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**National regulation of civilian access to
small arms and light weapons**



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Foreword

The United Nations (UN) Coordinating Action on Small Arms (CASA) mechanism strives to improve the UN's ability to work as one in delivering effective policy, programming and advice to Member States on curbing the illicit trade, uncontrolled proliferation and misuse of small arms and light weapons. Established by the Secretary-General in 1998 with the task of coordinating the small arms work of the United Nations, CASA today unites more than 20 UN bodies active in policy development and/or programming related to small arms and light weapons.¹

Building on previous UN initiatives to develop international standards in the areas of mine action (International Mine Action Standards)² and disarmament, demobilization and reintegration of ex-combatants (Integrated Disarmament, Demobilization and Reintegration Standards),³ the United Nations has developed a series of International Small Arms Control Standards (ISACS) with the aim of providing clear and comprehensive guidance to practitioners and policymakers on fundamental aspects of small arms and light weapons control. The present document constitutes one of more than 20 ISACS modules that provide practical guidance on instituting effective controls over the full life cycle of small arms and light weapons (all ISACS modules can be found at www.smallarmsstandards.org).

ISACS are framed by existing global agreements related to small arms and light weapons control, in particular the

- *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons In All Its Aspects* (UN PoA);
- *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (International Tracing Instrument);
- *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* (UN Firearms Protocol); and
- *Arms Trade Treaty*.

Within this global framework, ISACS build upon standards, best practice guidelines, model regulations, etc. that have been elaborated at the regional and sub-regional levels. ISACS seek to cover the fundamental areas of small arms and light weapons control on which the United Nations may be called upon to provide advice, guidance and support.

ISACS were developed, and continue to be improved and supplemented, by a broad coalition of small arms control specialists drawn from the United Nations, governments, international and regional organizations, civil society and the private sector (a full list of contributors to ISACS is available at www.smallarmsstandards.org).

ISACS modules were drafted in accordance with the rules set out in ISO/IEC Directives, Part 2, *Rules for the structure and drafting of International Standards*, under the oversight of the CASA Working Group on ISACS, co-chaired by the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Development Programme (UNDP).

¹ For a full listing of CASA partners, see www.poa-iss.org/CASA/CASA.aspx.

² www.mineactionstandards.org

³ www.unddr.org

Introduction

It is estimated that three-quarters of all small arms in the world are in civilian hands.⁴ Most of these weapons are owned by law-abiding civilians who use them for legal purposes such as hunting, sport shooting, private security, collection as heritage items, etc. Small arms can be everyday working tools for civilians involved in activities such as subsistence or professional hunting, agriculture, forestry, species management, etc.

However, some civilians hold small arms illegally; e.g. due to the fact that they possess a type of small arm (or even light weapon) the civilian possession of which is prohibited by law; possess more small arms than the law allows or do not possess a licence required by law for the weapon(s) they hold.

A small proportion of civilians misuse small arms, e.g. in crime, gang violence and other illegal acts of aggression. When improperly stored, civilian small arms can put at risk children and others who come into contact with them. When widely misused in a particular area, they can cause significant damage to the lives, livelihoods and health of individuals, families and communities and can create a pervasive environment of fear and insecurity.

Inadequate national regulation of civilian access to small arms and light weapons is a factor in their global, illicit trade. The absence of effective national regulations in one State can undermine not only regulatory efforts but also governance in other States if significant numbers of civilian weapons are allowed to flow illegally across borders. While effective import, export and border controls are essential to preventing illicit trade (see ISACS 03.20,⁵ 03.21⁶ and 05.60⁷), it is also essential that regulatory mechanisms are in place to ensure that privately held small arms are legally owned and used and that civilians are held accountable for their illegal possession and misuse.

The responsible, legal use of small arms by civilians far outweighs their irresponsible and illegal misuse. Nevertheless, the impact of misuse is devastating to victims, their families and their communities. Under international law, States are obliged to exercise due diligence in the regulation of private actors under their jurisdiction, including by protecting their citizens against violence and the threat of violence. Regulating civilian access to small arms and light weapons is an essential element of this State responsibility.

In almost all States, civilians are legally entitled to acquire and possess small arms, with restrictions. All States regulate civilian access to small arms to some degree, thus establishing a norm that such national regulation is necessary and legitimate. It is the prerogative of each State to regulate civilian access to small arms according to its own culture, historical experience and constitutional requirements. It is the responsibility of every State to ensure that its regulations are sufficient to minimise the unlawful possession and misuse of small arms by civilians and the diversion of civilian small arms into the illicit market.

⁴ Small Arms Survey. *Estimating Civilian Owned Firearms*. Research Notes No. 9. Geneva: Small Arms Survey, September 2011.

⁵ ISACS 03.20 — *National controls over the international transfer of small arms and light weapons*.

⁶ ISACS 03.21 — *National controls over the end-user and end-use of internationally transferred small arms and light weapons*.

⁷ ISACS 05.60 — *Border controls and law enforcement cooperation*.

National regulation of civilian access to small arms and light weapons

1 Scope

The guidance provided in this document is intended for regulatory and licensing authorities of governments that are seeking advice and support from the United Nations on regulating civilian access to small arms and light weapons.

This document provides guidance on regulating, at the national level, civilian access to small arms and light weapons, including their parts, components and ammunition. It provides guidance on

- a) regulating the types of small arms and light weapons to which civilians have access;
- b) regulating the use of small arms by civilians; and
- c) preventing access to small arms by civilians who pose a significant risk of misusing them.

This document aims to

- d) achieve a balance between, on the one hand, recognizing and respecting the legitimate legal use of small arms by civilians, while, on the other, providing guidance on minimizing the risk of small arms being misused by civilians;
- e) prevent the illegal possession and misuse of small arms by civilians by promoting and enforcing compliance with national laws;
- f) ensure that civilians who legally possess small arms are those who present the lowest risk of misusing them;
- g) ensure that small arms are possessed and used for legitimate purposes; and
- h) ensure that levels of national regulation are proportionate to the types of small arms possessed by civilians, being more stringent for types of small arms that present higher risks to public safety if misused.

This document does not apply to air weapons (e.g. air guns) or to any other type of weapon that, according to the definitions used by ISACS, are not small arms or light weapons (See ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*).

This document does not apply to antique small arms and light weapons, which are defined in accordance with domestic law but in no case include small arms manufactured after 1899.

2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*

ISACS 05.30, *Marking and recordkeeping*

International Code of Conduct for Private Security Service Providers

3 Terms, definitions and abbreviated terms

3.1 Terms and definitions

For the purposes of this document, the terms and definitions given in ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*, and the following, apply.

air weapon

device that discharges a projectile from a barrel under the pressure of compressed air or other gas but that does not employ an explosive charge to do so

NOTE For the purposes of this and other ISACS documents, air weapons are not considered to be small arms and so fall outside of the scope of ISACS.

ammunition, armour piercing

- a) projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or
- b) a full jacketed projectile larger than .22 calibre designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

automatic

small arm or light weapon that, after each discharge, automatically performs all of the steps necessary to prepare the weapon to fire again; and that will continue to fire for as long as the trigger (or other activating device) remains depressed (assuming that ammunition remains and jamming does not occur)

NOTE 1 An automatic weapon uses a portion of the energy from a firing cartridge to extract the spent cartridge case from the firing chamber and eject it from the weapon, re-cock the firing mechanism and load a new round of ammunition from the weapon's feed-device or magazine into the firing chamber. In addition, if the trigger or other activating device remains depressed, the firing pin is automatically released to begin a new firing cycle.

NOTE 2 cf. semi-automatic

semi-automatic

small arm or light weapon that, after each discharge, automatically performs all of the steps necessary to prepare the weapon to fire again, but that requires a separate depression of the trigger (or other activating device) to fire each round of ammunition

NOTE 1 A semi-automatic weapon uses a portion of the energy from a firing cartridge to extract the spent cartridge case from the firing chamber and eject it from the weapon, re-cock the firing mechanism and load a new cartridge from the weapon's feed-device or magazine into the firing chamber.

NOTE 2 cf. automatic

3.2 Use of key terms

In all ISACS modules, the words 'shall', 'should', 'may' and 'can' are used to express provisions in accordance with their usage in International Organization for Standardization (ISO) standards.

- a) **“shall” indicates a requirement:** It is used to indicate requirements strictly to be followed in order to conform to the document and from which no deviation is permitted.
- b) **“should” indicates a recommendation:** It is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required, or that (in the negative form, 'should not') a certain possibility or course of action is deprecated but not prohibited.
- c) **“may” indicates permission:** It is used to indicate a course of action permissible within the limits of the document.
- d) **“can” indicates possibility and capability:** It is used for statements of possibility and capability, whether material, physical or casual.

4 United Nations framework**4.1 General**

This document provides practical guidance on the implementation of commitments related to regulating civilian access to small arms and light weapons that are contained in United Nations multilateral instruments related to small arms and light weapons control.

4.2 UN Programme of Action

In the United Nations *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN Programme of Action), all UN Member States commit themselves

- a) “To adopt and implement, in the States that have not already done so, the necessary legislative or other measures to establish as criminal offences under their domestic law the illegal [...] possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes” (part II, paragraph 3);
- b) “To identify, where applicable, groups and individuals engaged in the illegal [...] trade, stockpiling, [...] possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals” (part II, paragraph 6); and

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- c) “To adopt where they do not exist and enforce, all the necessary measures to prevent the [...] stockpiling [...] and possession of any unmarked or inadequately marked small arms and light weapons” (part II, paragraph 8).

5 General principles

Laws, regulations and administrative procedures shall be in place at the national level to enable the regulation of civilian access to small arms and light weapons. Such laws, regulations and administrative procedures shall regulate

- a) the types and characteristics of small arms and light weapons to which civilians may have access (see Clause 6);
- b) civilian uses of small arms (see Clause 7);
- c) civilian users of small arms (see Clause 8);
- d) the commercial sale of small arms on the domestic market (see Clause 12); and
- e) private security companies (see Clause 13).

6 Regulating types and characteristics of small arms and light weapons

6.1 Prohibitions

National law shall prohibit civilians from acquiring, owning or possessing

- a) light weapons;
- b) automatic small arms; and
- c) armour-piercing ammunition.

6.2 Categorizing small arms according to risk factors

6.2.1 General

National law, regulations or administrative procedures shall create distinct categories of small arms according to the risks they pose to public safety if misused.

It is the prerogative of each State to categorize small arms according to its own perception of risk factors and in light of its own historical, cultural and constitutional context.

6.2.2 Risk factors

Risk factors to be taken into consideration when categorizing small arms shall include

- a) action (e.g. manual or semi-automatic);
- b) caliber;
- c) whether a small arm is designed to discharge
 - 1) rimfire ammunition (generally lower-powered and smaller caliber) or

- 2) centrefire ammunition (generally higher-powered and larger caliber);
- d) the capacity of the magazine (if present); and
- e) the ease with which the small arm can be concealed on one's person (e.g. barrel length and overall weapon length).

6.2.3 Legal classifications

In order to properly define the above risk factors, national law shall specify

- a) the maximum number of rounds that a magazine can hold in order for it to be classified as a "low-capacity magazine" (this should not exceed 10 rounds);
- b) that magazines capable of holding more rounds of ammunition than a low-capacity magazine are to be classified as "high-capacity magazines;" and
- c) the barrel length and overall weapon length below which a small arm would be classified as a "short barreled weapon" (for barrel length, this should not be less than 46cm and for overall weapon length it should not be less than 66cm).

6.2.4 Categories of small arms

Based on the risk factors (Clause 6.2.2) and legal classifications (Clause 6.2.3) defined by the competent national authority — and taking into account relevant historical, cultural and constitutional considerations — national law shall divide small arms into distinct categories according to the risks they pose to public safety if misused.

EXAMPLE The following is an example of how small arms could be categorized according to risk factors and legal classifications. This example is for illustrative purposes only. It is the prerogative of each State to designate its own risk categories.

| CATEGORY | RISK LEVEL | EXAMPLES |
|----------------------------------|---|---|
| CATEGORY 1 (intolerable risk) | Weapons whose possession by civilians would present an intolerable risk to public safety if misused (includes weapons listed in Clause 6.1) | <ul style="list-style-type: none"> Short barreled (sawn-off) shotguns Small arms with high capacity magazines Small arms with a caliber greater than 0.45 inches |
| CATEGORY 2 (high risk) | Weapons whose possession by civilians would present a high risk to public safety if misused | <ul style="list-style-type: none"> Semi-automatic handguns (e.g. revolvers and pistols) Semi-automatic centrefire rifles |
| CATEGORY 3 (medium risk) | Weapons whose possession by civilians would present a medium risk to public safety if misused | <ul style="list-style-type: none"> Semi-automatic rimfire rifles Manual action centrefire rifles Semi-automatic shotguns Pump-action shotguns |
| CATEGORY 4 (low risk) | Weapons whose possession by civilians would present a low risk to public safety if misused | <ul style="list-style-type: none"> Manual action shotguns Manual action rimfire rifles |

6.2.5 Differentiated regulation

The risk category into which the competent national authority places a small arm shall determine the level of regulation to which it is subject. The higher the risk category, the more stringent shall be the regulation to which it is subject.

A small arm that the competent national authority deems to present

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- a) a low risk to public safety if misused shall have applied to it a basic level of regulation (see Clause 9);
- b) a medium risk to public safety if misused shall have applied to it an intermediate level of regulation (see Clause 10);
- c) a high risk to public safety if misused shall have applied to it an enhanced level of regulation (see Clause 11); and
- d) an intolerable risk to public safety if misused shall be prohibited from being acquired, owned or possessed by civilians.

Clauses 9, 10 and 11 of this document provide broad guidance on implementing basic, intermediate and enhanced levels of regulation, respectively. It is the prerogative of each government, however, to decide upon the specific regulations that are applicable to different risk categories of small arms.

7 Regulating civilian uses of small arms

National law, regulations or administrative procedures shall specify the uses of small arms that are deemed to be legitimate for civilians.

National law shall prohibit civilians from possessing small arms for illegitimate uses. Legitimate uses of small arms by civilians may include

- a) hunting (including species management and pest control);
- b) sport shooting;
- c) private security (including the provision of commercial private security services);
- d) the collection of curios/relics; and
- e) other activities such as historical re-enactment, historical research (including assessment of performance), theatre, television, film, the humane dispatch of animals, sporting events (e.g. starting pistols or cannon) and safety equipment (e.g. signal flare guns, line throwing guns, avalanche cannon, etc.).

8 Regulating civilian users of small arms

8.1 Prohibitions

8.1.1 General

In order to minimize the risk of small arms being misused, national law shall prohibit certain categories of civilians from acquiring, owning or possessing small arms.

8.1.2 Criteria

A civilian shall be prohibited from acquiring, owning or possessing a small arm if he or she

- a) is illegally present in the State in which the small arm is to be acquired, owned or possessed;
- b) has a criminal record that amounts to one year or more of time served in prison;

- c) has been convicted of a crime involving the threat, attempted use or use of violence (with or without a small arm), e.g.
 - 1) assault,
 - 2) robbery,
 - 3) intimate partner or family-related violence,
 - 4) gender-based violence, or
 - 5) sexual violence;
- d) has been found not guilty of a crime by reason of mental disability or illness;
- e) has been confined, by order of a court, in a facility for persons with psychiatric disabilities or illnesses;
- f) has been certified by a qualified medical practitioner as having a mental disability or illness that is incompatible with the possession of a small arm;
- g) has been convicted of a crime involving the trade in illegal drugs;
- h) is the subject of
 - 1) an arrest warrant,
 - 2) a legal restraining order, or
 - 3) a small arms seizure order; or
- i) is under the age of 18 years (unless, under the applicable law, majority is attained earlier).

8.1.3 Exceptions

The requirements of Clause 8.1.2 may be subject to time limits, e.g. in the context of offences committed in the distant past without the occurrence of subsequent offences.

8.2 Licensing

8.2.1 Licensing requirement

In order to acquire, own or possess a small arm, a civilian shall be required to possess a licence from a competent national authority.

8.2.2 Licence categories

The categories into which the competent national authority divides civilian small arms in accordance with their risk factors (see Clause 6.2) shall each correspond with a specific category of small arms licence.

EXAMPLE If the competent national authority divides civilian small arms into three risk categories (e.g. high, medium and low), there would be three corresponding categories of small arms licence (e.g. categories 1, 2 and 3).

Civilians shall only be permitted to acquire, own or possess small arms that fall into a risk category that is equal to or lower than the category of licence they possess.

8.2.3 Licensing Authorities

National law shall designate the competent national authority (or authorities) responsible for issuing small arms licences to civilians.

Different national authorities, or different levels of authority within the same agency, should be responsible for issuing different categories of small arms licence.

The higher the risk category into which a small arm falls, the higher should be the level of national authority required to issue a corresponding licence.

8.2.4 Licence conditions

8.2.4.1 General

The issuance and renewal of a civilian small arms licence shall be conditional upon the fulfillment of basic requirements, including

- a) safe use; and
- b) safe storage (especially keeping children safe).

Inability or failure to meet one or more of the above requirements shall result in a licence not being issued, being revoked, or not being renewed.

8.2.4.2 Safe use

A civilian applying for a small arms licence shall be required to

- a) demonstrate knowledge of basic small arms and ammunition safe use practices, including safe techniques and procedures for
 - 1) handling,
 - 2) firing,
 - 3) carrying,
 - 4) transporting, and
 - 5) caring for small arms and their ammunition;
- b) demonstrate knowledge of applicable laws regulating civilian ownership, possession and use of small arms; and
- c) provide a written undertaking to use the small arm safely and in accordance with the law.

8.2.4.3 Safe storage

8.2.4.3.1 General

A civilian applying for a small arms licence shall be required to

- a) demonstrate capacity to store the weapon and its ammunition safely and securely when not in use in order to minimize the risk that it could be stolen or accessed by someone other than the licensee (e.g. a child, visitor, etc.); and
- b) provide a written undertaking to store the weapon and its ammunition safely and securely when not in use.

8.2.4.3.2 Safe storage practice

When not in use, a small arm shall be stored unloaded, separate from its ammunition.

For a small arm and its ammunition to be stored safely by a civilian or civilian organization, they shall be stored

- a) in a residence or other premises that offers protection against intrusion (e.g. a house or other building with doors and windows capable of being locked);
- b) in an area of the residence or premises least likely to be frequented by children and visitors; and
- c) in separate sturdy, locked containers (e.g. lockboxes, cabinets, etc.)
 - 1) that can withstand a 15-minute attempt at forced access by an adult using commonly available household tools;
 - 2) that cannot be readily removed from the premises (e.g. due to their weight or to being attached to a heavy or immovable object); and
 - 3) whose keys, combinations or other means of access are retained only by the licensee(s).

More than one small arm may be stored in the same sturdy, locked container but shall not be stored in the same container as their ammunition.

8.2.4.3.3 Keeping children safe

If a small arm is to be stored in a home where children reside or that is frequented by children, licence applicants shall be required to sensitize the children in question to the dangers of interacting with small arms and to inform them about what to do if they see an unattended small arm (immediately leave the place where the weapon is and tell a parent or other adult).

8.2.4.3.4 Verification of compliance

The competent national authority should verify compliance with the safe storage conditions of a small arms licence

- a) before the issuance of a new small arms licence; and
- b) before the renewal of an existing small arms licence.

Compliance may also be verified at occasional intervals during the validity of a licence.

8.2.5 Information requirements

An applicant for a small arms license shall be required to

- a) provide evidence of their
 - 1) age,
 - 2) citizenship of or residency in the State in which the licence is being applied for, and

NOTE Temporary licences may be issued for small arms temporarily imported by non-nationals / non-residents for legitimate purposes such as hunting, sport shooting, evaluation, exhibition or repair.

 - 3) good character (e.g. in the form of references from responsible members of society who know the applicant, e.g. police officer, doctor, lawyer, teacher, etc.); and

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- b) indicate at least one specific, legitimate reason for wishing to acquire, own or possess a small arm.

8.2.6 Time lag

The time period between the submission of an application for a small arms licence and the issuance of a licence shall not be less than 7 days in order to

- a) allow sufficient time for background checks to be carried out (see Clause 9.2); and
- b) prevent small arms from being acquired on impulse.

8.2.7 Transporting and carrying small arms

A small arms licence shall authorise the licensee to transport a small arm from its place of purchase to its place of storage.

A small arms licence may authorize the licensee to carry or transport a small arm away from its place of storage for legitimate uses (see Clause 7).

When not in use, a small arm shall be unloaded when transported or carried.

It shall not be permitted to carry a small arm in a public place when not in connection with a legitimate use (see Clause 7) and without legal authorization. States may designate specific places or areas where civilians are not permitted to carry small arms.

8.2.8 Licence validity

8.2.8.1 General

The validity of a small arms licence shall be limited in time; i.e. it shall have an expiry date after which it is no longer valid. The expiry date shall be clearly marked on the licence.

The validity of a small arms licence should be limited to reasonable period of time (e.g. 3 to 5 years).

8.2.8.2 Renewal

The validity of a small arms licence may be renewed upon application by the holder of the licence to the competent national authority.

The renewal of a small arms licence shall be subject to an assessment of

- a) compliance by the applicant with the terms of the previously held licence;
- b) any changes to domestic laws, regulations or administrative procedures regulating civilian access to small arms; and
- c) the continued validity or existence of the applicant's legitimate reason for wishing to possess a small arm (see Clause 8.2.5.b).

If an application to renew a small arms licence is not approved,

- d) the reasons for turning down the application shall be provided to the applicant in writing; and
- e) the applicant shall have the right to appeal the decision to a competent judicial body.

8.2.8.3 Revocation

A small arms licence shall be revoked by the competent national authority if the conditions that prevailed when the licence was issued change in such a way as to render the licence-holder no longer eligible to hold the license (e.g. if the licence-holder comes to meet one or more of the criteria listed under Clause 8.1.2).

8.2.9 Exemptions

The following types of small arms and devices that use the operating principle of a small arm but are intended to be used as tools, not weapons, may be exempted from the licensing requirement:

- a) signal flare guns;
- b) line throwing guns;
- c) industrial shotguns (e.g. designed to clear deposits inside kilns and furnaces);
- d) powder-actuated direct fastening systems (e.g. nail guns); and
- e) powder-actuated animal stunners (e.g. captive- and free-bolt).

9 Level 1 (basic) regulation

9.1 General

The following basic regulations are applicable to all civilian small arms, regardless of the risk category into which the competent national authority places them.

9.2 Background checks

Prior to issuing a small arms licence, the competent national authority shall carry out a background check in order to ascertain if the applicant meets any of the criteria set out in Clause 8.1.2.

9.3 Number limits

Civilians may be permitted to own more than one small arm under a single small arms licence. National law may set limits on the number of small arms that a single civilian may own at any one time. Number limits may vary across different risk categories of small arms (see Clause 6.2).

9.4 Transfer of ownership

Laws, regulations and administrative procedures shall be in place at the national level to regulate private, person-to-person domestic transfers of small arms (e.g. through sale, gift, exchange, bequeathal, etc.).

NOTE International transfers of small arms are covered by ISACS 03.20, *National controls over the international transfer of small arms and light weapons*.

Ownership of a small arm shall not be transferred to a person who does not have a licence to possess it.

Intended recipients of small arms through private, person-to-person domestic transfers shall not be placed in legal jeopardy through no fault of their own (e.g. as a result of being bequeathed a small arm).

9.5 Reporting loss and theft

Civilians who have lost a small arm or who have had a small arm stolen from them should be required to report the loss or theft to police within 24 hours of becoming aware of the loss or theft.

For States that are members of the International Criminal Police Organization (INTERPOL), details of lost and stolen civilian small arms should be entered into INTERPOL's *Illicit Arms Records and Tracing Management System* (iARMS) which is designed to assist law enforcement agencies to detect and seize lost and stolen small arms.

9.6 Marking

Civilian small arms shall be marked in accordance with ISACS 05.30, *Marking and recordkeeping*.
[Normative Reference]

10 Level 2 (intermediate) regulation

10.1 General

In addition to the basic regulations set out in Clause 9, the following intermediate regulations are applicable to civilian small arms that the competent national authority deems to fall into a medium risk category or higher (see Clause 6.2).

10.2 Number limits

A limit should be placed on the number of small arms that a civilian may possess under a single licence (see Clause 9.3).

10.3 Increased age requirement

The minimum age requirement for the issuance of a licence should be not less than 21 years.

10.4 Safety training

Applicants for a licence should be required to complete successfully a safety course that

- a) is recognised by the competent licensing authority;
- b) involves live fire; and
- c) demonstrates competence in safely handling and firing small arms in the risk category for which a licence is being sought.

10.5 Enhanced safe storage

When not in use, and in addition to the requirements set out in Clause 8.2.4.3.2, stored small arms should be fitted with a cable lock (e.g. a plastic-coated steel cable whose ends are secured together by means of a lock). Cable locks should

- a) be fitted only to unloaded small arms;
- b) not be passed through the trigger guard;
- c) secure the small arm to an immovable object (e.g. a fixed metal bar) inside the storage container
- d) be capable of withstanding a 15-minute attempt at forced access by an adult using commonly available household tools; and

- e) be fitted in such a way as to render the small arm incapable of firing a round of ammunition; e.g.
 - 1) for pistols having a removable magazine, the cable should be threaded up through the magazine well and out the ejection port,
 - 2) for revolvers, the cylinder should be swung out and the cable passed through the frame at least twice,
 - 3) for bolt-action and semi-automatic rifles, the bolt should be slid back and the cable threaded up through the magazine well and out the ejection port, and
 - 4) for pump-action and semi-automatic shotguns, the cable should be threaded up through the loading port and out the ejection port.

10.6 Purchase of ammunition

Civilians should not be permitted to purchase ammunition for a small arm for which they do not possess a licence.

11 Level 3 (enhanced) regulation

11.1 General

In addition to the basic and intermediate regulations set out in Clauses 9 and 10, the following enhanced regulations are applicable to civilian small arms that the competent national authority deems to fall into a high-risk category (see Clause 6.2).

11.2 Registration

11.2.1 General

Small arms that the competent national authority deems to present a high risk to public safety if misused (see Clause 6.2) should be registered to their licensed civilian owners.

A small arms register shall be accessible only to relevant authorities of the State (e.g. small arms licensing authority, law enforcement, etc.).

NOTE Registration links a particular small arm to a specific individual. It facilitates the tighter regulation of high-risk small arms and the tracing of such weapons if recovered in crime or under other illicit circumstances.

11.2.2 Information requirements

A small arms register should record

- a) details of the licensee, including
 - 1) name,
 - 2) address,
 - 3) contact details (e.g. telephone, fax, email, etc.), and
 - 4) national identification number (if applicable);
- b) details of each small arm registered to the licensee, including its
 - 1) make,
 - 2) model,

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- 3) calibre,
 - 4) serial number
 - 5) country of manufacture
 - 6) import marking (if applicable),
 - 7) type (e.g. revolver, pistol, rifle, shotgun etc.), and
 - 8) action (e.g. manual or semi-automatic); and
- c) details of the small arms licence, including its
- 1) number,
 - 2) category (see Clause 8.2.2)
 - 3) date of issue, and
 - 4) date of expiration

11.2.3 Transfer of ownership

Ownership of a registered small arm may be transferred from one civilian to another in accordance with Clause 9.4.

The transfer of ownership of a registered small arm shall be notified in a timely manner to the competent national authority, which shall update the register accordingly.

The competent national authority should facilitate the reporting by civilians of transfers of ownership of registered small arms (e.g. by making official paper or electronic forms publically available for this purpose).

11.3 Recording of ballistic information

The ballistic signatures of small arms (i.e. the unique markings they leave on spent cartridge cases and fired bullets) may also be recorded as part of the registration process.

12 Regulating commercial sale

12.1 General

Laws, regulations and administrative procedures shall be in place at the national level to regulate commercial entities that sell small arms and ammunition to civilians on the domestic market.

For the purposes of this document, commercial entities that sell small arms on the domestic market are considered to be civilian organizations.

12.2 Licensing

12.2.1 Licensing requirement

A commercial entity shall not be permitted to sell small arms on the domestic market without a licence to do so from a competent State authority.

12.2.2 Licence conditions

In order to qualify for a licence to sell small arms on the domestic market, a commercial entity shall

- a) not be privately owned by or employ individuals that fall within the scope of Clause 8.1;
- b) demonstrate that its sales premises
 - 1) provide adequate security against attempts at forced entry, and
 - 2) contain secure storage units that provide adequate security against small arms and ammunition being removed from the premises in case of forced entry;
- c) undertake to sell small arms only from its sales premises (although the licensing authority may provide authorization for the commercial entity to conduct sales temporarily from other locations);
- d) demonstrate that all employees who may be required to handle small arms have been adequately trained in their safe handling; and
- e) demonstrate knowledge of laws, regulations and administrative procedures as they relate to the sale of small arms on the domestic market, including licensing requirements for civilians.

12.2.3 Licence validity

12.2.3.1 General

The validity of a commercial small arms licence shall be limited in time; i.e. it shall have an expiry date after which it is no longer valid. The expiry date shall be clearly marked on the licence.

The validity of a commercial small arms licence should be limited to reasonable period of time (e.g. 3 to 5 years).

12.2.3.2 Renewal

The validity of a commercial small arms licence may be renewed upon application by the holder of the licence to the competent national authority.

The renewal of a commercial small arms licence shall be subject to an assessment of

- a) compliance by the applicant with the terms of the previously held commercial licence; and
- b) any changes to domestic laws regulating the domestic sale of small arms to civilians.

If an application to renew a commercial licence is not granted,

- c) the reasons for turning down the application shall be provided to the applicant in writing;
- d) the applicant shall have the right to appeal the decision to a competent judicial body; and
- e) the small arms and ammunition remaining in stock after the expiration of the licence shall be surrendered to a competent State authority.

12.2.3.3 Revocation

A commercial small arms licence shall be revoked by the competent national authority if the conditions that prevailed when the licence was issued change in such a way as to render the licence-holder no longer eligible to hold the license.

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12.2.4 Verification of compliance

Compliance with the conditions of a commercial small arms licence should be verified by a competent authority of the State

- c) before the issuance of a new commercial licence; and
- d) before the renewal of an existing commercial licence.

Compliance may also be verified at occasional intervals during the validity of a commercial licence.

12.2.5 Recordkeeping

Holders of commercial small arms licences shall be required to

- a) keep detailed records, including of
 - 1) names, addresses and contact details of their small arms suppliers;
 - 2) deliveries of small arms;
 - 3) small arms in stock (updated at least every 7 days);
 - 4) small arms sold; and
 - 5) buyers' details, including
 - name,
 - address,
 - national identification number (if applicable), and
 - small arms licence category, number, and expiration date.
- b) record the details of each small arm (delivered, in stock and sold), including
 - 1) make,
 - 2) model,
 - 3) calibre,
 - 4) serial number,
 - 5) country of manufacture;
 - 6) type (e.g. revolver, pistol, rifle, shotgun, etc.), and
 - 7) action (e.g. manual or semi-automatic);
- c) share their records when requested to do so by a competent State authority (e.g. in connection with criminal investigations, domestic and international trace requests, etc.); and
- d) maintain their records for at least 20 years.

12.2.6 Going out of business

Holders of commercial small arms licences that go out of business shall be required to transfer their records to a competent authority of the State, who shall maintain them for at least 20 years and who should maintain them indefinitely.

13 Regulating private security companies

13.1 General

A private security company is a non-governmental, legal person that offers physical protection services in return for a fee and whose employees (some or all) use small arms in the course of their work.

Laws, regulations and administrative procedures shall be in place at the national level to regulate private security companies.

For the purposes of this document, private security companies are considered to be civilian organizations.

13.2 Licensing

13.2.1 Licensing requirement

A commercial entity shall not be permitted to operate as a private security company without a licence to do so from a competent authority of the State.

13.2.2 Licence conditions

In order to qualify for a licence to operate as a private security company, a commercial entity shall

- a) not be privately owned by or employ individuals that fall within the scope of Clause 8.1;
- b) demonstrate that its small arms storage facilities
 - 1) provide adequate security against attempts at forced entry, and
 - 2) contain secure storage units that provide adequate security against small arms and ammunition being removed from the premises in case of forced entry;
- c) demonstrate that all employees who may be required to use small arms in the course of their work
 - 1) possess the necessary small arms licences, and
 - 2) have been adequately trained in their safe handling and use;
- d) demonstrate knowledge of laws, regulations and administrative procedures regulating the operation of private security companies, especially in relation to the use of small arms; and
- e) undertake to abide by the *International Code of Conduct for Private Security Service Providers* [Normative Reference], in particular its provisions on
 - 1) the use of force (paragraphs 30-32);
 - 2) management of weapons (paragraphs 56-58);

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- 3) weapons training (paragraph 59); and
- 4) management of materiel of war (paragraphs 60-62).

13.2.3 Licence validity

13.2.3.1 General

The validity of a licence to operate as a private security company shall be limited in time; i.e. it shall have an expiry date after which it is no longer valid. The expiry date shall be clearly marked on the licence.

The validity of a licence to operate as a private security company should be limited to reasonable period of time (e.g. 3 to 5 years).

13.2.3.2 Renewal

The validity of a licence to operate as a private security company may be renewed upon application by the holder of the licence to the competent national authority.

The renewal of a commercial small arms licence shall be subject to an assessment of

- a) compliance by the applicant with the terms of the previously held licence; and
- b) any changes to domestic laws regulating private security companies.

If an application to renew a licence to operate as a private security company is not granted,

- c) the reasons for turning down the application shall be provided to the applicant in writing;
- d) the applicant shall have the right to appeal the decision to a competent judicial body; and
- e) the small arms and ammunition remaining in stock after the expiration of the licence shall be surrendered to a competent authority of the State.

13.2.3.3 Revocation

A licence to operate as a private security company shall be revoked by the competent national authority if the conditions that prevailed when the licence was issued change in such a way as to render the licence-holder no longer eligible to hold the license.

13.2.4 Verification of compliance

Compliance with the conditions of a licence to operate as a private security company should be verified by a competent authority of the State

- a) before the issuance of a new licence to operate as a private security company; and
- b) before the renewal of an existing licence to operate as a private security company.

Compliance may also be verified at random intervals during the validity of a licence to operate as a private security company.

13.2.5 Recordkeeping

Holders of licences to operate as a private security company shall be required to

- a) keep detailed records, including of

- 1) purchases of small arms and ammunition, including supplier details;
- 2) small arms in stock (updated at least every 7 days), including
 - make,
 - model,
 - calibre,
 - serial number,
 - country of manufacture;
 - type (e.g. revolver, pistol, rifle, shotgun, etc.), and
 - action (e.g. manual or semi-automatic);
- b) share small arms records when requested to do so by a competent State authority (e.g. in connection with criminal investigations, domestic and international trace requests, etc.); and
- c) maintain their small arms records for at least 20 years (and should be required to maintain them indefinitely)

13.2.6 Going out of business

Holders of licences to operate as a private security company that go out of business shall be required to transfer their small arms records to a competent authority of the State, who shall maintain them for at least 20 years and who should maintain them indefinitely.

Bibliography

United Nations

1. ECOSOC. *Criminal Justice Reform And Strengthening of Legal Institutions: Measures To Regulate Firearms*. Report of the Secretary-General. Document E/CN.15/1997/4. Commission On Crime Prevention And Criminal Justice. Vienna: United Nations Economic and Social Council, 7 March 1997.
2. _____. *Firearm Regulation for the Purpose of Crime Prevention and Public Health and Safety*. Resolution 1997/28. New York: United Nations Economic and Social Council, 21 July 1997.
3. _____. *Implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*. Resolution 1995/27. New York: United Nations Economic and Social Council, 24 July 1995.
4. _____. *Measures to Regulate Firearms: Report of the Secretary-General*. Document E/CN.15/1996/14. Vienna: United Nations Economic and Social Council, Commission on Crime Prevention and Criminal Justice, 16 April 1996.
5. IDDRS. Module 04.10, *Disarmament* and Module 04.11, *SALW Control, Security and Development*. New York: Integrated Disarmament, Demobilization and Reintegration Standards, 2006.
6. UN HUMAN RIGHTS COUNCIL. *Prevention of Human Rights Violations Committed with Small Arms and Light Weapons*. Resolution 2006/22 of the Sub-Commission on the Promotion and Protection of Human Rights. A/HRC/Sub.1/58/L.11/Add.1 of 24 August 2006.
7. UN. Report of the Secretary-General on Small Arms prepared with the assistance of the Group of Governmental Experts on Small Arms, in pursuance of GA resolution 52/38 J. Report Number A/54/258. New York: United Nations, 19 August 1999.
8. UN. *Report of the Secretary-General on Small Arms prepared with the assistance of the Panel of Governmental Experts on Small Arms*. Section III. Weapons in Use. Report Number A/52/298. New York: United Nations, 27 August 1997.
9. UNDP. *Regulating arms in the Hands of Civilians*. In *How to Guide: Small Arms and Light Weapons Legislation*. Geneva: United Nations Development Programme, 2008.
10. UNGA. *Report of the Disarmament Commission*. Supplement No. 42 (A/54/42). New York: United Nations General Assembly, 6 May 1999, Annex III, paragraph 36.
11. UNIDIR. *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*. Geneva: United Nations Institute for Disarmament Research, 2006.
12. UNIDIR. *Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of Reports Submitted by States in 2003*. Geneva: United Nations Institute for Disarmament Research, 2004.
13. UNODA. *The Gun-Free Zone – A Tool to Prevent and Reduce Armed Violence*. New York: United Nations Office for Disarmament Affairs, Occasional Paper No. 25, 2013.
14. UNODC. *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*. Vienna: United Nations Office on Drugs and Crime, 2006.
15. UNODC. *Legislative Guides for the Implementation of the United Nations Convention against*

Transnational Organized Crime and the Protocols Thereto (Part 4). Vienna: United Nations Office on Drugs and Crime, 2004.

International & Regional Organizations

16. ANDEAN COMMUNITY. *Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects*. DECISION 552 of 25 June 2003.
17. OAU. *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*. Bamako: Organization of African Unity, 1 December 2000.
18. ECOWAS. *Control of Possession of Small Arms and Light Weapons by Civilians*. Article 14 of the *Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials*. Abuja: Economic Community of West African States, 2006.
19. EU. *Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons* (European Firearms Directive). Brussels: European Parliament, 2008.
20. EU. *EU Strategy to combat illicit accumulation and trafficking of SALW and their Ammunition*. Document 5319/06. Brussels: Council of the European Union, 13 January 2006.
21. LEAGUE OF ARAB STATES. *Arab Model Law on Weapons, Ammunitions, Explosives and Hazardous Material*. Cairo: League of Arab States, 2002.
22. OAS. *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*. Washington, DC: Organization of American States, 1997.
23. PACIFIC ISLANDS FORUM. *Legal Framework for a Common Approach to Weapons Control Measures* (Nadi Framework). Nadi: Pacific Islands Forum, 2000.
24. RECSA. *Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons*. Nairobi: Regional Centre on Small Arms and Light Weapons, 2005.
25. SADC. *Protocol on Control of Firearms, Ammunition and other related materials*. Gaborone: Southern African Development Community, 2001.
26. SARPCCO. *Standard Operating Procedures for the implementation of the SADC Protocol on the Control of Firearms, Ammunition and other related materials*. Harare: Southern African Regional Police Chiefs' Cooperation Organization, 2008.

Other Sources

27. FREY, B. *The Question of the Trade, Carrying and Use Of Small Arms and Light Weapons in the Context of Human Rights and Humanitarian Norms*. Working Paper E/CN.4/Sub.2/2002/39. United Nations Commission on Human Rights, Sub-Commission On The Promotion And Protection Of Human Rights. 30 May 2002.
28. KARP, A. *Estimating Civilian Owned Firearms*. Research Notes No. 9. Geneva: Small Arms Survey, September 2011.
29. _____. *Completing the Count: Civilian Firearms*. In *Small Arms Survey 2007: Guns and the City*. Cambridge: Cambridge University Press, 2007, pp. 39-71.
30. LUMPE, L. *Briefing Paper: The regulation of civilian ownership and use of small arms*. Geneva: Centre for Humanitarian Dialogue, 2005.

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31. PARKER, S. Balancing Act: Regulation of Civilian Firearm Possession. In *Small Arms Survey 2011: States of Security*. Cambridge: Cambridge University Press, 2011.



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