

DRAFT INTERNATIONAL ISACS SMALL ARMS CONTROL 03.10 STANDARD

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National controls over the manufacture of 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-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. Requests to access the workspace should be addressed to coordinator@un-casa-isacs.org by 30 September 2010 and should contain the following information:

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Further details of how to participate are available at 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
	05.60 Border controls and law enforcement cooperation
06 Crosscutting Issues	06.10 Gender and small arms and light weapons
	06.20 Children, Youth and small arms and light weapons

Introduction

The effective regulation and control of the manufacture of small arms and light weapons, their parts, components and ammunition, is an essential component of national small arms and light weapons control regime.

This document sets standards and provides guidance for the establishment of adequate and effective national controls over the manufacture of small arms and light weapons, their parts, components and ammunition. The aim of such controls is to

- a) prevent illicit manufacturing of small arms and light weapons, their parts, components and ammunition;
- b) ensure that each weapon is adequately marked at the time of manufacture in order that they may be traced if recovered under illicit circumstances; and
- c) prevent theft and loss from manufacturers' stocks.

National controls over the manufacture of small arms and light weapons

1 Scope

This document provides guidance on regulating the manufacture of small arms and light weapons, their parts, components and ammunition, at the national level. It specifies methods and means of preventing illicit manufacturing, as well as elements and procedures for licensing individuals and companies to manufacture small arms and light weapons, their parts, components and ammunition.

This document is applicable to

- a) regulatory authorities seeking guidance on drafting legislation and regulations to combat illicit manufacturing in accordance with international obligations and norms;
- b) licensing authorities seeking guidance on recommended licensing and monitoring procedures;
- c) individuals and companies who manufacture small arms or light weapons, their parts and components or ammunition, seeking guidance on requirements and recommendations derived from international obligations and norms.

This document does not address

- d) technical aspects of manufacturing small arms and light weapons, their parts, components and ammunition, other than marking at the time of manufacture;
- e) quality control or proofing of manufactured weapons; nor
- f) manufacture of weapons under licence (licensed production), which is covered in ISACS 03.20, *National controls over the international transfer of small arms and light weapons*.

This document only covers the broad principles of marking at the time of manufacture and of record-keeping. More detailed guidance on these elements can be found in ISACS 05.30, *Marking and recordkeeping*.

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 05.20, *Stockpile management: Weapons*

ISACS 05.30, *Marking and recordkeeping*

ISACS 05.50, *Destruction: Weapons*

3 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.

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 Licensing procedure

4.1 Prohibition on manufacturing without a licence

National legislation shall prohibit any person, natural or legal, from manufacturing small arms, light weapons or their ammunition, without a licence or authorization granted by the appropriate national authority.

National legislation should also require a licence or authorization to manufacture parts or components of small arms or light weapons.

4.2 Licensing Authority

4.2.1 Appointment and function

A licensing authority shall be appointed and a licensing system shall be established to assess applications for and to grant licences or authorisations to manufacture small arms, light weapons and their ammunition.

The licensing authority should monitor compliance with the conditions of the licences and authorizations it issues, including by carrying out regular inspections of manufacturing facilities and records, or ensuring that such inspections be carried out.

The national licensing authority may also grant licenses or authorizations to manufacture parts or components or small arms or light weapons.

4.2.2 Recordkeeping by the licensing authority

4.2.2.1 Recordkeeping and security of records

The licensing authority shall maintain records of licensed manufacturers and of manufacturing licenses issued.

Records should be maintained in a centralized location, in electronic format and should be backed up, in hard and electronic formats, at a separate location in order to avoid data loss in the event of fire or other catastrophe.

4.2.2.2 Content of records

4.2.2.2.1 Records on licensing

The records maintained by the licensing authority should include the following information for all licensed manufacturers:

- a) name and address;
- b) date of issuance of the licence;
- c) date of expiration of the licence;
- d) unique licence number;
- e) licensed activities, including the types and quantities of small arms, light weapons and/or ammunition (and, if applicable, parts and components) that the manufacturer is licensed to manufacture;
- f) information on licence modifications, including extensions and changes to licence conditions;
- g) grounds for and dates of the suspension and/or revocation of the licence;
- h) information obtained through inspections (see [Clause 7.1](#)); and
- i) Information supplied by manufacturers, including
 - 1) as part of licensing applications, in accordance with [Clause 4.5](#);
 - 2) as part of reporting and notification obligations, in accordance with [Clause 6.4](#); and
 - 3) when the manufacturer goes out of business, in accordance with [Clause 6.1.2](#).

4.2.2.2.2 Records on seized and destroyed weapons and ammunition

Small arms, light weapons or their ammunition that are manufactured without a licence or authorization from the licensing authority shall be destroyed, and records kept of their destruction, in accordance with ISACS 05.50, *Destruction: Weapons* and ISACS 05.51, *Destruction: Ammunition*, respectively. [[Normative References](#)]

Records shall also be kept of small arms, light weapons or their ammunition that have been seized, in accordance with [Clause 7.2.2](#), on suspicion of having been manufactured without a licence or authorization from the licensing authority.

4.2.2.3 Transparency of records

Records maintained by the licensing authority may be made available to the public.

4.2.2.4 Duration or records

The licensing authority shall maintain its records for at least **30 years** and should maintain them indefinitely.

4.3 Licensing criteria

A person, natural or legal, wishing to obtain a licence or authorization to manufacture small arms, light weapons, their parts, components or ammunition, should fulfil at least the following criteria:

4.3.1 Age

Natural persons should be over the age of majority in the country where they are seeking a licence.

4.3.2 Suitable facilities and premises

Applicants should dispose of facilities suitable for the safe manufacture of weapons and/or ammunition, in accordance with International Labour Standards, in particular those governing occupational safety and health. **[Normative Reference, detail needed]**

Applicants should dispose of premises suitable for the safe and secure storage of manufactured weapons and ammunition, in accordance with ISACS 05.20, *Stockpile management: Weapons*. **[Normative Reference]**

4.3.3 Qualifications

Applicants should prove that they have successfully completed the prescribed training for manufacturers and that they are appropriately qualified to operate as a manufacturer.

Where the applicant is a legal person (e.g. a corporate body), the responsible person or the person directing operations should hold the relevant qualification.

NOTE The requirement that the applicant provide evidence of a relevant qualification to operate as a manufacturer presupposes that there is a system through which applicants can obtain professional training and qualifications as a manufacturer, including through apprenticeships. Such a qualification should be independent of the licensing authority, i.e. it should come from the education/training sector.

4.3.4 Background checks

All applicants for manufacturing licences should undergo a background check to verify that they are fit and proper persons, natural or legal, to carry on the business of manufacturing without being a danger to public safety or security. Specifically, such background checks should verify that the applicant

- a) does not have a criminal record;
- b) is of sound mind (a medical certificate may be required as proof of this);
- c) is not dependent on any substance that has an intoxicating or narcotic effect (e.g. drugs or alcohol); and
- d) is of good character (may be ascertained, for example, by interviewing and/or obtaining references from persons of responsible social standing who are familiar with the applicant).

NOTE Where the applicant is a legal person (e.g. a corporate body), as opposed to natural person (e.g. an individual), the representative of the legal person who is listed on the licence application, as well as the legal person itself, should be subject to a background check.

4.4 Application requirements

4.4.1 Natural person

A natural person (i.e. an individual) applying for a licence to manufacture small arms, light weapons and/or their ammunition should be required to provide

- a) proof of the identity of the applicant and of all persons the applicant proposes to employ in the business, including
 - 1) names,
 - 2) physical addresses, and
 - 3) recent photographs;
- b) a full set of the applicant's fingerprints; and
- c) any medical certificate required in accordance with **Clause 4.3.4(b)**.

4.4.2 Legal person

A legal person (e.g. a company) applying for a licence to manufacture small arms, light weapons and/or their ammunition should be required to provide

- a) original or certified copies of the company's founding documents, articles of incorporation or other proof of licensed business;
- b) information on the weapons and/or ammunition to be manufactured, including types and quantities;
- c) proof that the company meets State standards for protection of proprietary and State classified information, as applicable; and
- d) information on foreign control and/or ownership in the applicant company, as applicable.

An applicant that is a legal person may also be required to provide

- e) the identity of the company's officers;
- f) the identity of the person who will be responsible for the day to day management of the manufacturing facility (responsible person);
- g) proof of the identity of the responsible person, including
 - 1) name,
 - 2) physical address, and
 - 3) recent photograph;
- h) a full set of the responsible person's fingerprints; and
- i) any medical certificate required in accordance with **Clause 4.3.4(b)**.

4.5 Particulars of a manufacturing licence

The following information should be included in a licence to operate as a manufacturer:

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- a) name of the manufacturer;
- b) corporate status and place of registration of the manufacturer, if a legal person;
- c) date of issuance of the licence;
- d) date of expiration of the licence;
- e) licensed activity or activities, including types of weapons and/or ammunition that may be produced; and
- f) name of the licensing authority.

The following information may also be included in a licence to operate as a manufacturer:

- g) photograph of the licensee;
- h) signature of the licensee;
- i) physical address of the manufacturing facility;
- j) any restrictions that may apply to the licence, in accordance with **Clause 5**; and
- k) any conditions that may apply to the licence, in accordance with **Clause 6**.

4.6 Licence renewal

A manufacturer may apply to renew a manufacturing licence before the term of the licence expires (see **Clause 5.1**).

The decision by the licensing authority on whether or not to renew a licence should be based on the criteria outlined in **Clause 4.3**, i.e. the same criteria used when deciding to issue a licence for the first time.

When considering an application for a licence renewal, the licensing authority should examine whether there have been any changes in the circumstances of the manufacturer since the previous application, including changes to any of the elements contained in **Clause 4.4**.

4.7 Licence suspension and revocation

4.7.1 General

A licensing authority may suspend or revoke a manufacturing licence before it expires.

4.7.2 Suspension

If the licensing authority has reasonable grounds to believe that the conditions of a manufacturing licence have been violated, it may suspend the licence while it conducts an investigation.

Since the manufacturer shall not be permitted to continue with manufacturing while the license is suspended, there should be a limit on the duration of the suspension of not more than **7 days**, after which time the license should either be revoked or the suspension lifted.

If the licensing authority requires additional time and, consequently, a longer suspension of the license in order to complete its investigation, the manufacturer may be permitted to continue manufacturing operations, under the close supervision of the licensing authority, while the investigation continues.

4.7.3 Revocation

Conditions under which a manufacturing licence should be revoked include

- a) cessation of business by the licensee (e.g. through bankruptcy, dissolution of the corporate entity, etc.);
- b) violation of national laws or regulations;
- c) violation of the conditions or restrictions of the licence.
- d) changes in circumstances that result in the licensee no longer meeting the criteria set out in Clause 4.3.
- e) provision of false, misleading or incomplete information on a licence application;

5 Licensing restrictions

5.1 General

Licensing authorities may impose restrictions on manufacturing licences, including in the following areas:

5.2 Term of licence

A licence to manufacture small arms, light weapons, their parts, components or ammunition shall be valid for a limited time only, i.e. they shall have an expiration date.

The period of validity of a manufacturing licence should be no more than **1 year**.

5.3 Types of weapons and ammunition

The manufacturing licence shall specify the types of weapons and/or ammunition that may be produced (see Clause 4.5).

The licencing authority may impose additional restrictions, e.g. in the form of closer supervision, in licences to produce certain sensitive types of weapons and ammunition, such as those designed for use by armed forces or those not permitted to be possessed by civilians.

5.4 Sale and transfer

A manufacturing licence may include restrictions on whom a manufacturer is authorized to sell or transfer weapons and/or ammunition to.

EXAMPLE A licence may restrict a manufacturer to only selling weapons to licensed individuals or dealers, or to only exporting weapons.

5.5 Activities

A manufacturing licence may include restrictions on the activities a manufacturer may engage in.

EXAMPLE Manufacturers may be prohibited from reactivating weapons that have been deactivated, or from converting weapons from one form or state into another, e.g. from semi-automatic to automatic action.

5.6 Location of manufacturing

A licence should only authorize a manufacturer to carry out manufacturing activities at the premises specified in the licence, which shall have been assessed by the licensing authority, during the course of licence application process, as being suitable (see [Clause 4.3.2](#)).

5.7 Non-transferability

A manufacturing licence shall not be transferable from the licensee to another person, whether natural or legal, without the written authorization of the licensing authority.

When considering an application to transfer a manufacturing licence, the licensing authority should assess the eligibility of the person, whether natural or legal, to whom the licence is to be transferred according to the criteria set out in [Clause 4.3](#).

6 Licensing conditions

6.1 General

The continued validity of a manufacturing licence should be subject to the manufacturer's continuing to comply with certain conditions, including the following:

6.2 Marking at the time of manufacture

Manufacturers shall mark all small arms, light weapons, their parts, components and/or ammunition that they manufacture in accordance with ISACS 05.30, *Marking and recordkeeping*. [\[Normative Reference\]](#)

6.3 Recordkeeping by manufacturers

Manufacturers shall maintain records of all small arms, light weapons, their parts, components and/or ammunition that they manufacture in accordance with ISACS 05.30, *Marking and recordkeeping*. [\[Normative Reference\]](#)

6.4 Responding to tracing requests

Manufacturers shall respond promptly to tracing requests directed to them by their national focal point on tracing small arms and light weapons. As a general guide, manufacturers should provide the information requested within [3 working days](#).

NOTE Further guidance on tracing can be found in ISACS 05.31, *Tracing illicit small arms and light weapons*.

6.5 Storage

Manufacturers shall store all small arms, light weapons, their parts, components and/or ammunition that they manufacture in accordance with ISACS 05.20, *Stockpile management: Weapons*. [\[Normative Reference\]](#)

Manufacturers shall permit, and shall cooperate fully with, inspections carried out by the licensing authority (or such other body as may be designated by it) of the licensee's facilities, particularly in respect to the safe and secure storage of weapons and ammunition.

6.6 Notification and reporting

Manufacturers shall notify the licensing authority within [3 working days](#) if any of the following occurs:

- a) theft, loss or unintentional destruction of weapons or ammunition stored at the manufacturer's premises;
- b) change of address;
- c) changes to the composition of close associates (in which case the manufacturer shall provide the licensing authority with the names and addresses of each new close associate, along with particulars of the nature of the association with the manufacturer);

Manufacturers may also be required to report on their activities and/or to submit records kept in accordance with Clause 6.3 to the licensing authority for verification at regular, specified intervals.

6.7 Employees

Manufacturers should ensure that all employees who have access to completed, manufactured weapons or ammunition are eligible to hold a licence to possess a small arm under the relevant national law.

7 Enforcement powers

7.1 Inspection

In order to deter, detect and disrupt illicit manufacturing of weapons or ammunition, the licensing authority should conduct inspections of manufacturing facilities and records in order to verify their compliance with the conditions of their licence and with relevant national legislation.

Such inspections should take place on an irregular basis and with the minimum provision of notice as may be required by law.

7.2 Permanent confiscation

Small arms, light weapons, their parts, components or ammunition that have been illicitly manufactured shall be permanently confiscated by the relevant national authority.

NOTE The criminal procedure provisions that are necessary to implement confiscation orders would generally be set out in separate legislation such as a Proceeds of Crime Act and would not be included within a Firearms Act.

7.3 Temporary seizure

Small arms, light weapons, their parts, components or ammunition that are suspected of having been illicitly manufactured may be seized temporarily by the relevant national authority in order to conduct an investigation into the suspected illicit nature of the items.

Temporary seizure may be warranted if

- a) a manufacturing licence is suspended, revoked or cancelled, or if it expires;
- b) the holder of a manufacturing licence is convicted of an offence set out in **Clause 8.1**;
- c) the licensing authority has grounds to believe that an offence, as set out in Clause 8.1, has been or is about to be committed and that the items to be seized are either evidence of this or are themselves the subject matter of the offence involved;

Seized items that are found not to have been illicitly manufactured shall be promptly returned to their owner. In such cases, reasonable compensation should be paid to the owner if the seizure resulted in a financial loss to the owner.

Seized items that are found to have been illicitly manufactured shall be confiscated in accordance with **Clause 7.2**.

7.4 Disposal

Small arms, light weapons, their parts, components or ammunition that have been illicitly manufactured shall be promptly disposed of, preferably through destruction in accordance with ISACS 05.50, *Destruction: Weapons*, and ISACS 05.51, *Destruction: Ammunition*, respectively. **[Normative References]**

A method of disposal other than destruction may be used, provided that,

- a) the weapons are first marked and registered in accordance with ISACS 05.30, *Marking and recordkeeping*; **[Normative Reference]** and
- b) the method of disposal is recorded.

8 Offences and sanctions

8.1 Criminal offences

The following activities shall be established as criminal offences under domestic law:

- a) manufacture of small arms, light weapons, their parts, components or ammunition without a licence or authorization granted by the licensing authority;
- b) manufacture of small arms or light weapons, using illicitly trafficked or acquired parts or components;
- c) any attempt to commit the offences set out under a) and b) above;

NOTE In light of the fact that a number of steps involved in manufacturing small arms, light weapons, their parts, components and ammunition are not specific to weapons or ammunition (i.e. the machinery, tools and equipment may also be used in the production of other items), proof of an “attempt to manufacture” would have to go beyond the mere possession of non-specialist machinery, tools and equipment.

- d) failure to mark small arms or light weapons at the time of manufacture, in accordance with **Clause 6.2**;
- e) participation as an accomplice in any of the offences set out under a) to d) above;
- f) organizing, directing, aiding, abetting, facilitating or counseling the commission of any of the offences set out under a) to d) above

The following activities should be established as criminal offences under domestic law:

- g) failure to mark the parts and components of small arms or light weapons at the time of manufacture in accordance with **Clause 6.2**;
- h) failure to mark ammunition at the time of manufacture (where the State requires ammunition to be marked).

8.2 Penalties for violations

Appropriate civil, administrative or criminal penalties should be established for offences outlined under Clause 8.1.

Such penalties may consist of fines (for minor and administrative offences) and/or imprisonment (for more serious and criminal offences). Such penalties may be contained in national legislation on manufacturing or, in the case of criminal penalties, in the Criminal Code of the State.

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