Small Arms and Light Weapons, Kampala, 31 January & 1 February 2000, hosted by the Security Research Information Centre in association with the Institute for Security Studies, Saferworld, and UNAFRI.
- <sup>54</sup> The Nairobi Declaration on The Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa, Nairobi, 15 March 2000. This Declaration was signed by Heads of State and representatives of 10 subregional governments.
- <sup>55</sup> The entire text of the Antigua Declaration is available at <http://www.arias.or.cr/fundarias/cpr/armasliv>
- <sup>56</sup> K. McKenzie, op.cit.
- <sup>57</sup> The Southern Africa Action Programme on Light Arms and Illicit Trafficking was agreed at a seminar of EU and Southern African governments held near Johannesburg from 5-8 May 1998. The Action Programme was subsequently endorsed by EU and SADC Ministers at their meeting in Vienna, November 1998.
- <sup>58</sup> Smuggling Work Group, op.cit.; Daniel Antonowicz Consulting, 'Firearms Recovered by Police: A Multi-Site Study,' Department of Justice Canada, July 1997.
- <sup>59</sup> National Police Agency, *Firearms Laws and Regulations and Enforcement Strategy in Japan*, 1997.
- <sup>60</sup> Wendy Cukier, Tanya Sarkar, Tim Quigley, op. cit. Significantly different rates of gun ownership have been reported in other sources. The International Crime Victimization Survey estimate was 16% in 1996. The ICVS estimate for Finland in 1996 was only 29% and for Switzerland was 35%
- <sup>61</sup> Cukier, Sarkar, Quigley, op cit.
- <sup>62</sup> UN Expert Panel on Small Arms cited in Di Chiaro, Joseph, *Reasonable Measures: Addressing the Excessive Accumulation and Unlawful Use of Small Arms*, Bonn International Centre for Conversion (BICC), August, 1998.
- <sup>63</sup> BASIC, International Alert, Saferworld, (Biting the Bullet): Framework Briefing, 2000.
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