

DRAFT INTERNATIONAL **ISACS** SMALL ARMS CONTROL **03.30** STANDARD

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National controls over the access of civilians to small arms and light weapons

Request for feedback

The United Nations invites feedback on this draft ISACS module from qualified practitioners and policymakers from all sectors of the small arms and light weapons community of practice – e.g. government (including police and military); international, regional and sub-regional organizations; civil society and industry – and from all regions of the world.

Feedback on this and all other draft ISACS modules may be provided on an online workspace. For details, please visit www.un-casa-isacs.org

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This document is in draft form. As such, it is not complete, has not been adopted by the United Nations and may not be referred to as an international standard.

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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 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) and disarmament, demobilization and reintegration of ex-combatants (Integrated Disarmament, Demobilization and Reintegration Standards), the United Nations is developing 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. This document forms part of the ISACS series, as outlined in the table opposite.

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);
- the *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (International Tracing Instrument) and;
- the *UN 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).

ISACS build upon standards, best practice guidelines, model regulations, etc. that have been elaborated at the regional and sub-regional levels and they 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 and guidance.

This ISACS module is being drafted in accordance with the rules given 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 Current members of the United Nations Coordinating Action on Small Arms (CASA) mechanism are: Department of Economic and Social Affairs (DESA); Department of Peacekeeping Operations (DPKO); Department of Political Affairs (DPA); Department of Public Information (DPI); Office for Disarmament Affairs (UNODA); International Civil Aviation Organization (ICAO); Office for the Coordination of Humanitarian Affairs (OCHA); Office of the Special Adviser on Africa (OSAA); Office of the Special Adviser on the Prevention of Genocide (OSAPG); Office of the Special Representative of the Secretary General for Children and Armed Conflict (OSRSG/CAAC); Office of the United Nations High Commissioner for Human Rights (OHCHR); Office on Drugs and Crime (UNODC); United Nations Children's Fund (UNICEF); United Nations Development Fund for Women (UNIFEM); United Nations Development Programme (UNDP); United Nations Environment Programme (UNEP); United Nations High Commissioner for Refugees (UNHCR); United Nations Human Settlements Programme (UN-HABITAT); United Nations Institute for Disarmament Research (UNIDIR); United Nations Mine Action Service (UNMAS); United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED) and the World Health Organization (WHO). The United Nations Office for Disarmament Affairs (UNODA) acts as the focal point of CASA.

Working Outline of ISACS

SERIES	MODULE
01 Introduction to ISACS	01.10 Guide to the application of ISACS
	01.20 Glossary of terms, definitions and abbreviated terms
02 Small arms and light weapons control in context	02.10 Small arms and light weapons control in the context of preventing armed violence
	02.20 Small arms and light weapons control in the context of Disarmament, Demobilization and Reintegration
	02.30 Small arms and light weapons control in the context of Security Sector Reform
03 Legislative and Regulatory	03.10 National controls over the manufacture of small arms and light weapons
	03.20 National controls over the international transfer of small arms and light weapons
	03.21 National controls over the end-user and end-use of internationally transferred small arms and light weapons
	03.30 National controls over the access of civilians to small arms and light weapons
	03.40 National coordinating mechanisms on small arms and light weapons control
	03.50 International legal cooperation, criminal offenses and investigations
04 Design and Management	04.10 Designing and implementing National Action Plans
	04.20 Designing and implementing community safety programming
	04.30 Raising awareness of the need for small arms and light weapons control
	04.40 Monitoring, evaluation and reporting
05 Operational Support	05.10 Conducting small arms and light weapons surveys
	05.20 Stockpile management: Weapons
	05.21 Stockpile management: Ammunition
	05.30 Marking and recordkeeping
	05.31 Tracing illicit small arms and light weapons
	05.40 Collection
	05.50 Destruction: Weapons
	05.51 Destruction: Ammunition
06 Crosscutting Issues	06.10 Gender and small arms and light weapons
	06.20 Children, Youth and small arms and light weapons

Introduction

It is estimated that approximately three-quarters of all small arms in the world are in civilian possession and that the number of small arms in civilian hands is growing every year.² Most of these weapons are in the hands of 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 valid licence for the weapon(s) they hold. Some 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, e.g. in contexts of widespread criminality, they can cause significant damage to the lives, livelihoods, health and security of individuals and communities and can create an environment of fear.

Inadequate national controls over the access of civilians to small arms and light weapons is a factor in their global, illicit trade. The absence of effective national controls 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, 03.21 and 05.60), it is also essential to ensure that privately held small arms are legally owned and used and that their owners are held accountable for their misuse.

The responsible, legal use of small arms by civilians far outweighs their irresponsible and illegal misuse by civilians. 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 control 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 controls are 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 prevent the unlawful possession and misuse of small arms by civilians and the diversion of civilian small arms into the illicit market.

² Small Arms Survey. *Estimating Civilian Owned Firearms*. Research Notes No. 9. Geneva: Small Arms Survey, September 2011.

National controls over the access of civilians to small arms and light weapons

1 Scope

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 regulating the possession by civilians of certain categories of small arms and light weapons; regulating the use of small arms by civilians; and preventing the possession of small arms by civilians who are likely to misuse them.

This document is meant to be of use to regulatory and licensing authorities of States that are seeking guidance on drafting laws, regulations and administrative procedures to control civilian access to small arms and light weapons.

This document aims to

- a) achieve a balance between, on the one hand, recognizing and respecting the legitimate use of small arms by civilians, while, on the other, providing guidance on minimizing the risk of small arms being misused by civilians;
- b) prevent the illegal possession of small arms by civilians by promoting and enforcing compliance with national laws;
- c) ensure that civilians who legally possess small arms are those at the lowest risk of misusing them;
- d) ensure that small arms are possessed and used for legitimate purposes; and
- e) ensure that levels of national control are proportionate to the type of weapon possessed, focusing on types of weapons most likely to endanger the well-being and social and economic development of individuals and communities and to impact on individuals' right to life, liberty and security of person.

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 [Clause 3.1](#)).

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 03.30:2011(E) – draft 3.0

ISACS 05.20, *Stockpile management: Weapons*

ISACS 05.30, *Marking and recordkeeping*

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*, including 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

the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in small arms or light weapons

NOTE Includes

- cartridges (rounds) for small arms;
- shells, grenades and missiles for light weapons; and
- mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems.

Source: Based on UN Firearms Protocol

ammunition, armour piercing

ammunition whose projectile or projectile core is made of a hard, dense material specifically designed to penetrate protective shields, e.g. vehicle- or body-armour, metal, construction material, etc.

antique small arm

defined in accordance with domestic law but in no case includes small arms manufactured after 1899

Source: Based on International Tracing Instrument

armed service

government body authorized by law to use small arms or light weapons

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

carry

bear a small arm, in ready-to-use condition, upon, about or in the proximity of one's person

child

human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier

Source: United Nations Convention on the Rights of the Child

civilian

natural person who is not an active member of an armed service of a State

NOTE Includes employees of private security companies.

civilian organization

legal person that is not part of an armed service of a State

NOTE Includes private security companies.

collector

natural or legal person who gathers and keeps small arms or light weapons in order to preserve them for their historical, technical, cultural, artistic, educational, heritage or monetary value, or for use in research

configured for military use

small arm or light weapon manufactured and configured according to specifications set by a military armed service of a State

curio

a small arm or light weapon

- a) manufactured at least 50 years prior to the current date;
- b) certified by the curator of a government-regulated museum; or
- c) that derives at least half of its monetary value from the fact that it is novel, rare, bizarre, or associated with some historical figure, period, or event

handgun

small arm with a short stock at an angle to and extending below the line of the barrel, that is designed to be held and fired with one hand

NOTE Examples include pistols and revolvers.

hunting

pursuing wild animals with intent to kill them using a small arm

law enforcement agency

government body responsible for promoting and ensuring adherence to the law, and apprehending those who break the law

NOTE The term is most frequently applied to officials who conduct inspections, patrols or surveillance in order to dissuade and discover criminal activity, and to those who investigate crimes and apprehend offenders, e.g. police (including gendarmerie), border guards (including agencies with a coastguard function), customs, immigration, etc.

light weapon

any man-portable lethal weapon designed for use by two or three persons serving as a crew (although some may be carried and used by a single person) that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive

NOTE includes, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres, as well as their parts, components and ammunition.

Source: Based on International Tracing Instrument

ownership

ultimate and exclusive right to use and dispose of a small arm or light weapon

NOTE Ownership may be conferred through lawful acquisition, license by competent authorities, etc. and may be subject to restrictions, e.g. legal title.

parts and components

any element or replacement element specifically designed for a small arm or light weapon and essential to its operation

NOTE Includes barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing.

Source: Based on the UN Firearms Protocol

pistol

handgun with a chamber as an integral part of, or permanently aligned with, the barrel

possession

knowledge of the presence of a small arm or light weapon and the power and intention to physically control it

NOTE More than one person can be in possession of a small arm or light weapon if each knows of its presence and has the power and intention to physically control it. Possession does not necessarily equate to ownership since possession does not require legal title to the weapon.

private security company

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

relic

curio

revolver

handgun with a breech-loading, chambered cylinder so arranged that the cocking of the hammer or depression of the trigger rotates the cylinder and brings the next cartridge in line with the barrel for firing

rifle

small arm designed to expel, through the action of an explosive, a single projectile through a rifled barrel, while supported against the shoulder and held with both hands

selective-fire

capability of a small arm or light weapon that can be adjusted to fire in two or more of the following ways:

- a) semi-automatic, (i.e. one shot per depression of the trigger);
- b) multi-shot burst (i.e. a set number of shots per depression of the trigger); or
- c) automatic

self-loading

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 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

shotgun

small arm designed to expel, through the action of an explosive, shot or a single projectile through a smooth-bored barrel, while supported against the shoulder and held with both hands

small arm

any man-portable lethal weapon designed for individual use that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive

NOTE 1 Includes, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns, as well as their parts, components and ammunition.

NOTE 2 Excludes antique small arms and their replicas.

Source: Based on International Tracing Instrument

sport shooting

competitive and recreational sports that involve tests of proficiency (accuracy and speed) using various types of small arms, ammunition and targets

NOTE Shooting sports are categorized by the type of small arms used, the type of target used or the course of fire used. They are part of the Olympic Games and are practiced in most parts of the world. Sport shooting competitions are organized at the international, national, regional and local club levels.

use

application of a small arm or light weapon

NOTE Includes displaying, aiming and firing (whether defensively or offensively, legally or illegally), as well as manipulating the working parts of a small arm or light weapon (e.g. safety, slide, trigger, etc.). Does not include cleaning or maintenance.

weapon

small arm or light weapon

3.2 Abbreviated terms

IBIN INTERPOL Ballistic Information Network

INTERPOL International Criminal Police Organization

NCB INTERPOL National Central Bureau

SLARM INTERPOL Lost and Stolen Firearms Database

3.3 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 national controls over the access of civilians 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 manufacture, 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, emphasis added);
- b) “To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, 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, emphasis added); and
- c) “To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons” (part II, paragraph 8, emphasis added).

5 General principles

Laws, regulations and administrative procedures shall be in place at the national level to exercise effective control over the access of civilians to small arms and light weapons.

Such laws, regulations and administrative procedures shall focus on

- a) regulating specific types and characteristics of small arms and light weapons;
- b) regulating civilian uses of small arms; and
- c) regulating civilian users of small arms.

6 Regulating types and characteristics of small arms and light weapons

6.1 General

Laws, regulations and administrative procedures shall be in place at the national level to regulate civilian access to certain types and characteristics of small arms and light weapons.

6.2 Weapons configured for military use

6.2.1 General

A small arm or light weapon is configured for military use if it has been manufactured and configured according to specifications set by a military armed service of a State.

6.2.2 Regulation

Civilians shall not be permitted to acquire or possess

- a) light weapons;
- b) automatic small arms;
- c) selective-fire small arms
- d) small arms specifically designed to fire explosive devices; or
- e) any other small arm that is configured for military use and that has no legitimate civilian use.

Civilians may be permitted to acquire and possess, subject to national law and licensing requirements, small arms that are configured for military use but that have legitimate civilian uses, e.g. in hunting, sport shooting, private security, etc. (e.g. semi-automatic pistols and rifles).

6.2.3 Exceptions

Exceptions may be made for small arms and light weapons that are configured for military use but that qualify under domestic law as curios/relics. In such cases, national laws, regulations and administrative procedures shall regulate the collection and use of such weapons by civilians and civilian organizations.

Where the collection of curios/relics is permitted by law, a separate licensing system shall be employed that includes stringent requirements on safe storage and on safe conditions of use, in accordance with **Clause 10** of ISACS 05.20, *Stockpile management: Weapons*. **[Normative Reference]**

6.3 Ammunition

6.3.1 General

Civilians shall not be permitted to acquire or possess

- a) armour-piercing ammunition; or
- b) other types of ammunition unless they possess a license for a small arm capable of firing it.

Civilians should not be permitted to acquire or possess a magazine capable of holding more than 10 rounds of ammunition.

Limits may be placed on the amount of ammunition that a civilian may possess at any one time or acquire during a specific period of time.

6.3.2 Exceptions

Exceptions may be made to allow for the collection of limited numbers of different types of ammunition rounds by collectors, who should be specifically licensed and regulated.

7 Regulating civilian uses of small arms

7.1 General

Laws, regulations and administrative procedures for regulating the use of small arms by civilians shall be in place at the national level and shall identify those uses of small arms by civilians that are deemed to be legitimate. Such legitimate uses may include, but need not be limited to,

- a) hunting (including species management and pest control);
- b) sport shooting;
- c) self-defence;
- d) the provision of private security services;
- e) the collection of curios/relics (See **Clause 6.2.3**); and
- f) 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.).

7.2 Sport shooting

Civilians who apply for a licence to possess a small arm in order to practice sport shooting should be required to show evidence that they regularly participate in such activities or that they are in a structured learning process.

Sport shooting associations should be registered as legal entities and licensed by a competent State authority in order to be eligible to acquire and possess small arms that are used and/or stored at their premises.

The use of small arms that are licensed for the purpose of sport shooting should be limited to practice and competition at registered and licensed sport shooting clubs.

7.3 Self-defence

Where permitted by domestic law, civilians may apply for a licence to acquire and possess a small arm for the purpose of self-defence.

In addition to meeting all of the usual requirements for a small arms license (see **Clause 8**) civilians may be required to demonstrate their need to possess a small arm for the purpose of self-defence in a format, devised by a competent national authority, that reflects national practice, law and culture.

7.4 Carrying small arms in public

Licenses for the acquisition and possession of a small arm shall indicate the location in which the small arm is to be stored.

Licenses may authorize licensees to carry the weapon on their person away from its storage location for use in connection with

- a) hunting (including species management and pest control);
- b) sport shooting;
- c) the licensee's lawful profession or occupation; and/or

- d) self-defence (if permitted by domestic law).

8 Regulating civilian users of small arms

8.1 General

Laws, regulations and administrative procedures for regulating civilian users of small arms shall be in place at the national level. These shall be sufficient to minimize the risk of small arms being possessed by civilians who are likely to use them illegally.

8.2 Number limits

A limit may be placed on the number of small arms that an individual civilian may

- a) possess at any one time; and
- b) acquire during a specific period of time.

8.3 Marking

Small arms acquired and possessed by civilians shall be marked in accordance with ISACS 05.30, *Marking and recordkeeping*. [Normative Reference]

8.4 Licensing

8.4.1 General

Any civilian wishing to acquire and possess a small arm shall be required to obtain a licence in advance of acquiring the small arm or, if this proves impossible (e.g. due to the unexpected acquisition of a small arm as a gift, by means of a bequeathal, etc.), **within 30 days** of acquiring the small arm.

A small arm shall not be sold or otherwise given into the possession of a civilian or civilian organization that does not possess a valid licence for the weapon.

Small arms licenses shall be issued by a competent authority of the State, designated in national law.

NOTE The competent national authority may be, for example, a Central Firearms Bureau, a Chief Licensing Officer or other institution conferred by the State with responsibility for issuing small arms licences.

A small arm in the possession of a civilian or civilian organization that does not hold a licence for it shall be seized by a competent State authority (e.g. law enforcement agency).

8.4.2 Categories of small arms

A national licensing system may differentiate between different categories of small arms based on criteria such as

- a) action (e.g. manual or semi-automatic);
- b) calibre;
- c) rimfire (generally lower-powered and smaller calibre) vs. centrefire (generally higher-powered and larger calibre) small arms;
- d) magazine capacity; and
- e) whether they are designed to be used with one or two hands (e.g. handguns vs. rifles).

When different types of licences are issued for different categories of small arms, each type of licence should have its own, specific set of qualification requirements, the stringency of which should correspond with the restrictions placed on the civilian access to the weapons contained in each category.

Applicants for small arms licences should be required to demonstrate a specific, legitimate reason for needing to possess the category of small arm for which they are applying for a licence.

EXAMPLE Category 1: Rimfire rifles (not semi-automatic); shotguns (not pump-action or semi-automatic).
 Category 2: Centrefire rifles (not semi-automatic).
 Category 3: Rimfire rifles (semi-automatic); shotguns (pump-action or semi-automatic capable of holding up to 5 rounds of ammunition).
 Category 4: Centrefire rifles (semi-automatic); shotguns (pump-action or semi-automatic capable of holding more than 5 rounds of ammunition).
 Category 5: Handguns (semi-automatic, e.g. revolvers and pistols).

8.4.3 Waiting period

In order to minimize the risk that a small arm could be misused following its acquisition on impulse, licensing laws and regulations shall include, explicitly or implicitly, a waiting period that establishes a time lag of **at least 7 days** between the submission of a licence application and the granting of a license to acquire and possess a small arm.

8.4.4 Requirements

8.4.4.1 Safe use

Before applying for a small arms licence, civilians should be required to complete a small arms safety training course, including,

- a) basic small arms and ammunition safety practices, including safe handling and carry procedures;
- b) firing techniques and procedures;
- c) care of small arms;
- d) safe storage and transportation of small arms and ammunition;
- e) small arms laws and regulations; and
- f) responsibilities of the small arms owner/user, including in relation to children (see **Clause 8.6**).

8.4.4.2 Safe storage

When applying for a small arms licence, civilians shall be required to

- a) provide evidence that they have the capacity to store the weapon safely and securely 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 practice safe storage of the weapon and its ammunition, (see **Clause 8.5**).

Small arms licensing laws may require periodic inspections of premises where small arms are stored in order to ensure compliance with safe storage requirements.

8.4.4.3 Keeping children safe

If a civilian small arm is to be stored in a home where children reside or that is frequented by children, licence applicants shall be required to provide a written undertaking to educate the children about the

dangers of interacting with small arms and about what to do when they see a small arm (see **Clause 8.6**).

8.4.4.4 Reporting lost and stolen small arms

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 the INTERPOL Stolen and Lost Firearms Database (SLARM), which is designed to alert border officials to the attempted export and import of stolen and lost small arms.

NOTE For further details on SLARM, see **Clause 5.3.2** of ISACS 05.60, *Border controls and law enforcement cooperation*.

8.4.5 Validity

8.4.5.1 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**).

8.4.5.2 Renewal

The validity of a small arms licence may be renewed for additional limited periods on 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, especially in respect to safe storage (see **Clause 8.5**) and keeping children safe (see **Clause 8.6**); and
- b) the continued existence of the applicant's need to possess the weapon, as expressed through a specific, legitimate reason provided by the applicant at the time of applying for licence renewal.

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

- c) the reasons for turning down the application shall be provided to the applicant in writing; and
- d) the weapon in question shall be surrendered to a competent State authority.

8.4.5.3 Revocation

A small arms licence may be revoked 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 8.8.2**).

8.4.6 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).

8.5 Safe Storage

8.5.1 General

When not in use, small arms shall be stored unloaded.

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 at least reasonable protection against intrusion (e.g. a house or other building with doors and windows capable of being locked);
- b) in an area of the house 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 bolted to a heavy or immovable object); and
 - 3) whose keys (or combinations) are retained by the licensee.

Multiple small arms may be stored in the same sturdy, locked container but shall not be stored in the same container as their ammunition.

8.5.2 Weapon locks

When it is not possible to comply with Clause 8.5.1, a stored small arm shall be fitted with a cable lock (a plastic-coated steel cable whose ends are secured together by means of a lock). Cable locks shall

- 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;
- 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 shall be threaded up through the magazine well and out the ejection port,
 - 2) for revolvers, the cylinder shall be swung out and the cable passed through the frame at least twice,
 - 3) for bolt-action and semi-automatic rifles, the bolt shall 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 shall be threaded up through the loading port and out the ejection port.

Even when **Clause 8.5.1** is complied with, stored small arms may also be fitted with cable locks in order to provide additional safety and security in case of a breach of the storage container. In such cases, cable locks should secure the small arm to an immovable object (e.g. a fixed metal bar) inside the storage container.

8.6 Keeping children safe

The most effective way of keeping children safe from small arms is to ensure that small arms do not exist in the environments in which children live.

Where small arms do exist in children's environments, the most effective way of keeping children safe is to educate them about

- a) the dangers of interacting with small arms; and
- b) what to do if they see a small arm (immediately leave the place where the weapon is and tell a parent or other adult).

Educating children in order to keep them safe from small arms is not a one-off exercise but should be repeated and reinforced over time in order to ensure that children internalize the key messages.

NOTE For further guidance, see ISACS 06.20, *Children, youth and small arms and light weapons*, and ISACS 04.30, *Raising awareness of the need for small arms and light weapons control*.

8.7 Registration

8.7.1 General

In addition to a licensing system, a registration system may be used to record certain categories of small arms legally held by civilians. Under such a system, each civilian small arm that falls into one of the categories requiring registration is recorded in an official database that links the weapon (or weapons) to its (or their) legal owner. Registration can assist law enforcement officials to

- a) trace small arms recovered in crime;
- b) investigate crimes;
- c) support criminal prosecution; and
- d) identify small arms that are licensed to individuals who have become ineligible to possess them (e.g. as a result of committing a serious crime).

The conditions of registration shall specify that the registrant is not authorized to give or sell a registered small arm to a person who is not authorized to acquire or possess it.

Registration provides a powerful disincentive for registered owners of small arms to sell or give their weapons to someone who is not authorized to acquire or possess them, since doing so would be a violation of the terms of registration and, in addition, they may be held liable for any misuse of the weapon by the unauthorized recipient.

NOTE In certain circumstances, licensed small arms owners may be permitted to loan their weapon – temporarily, under controlled conditions and in the presence of the licence holder – to someone who is not licensed (e.g. in the context of introducing people to hunting or sport shooting).

8.7.2 Information requirements

A registration system links civilians to the legal small arm(s) they own. To be effective, a registration system should record

- a) details of the owner, 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 weapon legally held by the owner, including its
- 1) make,
 - 2) model,
 - 3) calibre,
 - 4) serial number
 - 5) import marking (if applicable),
 - 6) type (e.g. revolver, pistol, rifle, etc.), and
 - 7) action (e.g. manual or semi-automatic); and
- c) details of the licence for each weapon, including its
- 1) number,
 - 2) date of issue,
 - 3) date of expiration, and
 - 4) conditions.

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 (see **ISACS 05.31**, *Tracing illicit small arms and light weapons*, for information on the INTERPOL Ballistic Information Network (IBIN), which can be used to link small arms to crimes).

8.8 Restricting access to small arms

8.8.1 General

In order to minimize the risk that small arms could be used illegally, certain categories of civilians shall be denied permission to acquire or possess small arms; in particular those who pose a danger to themselves, to public order or to public safety.

The burden should be on applicants for a small arms licence to prove their eligibility for a small arms licence, but applicants should be provided with clear guidance on the information and documentation they are required to submit with their application in order to do so.

8.8.2 Criteria

A small arms licence shall not be granted to a person who

- a) has a criminal record that includes one year or more of time served in prison;
- b) has been convicted of a crime involving the use of violence, including, but not limited to,

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- 1) assault (with or without a weapon),
 - 2) armed robbery,
 - 3) intimate partner or family-related violence,
 - 4) gender-based violence, or
 - 5) sexual violence;
- c) has been convicted of a crime involving the trade in illegal drugs;
 - d) has an outstanding warrant for his/her arrest;
 - e) has been found in violation of laws or regulations related to small arms acquisition or possession;
 - f) has been found to have committed fraud by submitting false information in connection with a small arms licence;
 - g) 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; or
 - h) is under the age of 18 years (unless, under the applicable law, majority is attained earlier).

8.8.3 Exceptions

The requirements of **Clause 8.8.2** may be subject to time limits, e.g. in the context of offences committed in the distant past without the occurrence of subsequent offences.

8.9 Information requirements

An applicant for a license to acquire and possess a small arm should be required to

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

NOTE Temporary permits may be issued for small arms temporarily imported by non-nationals for the purposes of hunting, sport shooting, evaluation, exhibition or repair.

 - 3) suitability to possess a small arm (e.g. in the form of one or more references from responsible members of society who know the applicant, e.g. a police officer, doctor, lawyer, teacher, etc.); and
- b) specify at least one specific, legitimate reason for wishing to possess a small arm.

8.10 Commercial entities

8.10.1 General

Laws, regulations and administrative procedures shall be in place at the national level to exercise control over commercial entities that sell small arms 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.

8.10.2 Licensing

8.10.2.1 General

Commercial entities shall not be permitted to sell small arms on the domestic market without first possessing a licence to do so from a competent State authority.

8.10.2.2 Criteria

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 8.8**;
- b) demonstrate that its sales premises
 - 1) provide adequate security against attempts at forced entry, and
 - 2) contain secure storage facilities 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 temporary 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;
- e) demonstrate detailed 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 and health and safety regulations; and
- f) agree to submit to an annual inspection by the licensing authority and to any random inspection that the licensing authority may decide to undertake.

8.10.2.3 Expiration and renewal

The validity of a commercial licence to sell small arms on the domestic market 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 licence should be limited to reasonable period of time (e.g. **3 to 5 years**).

The validity of a commercial licence may be renewed for additional limited periods on application by the holder of the licence to the State authority responsible for issuing commercial licences.

The renewal of a commercial licence shall be subject to an assessment of compliance by the applicant with the terms of the previously held licence, especially in respect to safe storage (see **Clause 8.5**) and recordkeeping (see **Clause 8.10.3**).

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

- a) the reasons for turning down the application shall be provided to the applicant in writing; and
- b) the small arms and ammunition remaining in stock after the expiration of the licence shall be seized by a competent State authority.

8.10.3 Recordkeeping

Commercial entities that sell small arms on the domestic market shall be required to keep detailed records of all commercial transactions involving small arms, including

- a) deliveries and supplier details;
- b) small arms in stock (updated regularly and at least every **7 days**); and
- c) sales of small arms, including the buyer's
 - 1) name,
 - 2) address,
 - 3) national identification number (if applicable), and
 - 4) small arms licence
 - number and
 - expiration date.

For all commercial transactions involving small arms, including those listed in a-c above, commercial entities shall be required to record the following details of each small arm:

- d) make,
- e) model,
- f) calibre,
- g) serial number,
- h) type (e.g. revolver, pistol, rifle, shotgun, etc.), and
- i) action (e.g. manual or semi-automatic), and

Commercial entities may be required to share records with competent State authorities on a regular basis and shall be required to share records when requested to do so by a competent State authority, in particular in connection with investigations into crimes involving small arms, including domestic and international trace requests.

Commercial entities shall be required to maintain their records of commercial transactions involving small arms for at least **20 years** and should be required to maintain them indefinitely.

8.10.4 Commercial entities no longer in business

Commercial entities that have sold small arms to civilians on the domestic market and that go out of business shall be required to transfer their records of commercial transactions involving small arms to a competent authority of the State, who shall maintain them for at least **20 years** and who should maintain them indefinitely.

8.11 Person-to-person domestic transfers

8.11.1 General

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, giving as a gift, 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*.

8.11.2 Obligations of the transferor

A private individual wishing to transfer ownership of a small arm to another private individual in the same State shall be required to have a valid license for the weapon.

If the license possessed by the person transferring a small arm is linked specifically and exclusively to the small arm being transferred, the licence shall be surrendered to the national authority responsible for licensing small arms within **7 days** of transferring ownership of the weapon.

An “agreement of transfer” (e.g. a contract, letter, form, official document, etc.) signed by the parties to the transfer and stating that the parties acknowledge and consent to the transfer of the small arm, may be required.

8.11.3 Obligations of the transferee

The recipient of a small arm through a private, person-to-person domestic transfer shall obtain a licence for the weapon

- a) in advance of receiving it, or
- b) if this is not possible (e.g. due to an unexpected gift or bequeathal), within **30 days** of receiving it.

If the intended recipient of a small arm is ineligible for or is denied a licence for the weapon,

- c) the transfer shall not be allowed to go ahead; and
- d) the small arm shall be surrendered to a competent State authority (e.g. police) for safekeeping until the intended recipient
 - 1) is granted a licence for the weapon, or
 - 2) a means is found to dispose of the weapon and transfer its monetary value to its intended recipient.

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.

8.12 Private security companies

8.12.1 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) possess, carry or use small arms in the course of their work.

Laws, regulations and administrative procedures shall be in place at the national level to exercise effective control over private security companies.

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

8.12.2 Licensing

8.12.2.1 General

Private security companies shall not be permitted to operate without first obtaining a licence to operate as a private security company from the competent State authority.

8.12.2.2 Criteria

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

- a) not be privately owned by or employ individuals that fall within the scope of **Clause 8.8**;
- b) demonstrate that its small arms storage premises
 - 1) provide adequate security against attempts at forced entry, and
 - 2) contain secure storage facilities 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 possess, carry or 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 detailed 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) agree to submit to an annual inspection by the licensing authority and to any random inspection that the licensing authority might decide to undertake.

8.12.2.3 Expiration and renewal

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 the licence should be limited to reasonable period of time (e.g. **3 to 5 years**).

The validity of the licence may be renewed for additional limited periods on application by the holder of the licence to the competent State authority.

The renewal of a licence to operate as a private security company shall be subject to an assessment of compliance by the applicant with the terms of the previously held licence, especially in respect to safe storage, recordkeeping and responsible use of small arms.

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

- a) the reasons for turning down the application shall be provided to the applicant in writing; and
- b) the small arms and ammunition remaining in the possession of the company after the expiration of the licence shall be surrendered to a competent State authority.

8.12.3 Recordkeeping

Private security companies shall be required to keep detailed records of their holdings of small arms, including

- a) purchases (with supplier details);
- b) small arms in stock; and
- c) disposal of small arms (e.g. through destruction of obsolete or damaged weapons);

Private security companies shall not be permitted to sell small arms on the domestic market unless they possess a licence to do so (see [Clause 8.10.2](#)).

Private security companies shall be required to record the following details of each small arm in their inventories:

- d) make,
- e) model,
- f) calibre,
- g) serial number,
- h) type (e.g. revolver, pistol, rifle, shotgun, etc.), and
- i) action (e.g. manual or semi-automatic), and

Private security companies may be required to share records with competent State authorities on a regular basis and shall be required to share records when requested to do so by a competent State authority, in particular in connection with investigations into crimes involving small arms, including domestic and international trace requests.

Private security companies shall be required to maintain their small arms records for at least [20 years](#) and should be required to maintain them indefinitely.

8.12.4 Private security companies no longer in business

Private security companies 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.

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