



Comparative Analysis of Post- Manufacture Marking Instruments and Practices for Small Arms and Light Weapons

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Comparative Analysis of Post-Manufacture Marking Instruments and Practices for Small Arms and Light Weapons

**United Nations Institute for
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Preface

The International Security Research and Outreach Programme (ISROP) is located within the Defence and Security Relations Division of the International Security Bureau. ISROP's mandate is to provide the Department of Foreign Affairs and International Trade Canada (DFAIT) with timely, high quality policy relevant research that will inform and support the development of Canada's international security policy in the areas of North American, regional and multilateral security and defence cooperation, non-proliferation (nuclear and non-nuclear), arms control and disarmament. The current ISROP research themes can be found at: www.dfait-maeci.gc.ca/arms/isrop/menu-en.asp.

ISROP regularly commissions research to support the development of Canadian foreign policy by drawing on think-tank and academic networks in Canada and abroad. The following report, *Comparative Analysis of Post-Manufacture Marking Instruments and Practices for Small Arms and Light Weapons*, is an example of such contract research.

DFAIT wishes to acknowledge the work performed under contract by Mr. Giacomo Persi Paoli of the United Nations Institute for Disarmament Research (UNIDIR).

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Préambule

Le Programme de recherche et d'information dans le domaine de la sécurité internationale (PRISI) fait partie de la Direction des relations de sécurité et de défense, qui relève elle-même de la Direction générale de la sécurité internationale. Il a pour mandat de fournir au ministère des Affaires étrangères et du Commerce international (MAECI), en temps utile, des études stratégiques de haute qualité et pertinentes qui permettent d'orienter et de soutenir l'élaboration de la politique canadienne de sécurité internationale concernant la coopération nord-américaine, régionale et multilatérale en matière de sécurité et de défense, ainsi que la non-prolifération (nucléaire et non nucléaire), le contrôle des armements et le désarmement. Les thèmes de recherches actuels du PRISI figurent à l'adresse suivante : www.dfait-maeci.gc.ca/arms/isrop/menu-en.asp.

Le PRISI commande régulièrement des études à des groupes de réflexion et des réseaux d'universitaires au Canada et à l'étranger afin d'appuyer l'élaboration de la politique étrangère canadienne. Le rapport sommaire suivant, intitulé «Comparative Analysis of Post-Manufacture Marking Instruments and Practices for Small Arms and Light Weapons», est un exemple de ce type d'étude.

Le MAECI souhaite reconnaître le travail exécuté à contrat par Giacomo Persi Paoli de l'Institut des Nations Unies pour la recherche sur le désarmement.

Déni de responsabilité : Les vues et opinions exprimées dans le présent rapport sont exclusivement celles de l'auteur, et ne reflètent pas nécessairement la position du ministère des Affaires étrangères et du Commerce international, ou celle du gouvernement du Canada. Le rapport est présenté dans la langue de rédaction.

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Introduction

The ability to trace small arms/firearms is an important step toward transparency and preventing the illicit use of firearms in conflict and crime situations. Post-manufacture and import marking represents an additional measure to facilitate the tracing of illicit small arms and light weapons (SALW). To date, there has been no comprehensive study documenting state practices in post-manufacture and import marking. This project aims to evaluate progress toward the implementation of post-manufacture and import marking provisions under international and regional instruments.

A post-manufacture mark is any unique mark placed on a small arm/firearm in addition to the manufacturer's original markings. Post-manufacture marking may include, but is not limited to, import marking, proof marking, marking of state-owned weapons, marking of weapons transferred to civilian use and marking of seized weapons.

For the purposes of this study, an import mark will be defined as a simple mark identifying the country of import, and may include the year of import or permit identification of the name and address of the importer. The import mark can be an additional mark made either by the manufacturer at the time of export or by another actor at the time of import. The requirement of "import marking" should not be confused with the requirement that all imported small arms/firearms must include the original manufacturer marks providing for the unique identification of a firearm.

Import marking per se cannot prevent the diversion of SALW to the black market, but it is an important additional measure to facilitate the tracing of illegal small arms/firearms once they are seized. In fact, import marking can provide the relevant authorities with important information for further investigations by identifying the last country in which the seized small arm/firearm was legally imported, a potentially important lead in identifying the point at which the small arm/firearm was diverted for illicit use.

In the context of the international effort to tackle the proliferation of SALW, provisions covering post-manufacture marking in general and import marking in particular have been included in several international and regional instruments. Unfortunately, though all the instruments share the same overall goal, they are not always consistent with each other and occasionally provide ambiguous information that could result in different interpretations by states that are parties to one or more of those instruments.

The project Comparative Analysis of Post-manufacture Marking Instruments and Practices contributes to overcoming knowledge gaps related to a lack of information on state implementation of post-manufacture and import marking provisions under the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (the International Tracing Instrument), the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (the Firearms Protocol), and those regional instruments that make reference to import or post-manufacture marking.

The project included two main activities—first, research and analysis of both national legislation and different legislative and regulatory frameworks provided by international and regional instruments, with respect to post-manufacture and import marking, aimed at identifying common elements and differences; and second, a global survey conducted through a specially constructed questionnaire focusing on post-manufacture and import marking practices and procedures.¹

The purpose of the survey was three-fold: to assess whether states are currently practising post-manufacture or import marking, to explore the practices and procedures of those states that perform post-manufacture or import marking, and to better understand the main reasons for which states do not practise post-manufacture or import marking.

The questionnaire was sent to all 146 National Points of Contact (NPCs) for the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) that are included in the official list available on the website of the Conventional Arms Branch of the UN Office for Disarmament Affairs.² Support was also requested from diplomatic missions in Geneva and regional organizations to encourage participation in the survey. The rate of participation has been satisfactory, with 48 responses collected as of mid-April 2009.³

To complement and complete the information obtained through the questionnaires, the 2008 National Reports on the implementation of the PoA were analysed. This increased the scope of the study by providing useful information related to post-manufacture and import marking for several states that had not returned the completed questionnaire. The total number of states on which the analysis is based has therefore increased from 48 to 94 due to the inclusion of the 46 states that, while not returning the questionnaire, provided relevant information in their National Reports.⁴ Unfortunately, the level of detail that can be obtained from national reports varies widely from state to state and is not as specific as the information in the questionnaire responses.

Aside from international and regional agreements, post-manufacture marking is a topic that has been explored as a topic of general research. There are at least two significant examples within the UN system. First, the United Nations Development Programme document *How to Guide Small Arms and Light Weapons Legislation* is “designed for national law makers tasked with supporting or leading the review of SALW legislation”⁵ and contains a chapter dedicated to marking and record-keeping. Second, the United Nations Office for Drugs and Crime is currently engaged in the development of model legislation for the implementation of the UN Firearms Protocol. Key features of the model legislation will include provisions on a wide range of issues related to firearms,

¹ See Annex D for the complete questionnaire.

² <<http://disarmament.un.org/cab>>.

³ Annex C details which states returned the questionnaire.

⁴ Annex C details which states provided relevant information in their National Reports.

⁵ Bureau for Crisis Prevention and Recovery, *How to Guide Small Arms and Light Weapons Legislation*, United Nations Development Programme, 2008, p. 2.

their parts, components and ammunition, including marking (the Organization of American States has also produced draft model legislation on the marking and tracing of firearms and ammunition⁶). Outside the UN system, research and analysis on the topic of marking in general, and post-manufacture marking in particular, has been conducted by several institutes, non-governmental organizations and think tanks from both global and regional perspectives. The Institute for Security Studies (ISS), the Groupe de recherche et d'information sur la paix et la sécurité (GRIP), the Arms Control Association, the International Action Network on Small Arms (IANSA) and the World Forum on the Future of Sport Shooting Activities (WFSA) are some examples of actors from civil society that have produced relevant documents related to the marking of SALW.

This study is intended to build upon previous studies to contribute more detailed information on state practices in post-manufacture and import marking.

The report is composed of two main parts. Part 1 addresses international and regional regulatory frameworks and their incorporation into national legislation. Section 1 introduces the international and regional instruments under consideration. Section 2 compares these instruments to identify commonalities and differences. Further, Section 3 provides an overview of the rate of implementation at the national level of the provisions covering post-manufacture and import marking included in the UN Firearms Protocol and the International Tracing Instrument. Section 4 regroups states according to the region (or the regional instrument) to which they belong and analyse the relevant national legislation.

Part 2 focuses on national practices/procedures and identifies needs and challenges. In particular, Section 5 brings the analysis to the national level by addressing states' best practices and procedures and provides visual examples where available. Section 6 explores the needs and challenges that prevent states from fully implementing provisions on post-manufacture and import marking included in international and regional instruments.

The main findings of this study are summarized in Section 7, which also provides recommendations for future research.

⁶ *Draft Proposed Model Legislation on the Marking and Tracing of Firearms and Ammunition*, OAS document OEA/Ser.L/XXII.6.1—GE/CIFTA-CICAD/doc.3/06, 12 January 2006.

Part 1

International and Regional Regulations

1. Review of the international and regional regulatory frameworks

This study focuses on the implementation of post-manufacture marking provisions included in two international instruments and four regional instruments. The following international instruments are considered:

- 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 (adopted by the UN General Assembly in 2001, entered into force on 3 June 2005); and
- the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (adopted by the UN General Assembly on 8 December 2005).

The following regional instruments are considered:

- the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials (adopted on 14 June 2006, in the process of ratification⁷);
- the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (adopted by the Organization of American States on 14 November 1997, entered into force on 1 July 1998);
- the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (signed on 21 April 2004, entered into force on 5 May 2006); and
- The Southern African Development Community Protocol on the Control of Firearms, Ammunition and Related Material (adopted in August 2001).

An overview of what each instrument says with respect to post-manufacture and import marking is provided in Annex A.

1.1. THE EUROPEAN APPROACH TO POST-MANUFACTURE AND IMPORT MARKING

While not specifically analysed in this study, it is relevant to give an overview of the European instruments as well, as several states have referred to these when completing the survey.

⁷ The Convention will enter into force as soon as it is ratified by nine member states. As of April 2009, the Convention had been ratified by seven member states: Burkina Faso, Gambia, Mali, Niger, Senegal, Sierra Leone and Togo.

In December 2003 the Organization for Security and Co-operation in Europe (OSCE) released the *Handbook of Best Practices on Small Arms and Light Weapons*, which provides a set of best practice guides relating to all stages of a weapon's life. The domain of application of this instrument is limited to SALW "made or modified to military specifications for use as lethal instruments of war".

With respect to post-manufacture marking, the OSCE Handbook identifies three different types of additional marks: import marking, weapons assignment marking and proof marking. Import marking should permit the identification of the country of import and, if possible, the year of import. Weapons assignment marking should be placed on weapons designed for the armed forces, weapons designed for the security forces of public services or agencies, and weapons designed for security forces of local authorities. With respect to proof marking, the Handbook highlights the fact that such a practice should not be intended as a substitute of minimum marks required at manufacture or import.⁸

European Union Directive 2008/51/EC of 21 May 2008 on the control of the acquisition and possession of weapons does not contain provisions on import marking. Its relevance in the study of post-manufacture marking is due to the fact that it "establishes an obligation to mark weapons at the time of manufacture and at the time of transfer from government stocks to permanent civilian use".⁹

The obligation is included in Article 4, paragraph 2(b), which states: "Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country".

2. Comparative analysis of international and regional instruments

Several commonalities and differences, summarized in Table 1, can be found in the international and regional instruments in question. First, while reference to one or more post-manufacture marks is made in all the instruments considered, no explicit reference to import marking is included in the Southern African Development Community (SADC) Protocol. Second, several approaches can be found when looking at which stage of a weapon's life post-manufacture marking should take place. In fact, while all instruments refer to the "time of import", there are some exceptions or special cases. For example, the UN Firearms Protocol and the International Tracing Instrument are the only instruments that state that their provisions do not apply to temporary imports and that call for marking at the time of transfer from government to permanent civilian use. The other instruments do not mention these eventualities. Moreover, the Economic Community of West African

⁸ "Best Practice Guide on Marking, Record-keeping and Traceability of Small Arms and Light Weapons", in OSCE, *Handbook of Best Practices on Small Arms and Light Weapons*, 2003, part 3, section 2.

⁹ European Union, *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*, 21 May 2008, preambular para. 7.

States (ECOWAS) Convention and the Inter-American Convention are the only instruments explicitly calling for the marking of the importer's information at the time of manufacture if this information is available. Finally, the Inter-American Convention is the only instrument addressing the need for proper marking of confiscated firearms if retained for official use.

Third, shared conclusions can be reached from analysis of the post-manufacture marking content provisions in each instrument. In fact, the country of import is required by all instruments with the exception of the SADC Protocol. Similarly, the year of import is required by the UN Firearms Protocol, the International Tracing Instrument, the ECOWAS Convention and the Nairobi Protocol, but not by the SADC Protocol and the Inter-American Convention. On the other hand, the only instruments requiring the identification of the importer are the ECOWAS Convention and the Inter-American Convention, with the latter requiring also the importer's address. Concerning other post-manufacture information, the International Tracing Instrument and the Nairobi Protocol require marks identifying state-owned weapons, the Inter-American Convention requires marks identifying confiscated firearms retained for official use and the SADC Protocol requires a new unique mark in case of duplication or alteration of the original marks.

The fourth and final aspect that can be analysed refers to the provisions that determine the standards of marking in general and post-manufacture marking in particular. Concerning the component to be marked, only the Nairobi Protocol and the SADC Protocol provide specific directions by requiring marking on the barrel, the frame and the slide. In fact, the International Tracing Instrument only requires the marks to be placed on an "essential or structural part", the ECOWAS Convention on the "maximum number of main parts" and neither the UN Firearms Protocol nor the Inter-American Convention contain specific provisions on this aspect.

Concerning marking methods, the SADC Protocol is the only instrument calling in its Standard Operating Procedures for a specific method, namely stamping, while the International Tracing Instrument notes that methods of marking are a "national prerogative". Indications about the physical appearance of the marks are included only in some of the considered instruments. Specifically, the UN Firearms Protocol and the International Tracing Instrument refer to maintaining a system of geometric symbols and alphanumeric codes as an alternative to marking the manufacturer, the country or place of manufacture and the serial number; the ECOWAS Convention refers to alphanumeric code and to the acronym of the importing state. Provisions on the physical appearance of the marks are not included in any of the other instruments. Finally, only the International Tracing Instrument and the SADC Protocol include provisions on the characteristics of the marks. In particular, the International Tracing Instrument provides a descriptive indication of those characteristics by stating in paragraph 7 that all marks should be "on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable". On the other hand, the requirements of the Standard Operating Procedures for the SADC Protocol are more technical, requiring marking to be applied to a depth of at least 0.2mm. Tables 1 and 2 summarize the commonalities and differences and highlight how complex the interrelations among different instruments can be.

Table 1. Overview of commonalities and differences in the instruments

Percentage of agreement	Requirements/factors	Comments
100%	Direct reference to post-manufacture marking	Included in all instruments
100%	Marking at the time of import	Included in all instruments
83%	Direct reference to import marking	Included in the Firearms Protocol, International Tracing Instrument, ECOWAS Convention, Inter-American Convention and Nairobi Protocol
83%	Marking of the country of import	Included in the Firearms Protocol, International Tracing Instrument, ECOWAS Convention, Inter-American Convention and Nairobi Protocol
66%	Marking of the year of import	Included in the Firearms Protocol, International Tracing Instrument, ECOWAS Convention and Nairobi Protocol
66%	Specification of the part to mark	Included in the International Tracing Instrument, ECOWAS Convention, Nairobi Protocol and SADC Protocol
50%	Specification of the appearance of the mark	Included in the Firearms Protocol, International Tracing Instrument (geometric symbols) and ECOWAS Convention
33%	Marking of state-owned weapons	Included in the International Tracing Instrument, Inter-American Convention (only for seized firearms retained for official purposes) and Nairobi Protocol
33%	Identification of the importer's name	Included in the ECOWAS Convention and Inter-American Convention
33%	Marking at the time of transfer to permanent civilian use	Included in the Firearms Protocol and International Tracing Instrument
33%	Specification of the characteristics of the mark	Included in the International Tracing Instrument and SADC Protocol
17%	Marking at the time of confiscation	Included in the Inter-American Convention (firearms retained for official use)
17%	Specification of the method to use	Included in the SADC Protocol

Table 2. Comparative analysis of post-manufacture and import marking provisions

	UN Firearms Protocol	International Tracing Instrument	ECOWAS Convention	Inter-American Convention	Nairobi Protocol	SADC Protocol (and SOPs)
Does statement of purpose refer to post-manufacture marking?	YES	YES	YES	YES	YES	YES
Does statement of purpose refer specifically to import marking?	YES	YES	YES	YES	YES	NO
When should post-manufacture marking take place?	on import (not temporary imports); on transfer from government to civilian use	on import (not temporary imports); on transfer from government to civilian use	on manufacture if import country and year are known, otherwise on import	on import; on confiscation if firearms are retained for official use	on import	on import, if not marked
Should post-manufacture marking contain:						
country of import?	YES	YES	YES	YES	YES	NO
year of import?	YES (if possible)	YES (if possible)	YES	NO	YES	NO
importer's name?	NO	NO	YES	YES (requires marks for identification of importer)	NO	NO
other information?	NO	marks identifying state-owned weapons	NO	marks identifying confiscated firearms retained for official use	marks identifying state-owned weapons	new unique mark in case of duplication or alteration of original marks
Does the instrument provide standards on:						
part to mark?	NO	YES essential or structural part	YES maximum number of main parts	NO	YES barrel, frame and slide	YES barrel, frame and slide
method?	NO	NO (national prerogative)	NO	NO	NO	YES: stamping
appearance?	YES name of manufacturer, country or place of manufacture and serial number; or any marking with simple geometric symbols in combination with numeric and/or alphanumeric code	YES name of manufacturer, country or place of manufacture and serial number; or any marking with simple geometric symbols in combination with numeric and/or alphanumeric code	YES alphanumeric code, acronym of importing country	NO	NO	NO
characteristics?	NO	YES marks should be on exposed surface, conspicuous without technical aids, easily recognizable, readable, durable and possibly recoverable	NO	NO	NO	YES marking must be applied to depth of at least 0.2mm

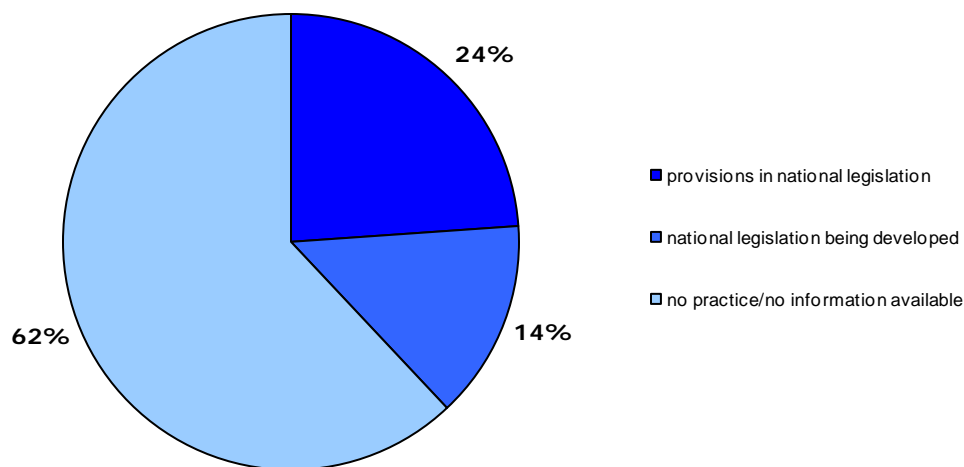
As shown in Table 1, the number of requirements generally accepted by, and included in, all instruments is very limited. In particular, all instruments refer to post-manufacture marking and all agree in marking firearms at the time of import. Besides these two cases, the level of agreement drops rapidly with respect to other factors.

Among these instruments, the requirements are not entirely consistent. Nevertheless, in those areas where there are similar requirements and common objectives, it may be possible, while taking into account the different geopolitical settings, to better harmonize actions within the international and regional regulatory frameworks—particularly in areas where standard operating procedures or guidelines support instrument implementation.

3. Implementation of the international instruments at the national level

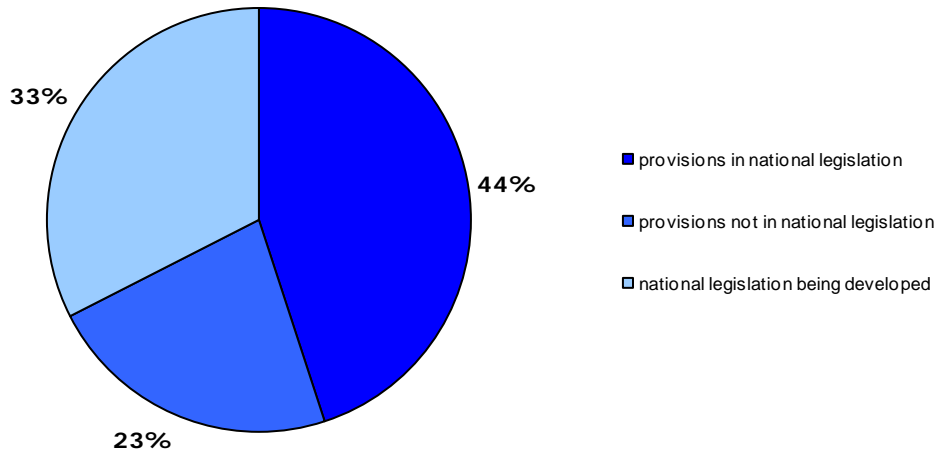
The two international instruments considered in this study are the UN Firearms Protocol and the International Tracing Instrument. Concerning the first, of the 101 states parties and signatories, 24 currently require post-manufacture or import marking and 14 are in the process of developing or revising their national legislation to include such provisions. The remaining either do not currently conduct such marking or did not provide any relevant information in the questionnaire or national reports (see Chart 1).

Chart 1. States parties and signatories to the UN Firearms Protocol with respect to post-manufacture and import marking



Of the 48 states that returned the questionnaire, 40 acknowledged awareness of marking standards under the International Tracing Instrument, 3 were not aware and 5 gave no reply on the issue. Of the 40 that were aware of the standards, 18 have provisions covering post-manufacture or import marking included in their national legislation, and 13 are in the process of developing or revising their national legislation to address such requirements (see Chart 2).

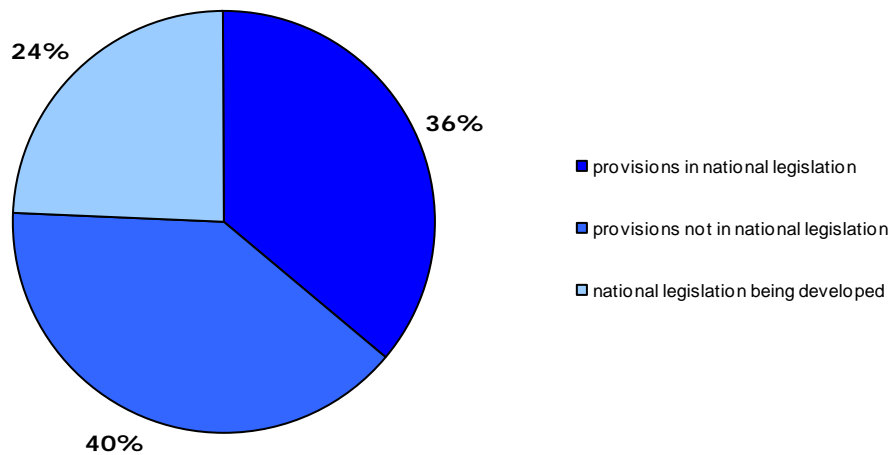
Chart 2. Practices and legislation among survey respondents that declared knowledge of International Tracing Instrument marking standards



4. Analysis of national legislation

Of the 94 states for which there is relevant information for the purposes of this analysis, 34 have provisions covering post-manufacture or import marking included in their national legislation, 23 are in the process of developing or revising their national legislation on the topic and 37 have no provision on post-manufacture or import marking included in their national legislation (see Chart 3).

Chart 3. Overview of implementation at the national level of provisions concerning post-manufacture and import marking



The following paragraphs will explore the results from a regional and sub-regional perspective by regrouping all states that are parties to the same regional instrument, where in force, or belong to the same region or regional organization.

Where discussing specific regional instruments, the analysis is made on the basis of all the states parties to the specific instrument, whereas in discussing geographic regions or regional organizations, the analysis is made on the basis of those states in the region that nominated a National Point of Contact.

The regions will be analysed in the following order: Africa, the Americas, Asia and the Pacific, Europe (European Union members), Europe (non-European Union members), and the Middle East. The states listed as “no information available” are those that did not return the questionnaire, or that did not submit a national report in 2008 or did not include relevant information on post-manufacture and import marking in their reports.

4.1. AFRICA—THE ECOWAS CONVENTION

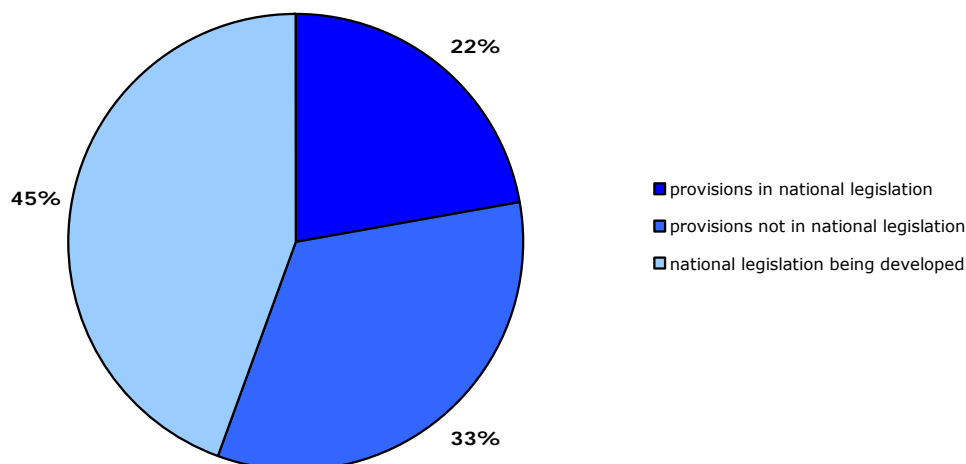
Five of the 15 ECOWAS member states returned the questionnaire: Burkina Faso, Côte d’Ivoire, Mali, Senegal and Togo. Among these five, only Mali declared to have national laws establishing that all imported SALW have unique marks that clearly identify the importing country. Burkina Faso and Togo declared that such national laws are in the process of being developed. Côte d’Ivoire and Senegal, while both declaring that they do not have such provisions in their national laws, are considering introducing such a requirement in the near future.

While they did not return the questionnaire, information can be found in the 2008 national reports of Benin, Liberia, Niger and Sierra Leone. In particular, the national reports suggest that Benin is facing a lack of financial resources that prevents the state from fully implementing the ECOWAS Convention in general and marking and tracing practices in particular. Further, Niger, while signalling a lack of expertise and resources at the practical level, plans to revise its national legislation to promote harmonization of legislation at the sub-regional level. Moreover, Liberia’s only reference to the ECOWAS Convention states that “efforts are on the way for the ratification of the convention”. Finally, from the analysis of the report submitted by Sierra Leone, it is possible to extrapolate that the national legislation in Sierra Leone supports the practice of post-manufacture marking, specifically placing unique marks identifying weapons held by the army and police forces.

No relevant information was found for Cape Verde, the Gambia, Ghana, Guinea, Guinea-Bissau and Nigeria.

Chart 4 provides an overview of post-manufacture and import marking legislation among the ECOWAS states.

Chart 4. Post-manufacture and import marking legislation among ECOWAS states



4.2. AFRICA—NAIROBI PROTOCOL

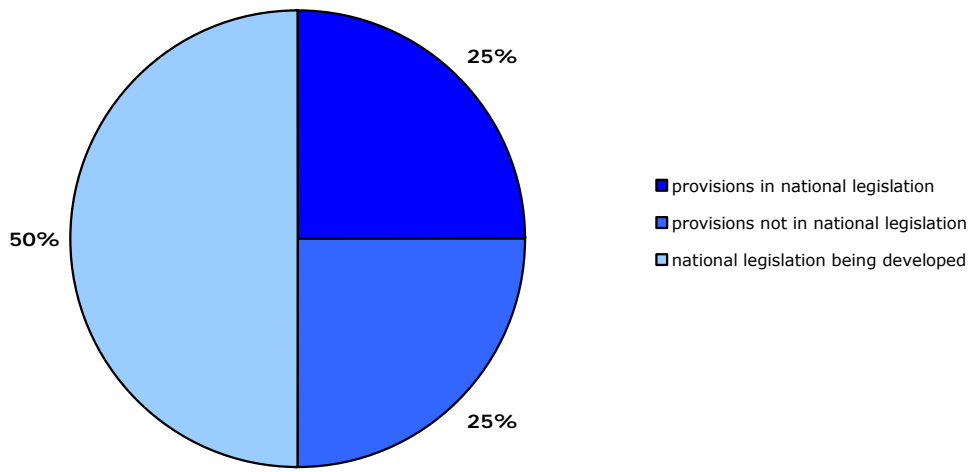
Of the 12 states parties to the Nairobi Protocol, only Rwanda returned the questionnaire. In its response, Rwanda stated that a unique mark that clearly indentifies the importing country is required by national legislation.

At the time of submission of the 2008 national reports, Uganda was the only state to have already started marking state-owned weapons. Burundi, Kenya, Sudan and Tanzania stated that the process of revision and harmonization of national legislation with respect to international and regional agreements was in progress. Djibouti, while stating that its national legislation is not in line with current regional and international requirements, declared its commitment to start marking SALW in accordance with those requirements after the training of dedicated personnel through a workshop organized by the Regional Centre on Small Arms (RECSA). Finally, Ethiopia stated that there is no national legislation addressing the issue of marking SALW. No information was available for the Democratic Republic of the Congo, Eritrea, the Seychelles and Somalia.

Worth noting is the key role played in the region by RECSA, which provides assistance to states and facilitates the harmonization of SALW legislation in the sub-region as agreed in the PoA and the Nairobi Protocol.

Chart 5 provides an overview of post-manufacture and import marking legislation among the states parties to the Nairobi Protocol.

Chart 5. Post-manufacture and import marking legislation among the states parties to the Nairobi Protocol



4.3. AFRICA—SADC PROTOCOL

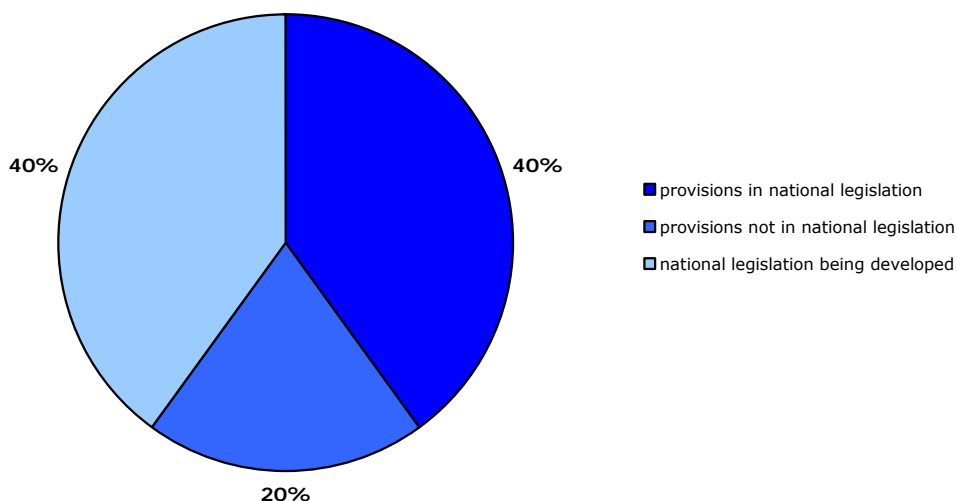
Three of the 14 states parties to the SADC Convention returned the completed questionnaire: Botswana, Lesotho and South Africa. Despite the fact that the SADC Convention does not explicitly require marking of the importing country, South Africa's national legislation includes such a provision. According to the responses received, Botswana and Lesotho are currently in the process of developing a revised national law that would include such a requirement.

Additional information can be found in the 2008 national reports for several other states parties that did not return the questionnaires: Angola, Mauritius, Mozambique, Namibia, Swaziland, Tanzania and Zimbabwe. Among these, Mozambique is the only one that includes import marking as a requirement under its national legislation. Mauritius' national law does not call for import marking but does contain provisions on other post-manufacture marking, namely the remarking of those SALW the original markings of which were defaced. Similarly, while not having any import marking requirement included in its national legislation, Zimbabwe marks all weapons in possession of the state's armed and security forces. Namibia and Tanzania stated that they were in the process of reviewing their national legislation on the topic, while Swaziland and Angola expressed the need to substantially review their national legislation.

No relevant information was available for the Democratic Republic of the Congo, Malawi, the Seychelles and Zambia.

Chart 6 provides an overview of post-manufacture and import marking legislation among the states parties to the SADC Protocol.

Chart 6. Post-manufacture and import marking legislation among the states parties to SADC Protocol



4.4. AMERICAS—INTER-AMERICAN CONVENTION

Nine of the 34 states parties or signatories to the Inter-American Convention¹⁰ returned the questionnaire: Brazil, Chile, Colombia, Ecuador, Guatemala, Jamaica, Paraguay, the United States of America and Uruguay. Among these, six have declared that import marking requirements are included in their national legislation: Brazil, Chile, Colombia, Paraguay, the United States of America and Uruguay. While not having such provisions in their national laws, Ecuador, Guatemala and Jamaica all stated that they are considering introducing such a requirement in the near future.

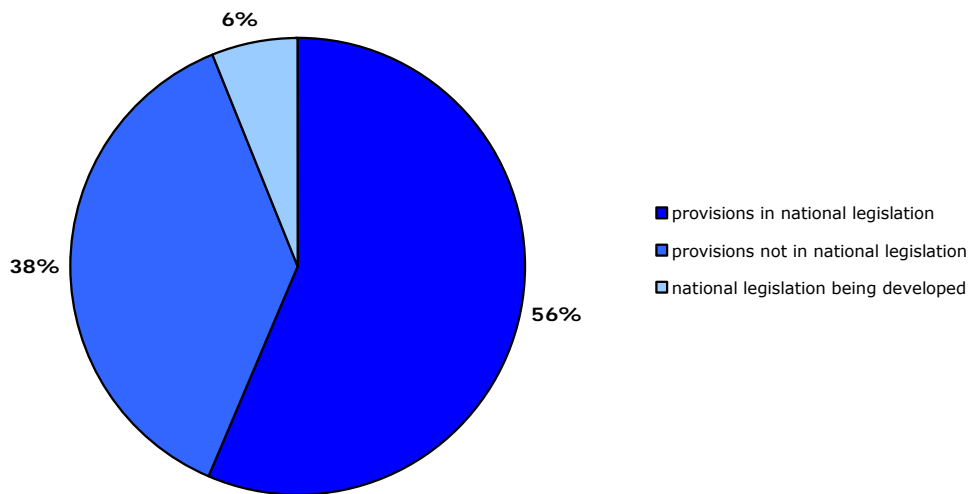
Additional information can be found in the 2008 national reports for Argentina, Canada, the Dominican Republic, Mexico, Nicaragua, Peru, and Trinidad and Tobago. Argentina's national laws do not require the marking of the importing country on imported firearms but do include post-manufacture marking requirements. Conversely, Mexico and Nicaragua do have provisions in their national legislation requiring the importing country to be marked. Canada has developed but not yet implemented firearms marking regulations that would require the marking of both the country and the year of import, while the Dominican Republic, Peru and Trinidad and Tobago do not have such requirements in their respective national legislation.

No relevant information was available for Antigua and Barbuda, the Bahamas, Barbados, Belize, Bolivia, Costa Rica, Dominica, El Salvador, Grenada, Guyana, Haiti, Honduras, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Venezuela.

¹⁰ Canada, the Dominican Republic, Jamaica, Saint Vincent and the Grenadines, and the United States of America are signatories but not states parties to the Inter-American Convention.

Chart 7 provides an overview of post-manufacture and import marking legislation among the states parties to the Inter-American Convention.

Chart 7. Post-manufacture and import marking legislation among the states parties or signatories to the Inter-American Convention



4.5. ASIA AND THE PACIFIC

From the Asia–Pacific region, Australia, China, the Philippines and Samoa returned the questionnaire. Among these, the only state that does not currently have import marking provisions included in its national laws is Australia.¹¹

Additional information can be drawn from the national reports of India, Japan, Malaysia, New Zealand, the Republic of Korea and Thailand. Neither Malaysia nor the Republic of Korea have provisions in their national legislation for import marking. India does have such a requirement, but only if the imported firearm does not bear the manufacturer’s name. Japan stated that it is considering a revision of its national laws and declared to be undertaking measures to duly mark weapons in government possession. However, the content of this specific marking was not included in the report. While there is no standard way in which firearms are marked in New Zealand, those “held by the Police and the New Zealand Armed Forces are already marked in a way that enables their identification and tracing”. Finally, the national report submitted by Thailand is unclear regarding the marking of firearms upon import. In fact, while stating that “the Ministry of Interior of Thailand has its own system of gun marking for imported guns”, it does not specify the

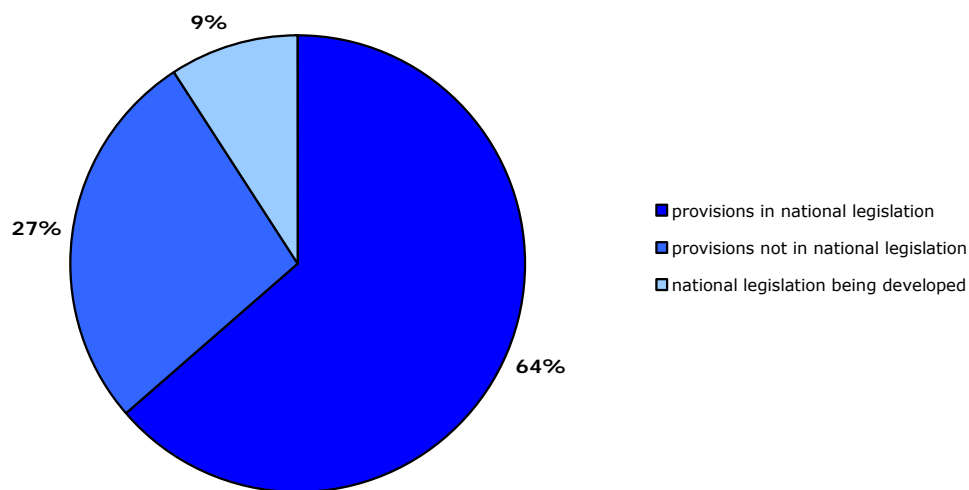
¹¹ Australia is considering the issues relating to the obligations on import marking. Further consultations are required among Australia’s federal, state and territorial governments, and with industry and the public to determine fully the issues associated with implementing these obligations in Australia’s domestic context and particularly in light of practical and technical aspects associated with the measure. Considerations must weigh the difficulties of the proposed measure against the likely outcome or benefits to be derived. The current requirements in relation to post-manufacture marking, in particular in the import context, place serious technical and liability issues in front of governments, particularly in relation to their application to civilian firearms. A detailed Australian analysis of the issue can be found in Annex B.

content or whether this system is in line with international requirements. Similar to other states in the region, Thailand reports that state-owned weapons are marked but does not specify the nature of the marking.

No relevant information was found for Bangladesh, the Cook Islands, Fiji, Georgia, Indonesia, Kazakhstan, Laos, the Maldives, the Marshall Islands, Mongolia, Myanmar (Burma), Nepal, Pakistan, Papua New Guinea, Singapore, the Solomon Islands, Sri Lanka, Tajikistan, Tuvalu, and Viet Nam.

Chart 8 provides an overview of post-manufacture and import marking legislation among the relevant states.

Chart 8. Post-manufacture and import marking legislation among Asia–Pacific states



4.6. EUROPE—EU STATES

The following 19 European Union member states returned the questionnaire: Austria, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, Hungary, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Among these states a unique marking clearly identifying the importing country is required in the national legislation of Austria, Latvia, Lithuania, Poland, Romania and Slovakia. Seven states have indicated that they are in the process of developing national legislations on the issue: Finland, Hungary, Ireland, the Netherlands, Slovenia, Spain and Sweden. Finally, six states declared that there is no requirement for import marking under their national legislation: Bulgaria, the Czech Republic, Denmark, Estonia, Portugal and the United Kingdom. Of these, the Czech Republic, Denmark and Estonia are not considering introducing such a requirement in the future.

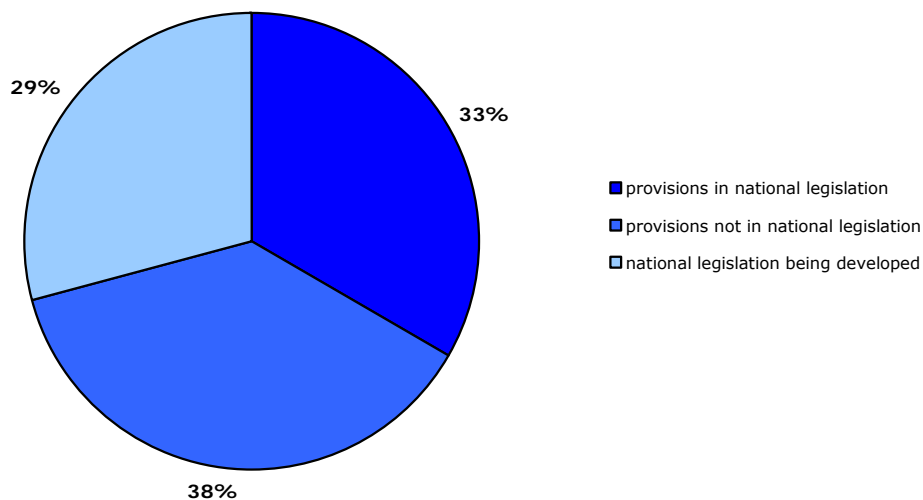
The variety of approaches to post-manufacture and import marking demonstrated through the questionnaire responses is confirmed by additional information extrapolated from the 2008 national reports of several other European Union member states: Cyprus, France,

Greece, Germany, Italy and Malta. Of these seven, only Germany and Italy have included the national regulation of imported firearms in their national reports, while the others declared the absence of specific requirements on import marking.

No relevant information was available for Belgium and Luxemburg.

Chart 9 provides an overview of post-manufacture and import marking legislation among European Union member states.

Chart 9. Post-manufacture and import marking legislation among EU member states



4.7. EUROPE—NON-EU STATES

Croatia, the former Yugoslav Republic of Macedonia, Norway, Russia and Switzerland are the non-European Union members states in Europe that returned the questionnaire. Among these, the former Yugoslav Republic of Macedonia and Norway have provisions covering import marking in their national legislation. In the case of Norway, the provisions apply only to the weapons owned by the armed forces. Croatia and Switzerland responded that they are currently in the process of developing or revising national regulations for imported firearms. Finally, Russia declared that import marking provisions were not included in its national legislation because Russia does not import weapons and therefore does not believe it to be necessary to establish legislation to mark upon import.

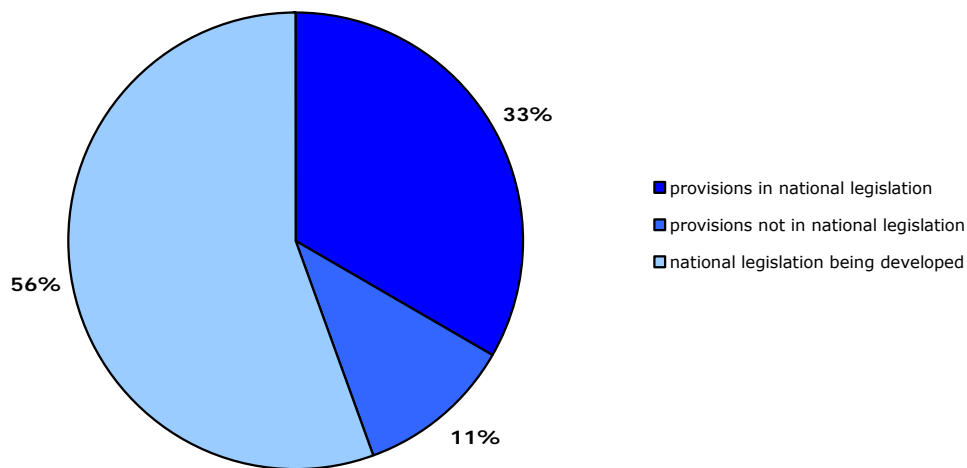
Additional information can be found in the 2008 national reports of Bosnia and Herzegovina, Iceland, Liechtenstein and Serbia. The report from Bosnia and Herzegovina is unclear as it states that all imported weapons are subject to testing, stamping and marking, but it does not specify the content of marking itself. The report submitted by Liechtenstein states that “Swiss law is applicable to the manufacture, import, export and transit of military material”, thus regulations in Liechtenstein are under review. Iceland stated that its national legislation is under review and will include more detailed provisions on the marking of firearms. Serbia stated that a new gun law is in the process

of being developed in accordance with the UN Firearms Protocol and EU regulations. The national report submitted by Switzerland provides very detailed information about Swiss practices for post-manufacture marking, which will be discussed in greater detail in section 5.7.3.

No relevant information was found for Albania, Andorra, Belarus, Moldova, San Marino or Ukraine.

Chart 10 provides an overview of post-manufacture and import marking legislation among the relevant states.

Chart 10. Post-manufacture and import marking legislation among non-EU states



4.8. MIDDLE EAST

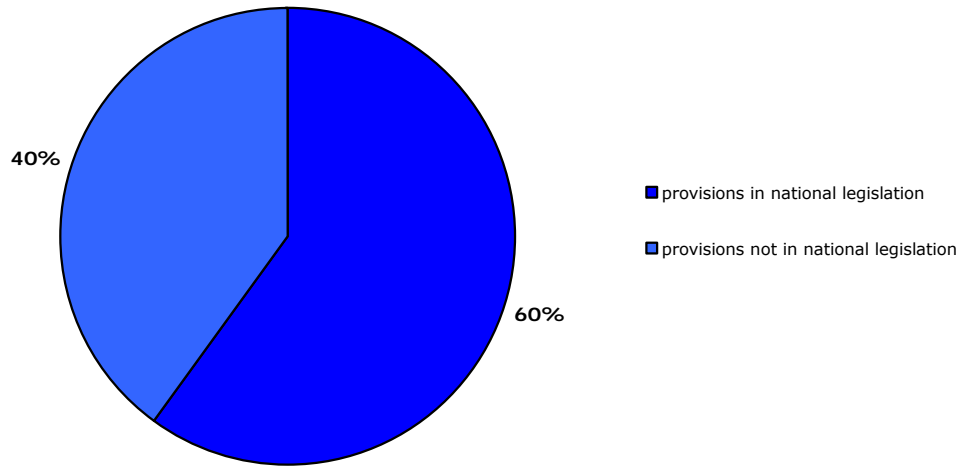
From the Middle East region, only Turkey returned the questionnaire. A unique mark identifying the import country is not included as a requirement in the national legislation. However, Turkish legislation does include provisions for post-manufacture marking. Specifically, it calls for the marking of seized or confiscated firearms with its unique sign “T” and the date of seizure or confiscation.

Additional information can be obtained from analysis of the 2008 national reports of Armenia, Bahrain, Israel and Lebanon. While no specific reference is made on the content of the marking, the national report submitted by Bahrain states that “the necessary measures are taken in accordance with the relevant laws when small arms or light weapons are imported”. Israel’s national law does not include the marking of the importing country as a requirement, but does include specific provisions for the post-manufacture marking of weapons of the armed forces and seized or confiscated weapons intended for re-use. Neither Armenia nor Lebanon have any specific provisions for import marking.

No relevant information was found for Iran, Iraq, Jordan, Oman, Qatar, Syria and Yemen.

Chart 11 provides an overview of post-manufacture and import marking legislation among the relevant states.

Chart 11. Post-manufacture and import marking legislation among states of the Middle East



4.9. CONCLUDING OBSERVATIONS

From a regional perspective, considering the states that provided relevant information for the purpose of this study, the percentage of states that include post-manufacture and import marking provisions in their national legislation is 42%. The percentage of states that are reviewing their national legislation is equivalent to the percentage of states that do not include post-manufacture and import marking provisions in their national legislation—29%. The significant percentage of states for which no information is available (41%) represents a major challenge that warrants further study. Table 3 provides an overview of the data.

Table 3. Summary of the regional and sub-regional overview

	Africa Ecowas Convention	Africa Nairobi Protocol	Africa SADC Protocol	Americas	Asia-Pacific	Europe-EU	Europe-Non-EU	Middle East	Average
Post-manufacture and import marking provisions included in national legislation	22%	25%	40%	56%	64%	33%	33%	60%	42%
Post-manufacture and import marking provisions not included in national legislation	33%	25%	20%	38%	27%	38%	11%	40%	29%
National legislation in process of being developed	45%	50%	40%	6%	9%	29%	56%	0%	29%
No information available	40%	33%	29%	53%	64%	7%	44%	58%	41%

Part 2

Practices and procedures, needs and challenges

5. Analysis of national practices and procedures

5.1. AFRICA—ECOWAS CONVENTION

5.1.1. *Mali*

According to Mali's response to the questionnaire, the marks assigned upon import indicate country of import, year of import and information permitting the identification of the importer's name and address. The provisions cover all kind of imports (governmental, commercial and private individuals) and apply to all classes of firearms. The import marks are added (and paid for) by the exporting country and are placed on the bolt of the firearm using engraving techniques.

The government agency responsible for ensuring that the markings are applied are the Ministère de la Défense et des Anciens Combattants and the Ministère de la Sécurité Intérieure et de la Protection Civile. In accordance with the ECOWAS Convention, no other kind of post-manufacture information is added.

5.1.2. *Sierra Leone*

There was no response from Sierra Leone to the questionnaire.

According to the national report submitted in 2008 by Sierra Leone, firearms in possession of the army, the police and the prison authorities are uniquely marked by each respective institution. Moreover, the national report states that the majority of imported firearms are marked. However, no mention is made about the content of the marking, the method used or the components to be marked.

5.2. AFRICA—NAIROBI PROTOCOL

Member states of the Regional Centre on Small Arms (RECSA) have committed to marking all state-owned weapons by the end of 2008. Several states in their national reports referred to RECSA's Regional Arms Marking and Recordkeeping Workshop in Mombasa, Kenya, 31 March–4 April 2008, as a crucial milestone in enhancing their capabilities for marking weapons in accordance with the Nairobi Protocol. Moreover, since the submission of the 2008 national reports, RECSA has donated an electronic marking machine to several states in the region with a view to supporting RECSA member states' commitment to implement marking of state-owned weapons by 2008.

5.2.1. *Rwanda*

According to Rwanda's response to the questionnaire, the marks assigned upon import indicate country of import, year of import and information permitting the identification of the importer's name and address. The provisions cover only imports made by the government and apply to all classes of firearms. The import marks are added either by the manufacturer in the exporting country or by the importing country and are paid by donors through RECSA and the Rwanda National Police. The marks are placed on the main body, the bolt and the barrel using engraving techniques.

The government agency responsible for ensuring the markings are applied is the Central Firearms Registry under the supervision of the National Focal Point for SALW and the Rwanda National Police (with the exception of armed forces firearms). In the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added. No mention is made about other post-manufacture marks.

5.2.2. Uganda

There was no response from Uganda to the questionnaire. According to the national report submitted in 2008 by Uganda:

a national marking exercise has been undertaken beginning with state-owned firearms (those belonging to the Armed Forces and it is envisaged that all legitimately held SALW will ultimately be marked for ease of identification and tracing). This practice will be institutionalized such that henceforth all firearms in the country will be appropriately marked depending on the category they belong to and in accordance with the provisions of the relevant international instruments/protocols

Since the submission of the national report, Uganda took part in the Regional Arms Marking and Recordkeeping Workshop, organized by RECSA in Mombasa, Kenya, 31 March–4 April 2008.

5.3. AFRICA—SADC PROTOCOL

5.3.1. Mozambique

There was no response from Mozambique to the questionnaire. According to the national report submitted by Mozambique in 2008, “Mozambique has since March 2007, a new Arms and Ammunitions Act (AAA). The New Act among other issues covers areas such as control on civilian possession and use, record keeping, marking and tracing, import, export and transit, trade, arms embargoes and penalties”. The Act requires firearms to be marked “during the process of import, export, transit, seizure, confiscation and transfer to the State by civilians”. According to the Act, the marks should be placed on the upper side of the barrel and should include the initials PRM (Police of the Republic of Mozambique).

5.3.2. South Africa

According to South Africa’s response to the questionnaire, the marks assigned upon import indicate country of import, year of import and information permitting the identification of the importer’s name and address. The importer’s name and address are linked to a Firearm Identification Number supplied by the South African Police Service (for example, ZA 09 1234 77). The provisions cover all types of imports (governmental, commercial and private individuals) and apply to all classes of firearms. The import marks are applied by licensed gunsmiths or licensed manufacturers and are paid for by either the manufacturer or by the importer/legal owner. The marks are placed on the barrel, the frame or the receiver using etching, stamping or engraving techniques.

The government agency responsible for ensuring the markings are applied is the Department for Safety and Security of the South African Police Service. In the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

Concerning other post-manufacture marks, the marking of SALW of official institutions (government departments) has begun. The firearms are marked with the unique symbol of the applicable department.

5.4. AMERICAS—INTER-AMERICAN CONVENTION

5.4.1. *Argentina*

There was no response from Argentina to the questionnaire. According to the national report submitted by Argentina in 2008, “Decree 395/75 provides that imported weapons must also bear a trademark and serial number. If these are absent, article 11 of the same Decree provides that military weapons must be marked when they are sent to [the national arms registry]”. Concerning the characteristics and the location of the marks, the national report states that:

markings must be on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable. It is essential that the markings be placed on the main pieces, namely the support components to which the other weapon parts and accessories and the structural components for locking and blocking the firing and projectile guidance mechanisms are attached. Such components include frames, trigger circuits, locking and blocking systems, mechanism boxes, barrels, bolts, slides and drums; the destruction of these parts would render the arms permanently inoperable and prevent their reactivation.

In addition, any illegal firearm found in Argentina is specifically marked and registered before destruction. Similarly, obsolete weapons coming from state arsenals are destroyed and are not transferred to the civilian market. Finally, the national report specifies that “Weapons manufactured for export are engraved or stamped with a mark identifying the importing country”.

5.4.2. *Brazil*

According to Brazil’s response to the questionnaire, imported firearms for commercial purposes must have unique marks that clearly identify the importer, whereas imported firearms for public security forces must contain the same marks as if they were produced in Brazil. The provisions cover imports made by the government and for commercial purposes and apply to all classes of firearms. The import marks are applied by the manufacturer in the exporting country, but, under request, authorization may be granted for marking in Brazil. The location of the marks and the marking method are not specified in the case of imports.

The government agency responsible for ensuring the markings are applied is the Logistics Department of the Army. While no mention is made about other post-manufacture marks,

legislation allows the addition of any marking requested by the importing state to firearms manufactured in Brazil for export.

5.4.3. Chile

According to Chile's response to the questionnaire, the marks assigned upon import indicate information permitting the identification of the importer's name and address. The provisions cover all kind of imports (governmental, commercial and private individuals) and apply to all classes of firearms. The import marks are paid for by the importer and are placed on the barrel (occasionally on the trigger) using engraving techniques.

The government agency responsible for ensuring the markings are added is the Dirección General de Movilización Nacional with the technical assistance of the Instituto de Desarrollo, Investigación y Control of the Chilean Army.

While no mention is made of other post-manufacture marks, in the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

5.4.4. Colombia

According to Colombia's response to the questionnaire, the marks assigned upon import indicate country of import and year of import, and include the mark of the Industria Militar de Colombia. The provisions cover imports made by the government and for commercial purposes and apply to all classes of firearms. The import marks are applied by the manufacturer in the exporting country and by Industria Militar de Colombia and are paid for by the manufacturer in the exporting country. The marks are placed on the barrel and the frame using engraving techniques.

The government agency responsible for ensuring the markings are added is the Industria Militar de Colombia. No mention is made about other relevant post-manufacture marks.

5.4.5. Mexico

There was no response from Mexico to the questionnaire. According to the national report submitted by Mexico in 2008:

all firearms in the possession of government armed and security forces are marked at the time of manufacture with information on the manufacturer, calibre, model, serial number, and country of manufacture. In addition, information on the importer is engraved on imported arms and submitted to the Federal Weapons Registry.

No mention is made about other relevant post-manufacture marks.

5.4.6. Nicaragua

There was no response from Nicaragua to the questionnaire. According the national report submitted by Nicaragua in 2008:

Article 138 ("Marking and Identification of Weapons") of the Special Act for the Control and Regulation of Firearms, Ammunition, Explosives and Other Related

Materials (Act No. 510) provides that the Nicaraguan coat of arms and the inscription “Republic of Nicaragua”, the year of manufacture, serial number, name of the institution which owns the weapon, country of origin and any technical specifications that might characterize or distinguish the weapon or serve as a means of identification shall be visibly engraved on one side of any weapon of war owned or acquired by the State of Nicaragua

In addition, the national report assesses the progress in marking state-owned weapons:

Ten per cent of the heavy weapons in the possession of the National Police have the name of the institution engraved on one side. Eighty per cent of the pistols in the possession of the National Police have the name of the institution and the Nicaraguan coat of arms engraved on one side.

Finally, the national report illustrates the regulations of weapons with altered or removed marks. In particular, the Bureau of Weapons, Explosives and Ammunition and Related Materials assigns a serial number identifying the weapon and selects a workshop to “engrave the number on the main structural component, frame or receiver. The engraving shall be at least two millimeters deep”.

5.4.7. Paraguay

According to Paraguay’s response to the questionnaire, the marks assigned upon import indicate country of import and year of import. The provisions cover all types of imports (governmental, commercial and private individuals) and apply to all classes of firearms. Additional details concerning the marking procedure are not specified.

Paraguay indicated that a National Tracing Center for Small Arms and Light Weapons is in the process of construction. It is estimated that all necessary equipment will be ready for use at the end of 2009.

5.4.8. United States of America

According to the US response to the questionnaire, the marks assigned upon import indicate country of origin, year of import and information permitting the identification of the importer’s name and address. The provisions cover all kind of imports (governmental¹², commercial and private individuals) and apply to all classes of firearms. The obligation to apply the import marks remains with the licensed importer, but the marking itself can be done by the manufacturer, the importer, or another entity pursuant to contract. Similarly, the importer can pass on the cost for applying the marks to the manufacturer or buyer under the free market. The marks are usually placed on the frame or receiver, slide or barrel. The manner and type are chosen by the importer provided they meet the obligations of legibility, conspicuousness, height and depth of marking.

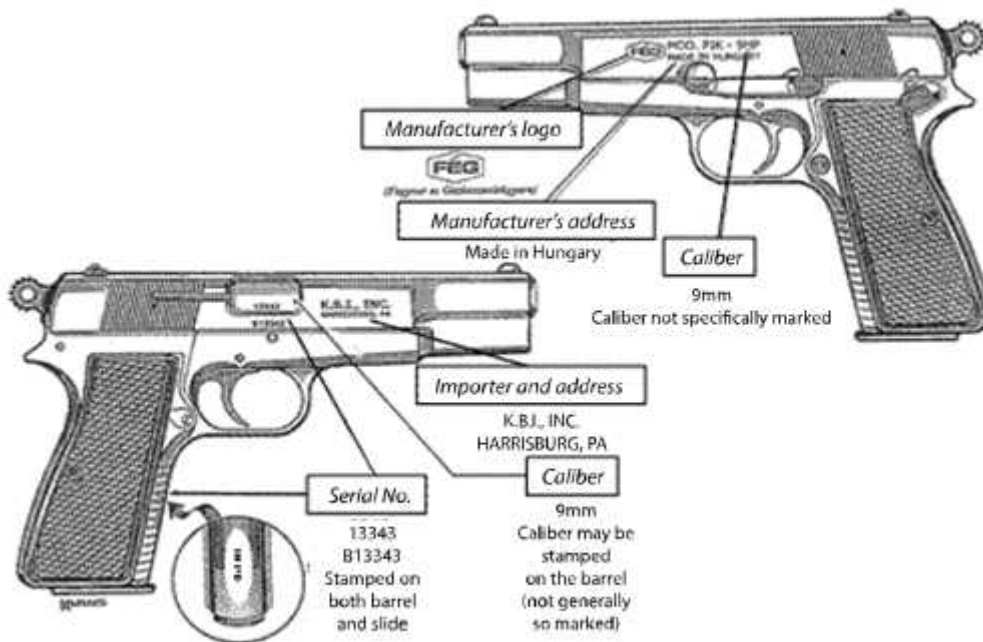
The government agency responsible for ensuring the markings are applied is the Bureau of Alcohol, Tobacco, Firearms and Explosives of the Department of Justice. In case of

¹² Only exempt if Government is the actual importer.

existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

Concerning other post-manufacture marks, generally speaking, licensed importers, dealers and manufacturers must apply marks under national law set forth in the Gun Control Act of 1968. State laws also may require additional markings. Excerpted from the appendix to the 2008 national report, Figure 1 is a graphic representation of the United States' SALW marking practices, both in terms of content and position.

Figure 1. Example of US marking practices on a pistol



5.4.9. Uruguay

According to Uruguay's response to the questionnaire, the marks assigned upon import indicate country of import (country code UY), year of import and information permitting the identification of the importer's name and address. The provisions cover all types of imports (governmental, commercial and private individuals) and apply to all classes of firearms. The import marks are applied by the manufacturer in the exporting country or by the Army Ordnance and Material Branch for weapons that are already in country. The marks are applied at no additional cost using engraving techniques.

The government agency responsible for ensuring the markings are applied is the Army Ordnance and Material Branch. In the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

Concerning other post-manufacture marks, Uruguay's practice is to include in its marking the name or initials and the emblem of the official institution that possesses the firearm.

5.5. ASIA AND THE PACIFIC

5.5.1. China

According to China's response to the questionnaire, the marks assigned upon import indicate country of import and year of import. The response indicates that the provisions apply to all classes of firearms. The marks should be placed on the main components of the firearm such as the slide, frame, receiver or receiver cover. No information is given on the method used for marking.

Excerpted from the appendix to the 2008 national report, Figures 2, 3 and 4 give a graphic representation of China's SALW marking practices, both in terms of content and position.

Figure 2. Example of Chinese marking format for SALW

Country code	Weapon-category code	Importing /exporting country code	Year of import/export
Serial number – Year code – Factory code			

Example: For a pistol, serial number 12345, weapon-category code ABCDEFG, manufactured at Factory 111 in China in 2005, the markings are as follows:

Consolidated marking:

CN ABCDEFG 12345-05-111

Separated markings:

CN ABCDEFG

12345-05-111

Figure 3. Example of Chinese marking positions on a pistol

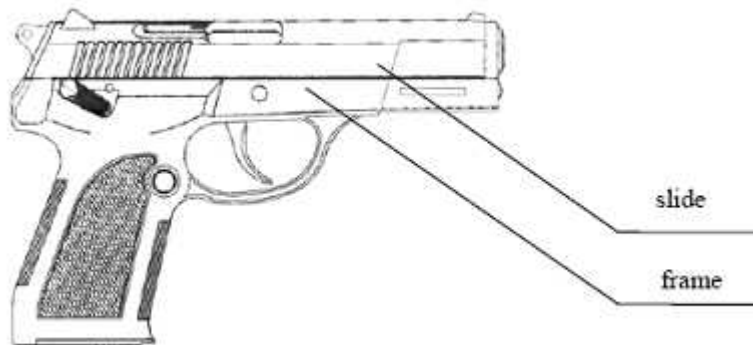


Figure 4. Example of Chinese marking positions on a sub-machine gun



5.5.2. India

There was no response from India to the questionnaire. According to the national report submitted by India in 2008, “if an imported firearm kept for sale by a dealer does not bear the manufacturer’s name, the concerned importer is required to engrave appropriate Identification marks (identifying the importer), as allotted by the Government under these provisions (Section 25, Arms Rules (1962)”.

While no reference is made to the marking method to be used, it is a reasonable assumption that the method would be the same as for those weapons that are produced in India: “The SALW produced by Indian ordnance factories are marked by stamping/engraving or laser marking ...”.

5.5.3. New Zealand

There was no response from New Zealand to the questionnaire. According to the national report submitted by New Zealand in 2008, there are no practices in place related to import marking.

However, it is possible to identify post-manufacture marking practices related to transfers between civilians: “Pistols, military-style semi-automatic ... firearms and restricted weapons (prescribed by government) must be stamped with an identifying mark when transferred from one civilian to another if the firearm in question does not already feature such a mark”.

In addition, the national report mentions the case of SALW in possession of the armed forces:

Weapons held by the Police and the New Zealand Defence Force are already marked in a way that enables their identification and tracing. Police use weapons produced commercially, which already bear markings. ... All items held by the New Zealand Defence Force (NZDF) are serial numbered, usually by the manufacturer. If not numbered by the manufacturer, they are allocated an NZDF control number, and in some cases may have both. They are held on the NZDF Logistics Management

System by individual serial numbers, and their location is recorded in terms of the unit to which they are issued.

5.5.4. Philippines

According to the Philippines' response to the questionnaire, the marks assigned upon import indicate country of import, year of import and information permitting the identification of the importer's name and address. The provisions cover imports made by the government and for commercial purposes and apply to all classes of firearms. There was no information provided about which entity applies and pays for the import marks. The marks are placed on the receiver of the firearm using engraving techniques.

The government agency responsible for ensuring that markings are applied is the Department of National Defence through the Armed Forces. No mention is made about other relevant post-manufacture marks.

5.6. EUROPE—EU MEMBER STATES

5.6.1. Austria

According to Austria's response to the questionnaire, the marks assigned upon import indicate information permitting the identification of the importer's name and address. The provisions cover all types of imports (governmental, commercial and private individuals) and apply to all classes of firearms. Import marks are applied and paid for by the importer and are placed on the barrel using laser, engraving or stamping techniques.

The government agency responsible for ensuring the markings are added is the Trade Authority. In the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

Finally, imported firearms should also bear proof marks according to the regulations of the Commission Internationale Permanente pour l'Epreuve des Armes à Feu Portatives (CIP).

5.6.2. Germany

There was no response from Germany to the questionnaire. According to the national report submitted by Germany in 2008, the regulation for marking SALW is very complex and comprehensive. First, the national report states that, "All war weapons as well as firearms commercially produced in, or imported or otherwise transferred into, Germany must be marked with a unique sign of the producer or the importer. The mark must be of a readily recognizable and permanent nature".

In addition, the national report specifically addresses the provisions applicable to the Federal Armed Forces:

Each weapon of the Federal Armed Forces is unambiguously marked and bears the following information: manufacturer, weapon type, caliber, month and year of delivery ex works, serial number, proof firing stamp, possibly additional marks

In order to increase the transparency within the field of marking of SALW Germany has begun the process to introduce the stamp “DE” as a central identification code.

Further, the national report specifies the provisions regulating the marking of weapons in possession of the Federal and State Police Forces. In particular, such weapons should bear:

a proof firing stamp as well as a property sign—e.g. “BMI” indicating that the weapon is in use with the Federal Ministry of the Interior—are stamped or engraved on all arms used by federal authorities. The Federal Customs Administration, the Federal Police and the state police forces must carry the title holding authorities’ sign. Arms of the state police forces are marked with a state-specific sign of ownership containing an abbreviation of the respective state and/or of the name of the institution. E.g.: The abbreviations “HB” and “Pol.Br.” designate weapons in use with the police force of the Freie Hansestadt Bremen, the smallest German federal state.

Excerpted from the appendix to the 2008 national report submitted by Germany, Figure 5 is a graphic representation of German SALW marking practices, both in terms of content and position.

5.6.3. Italy

There was no response from Italy to the questionnaire. Concerning the marking of SALW, the national report submitted by Italy in 2008 refers to previous reports. Specifically, the marking regulations were included in the 2003 national report. With respect to imported firearms, the national report states that:

All imported SALW are directed to a verification centre (point of entry) where physical checks (one by one) of weapons and their registration are performed. The weapons main data, among which the registration number and the contract or purchasing order number, enable to track the weapons “history” and in particular the import year.

In addition, the 2003 national report provides information related to other post-manufacture practices for military and unmarked weapons. Specifically, regarding military weapons:

The Institution in charge for the testing evaluates the compliance of weapons with the contract specifications, verifies that the weapons and their main components bear the identification marking and impresses a special mark with the emblem of the Italian Republic and the identification of the Institution itself.

Further, regarding unmarked weapons: “The Ministry of Defence does not own unmarked weapons. However, should the need of marking a weapon arise, the Ministry of Defence, through the private industry or the relevant Military Establishments, will carry out marking, testing and registration of such weapon”.

Finally, the 2003 national report provides information on the marking method used, namely engraving or stamping.

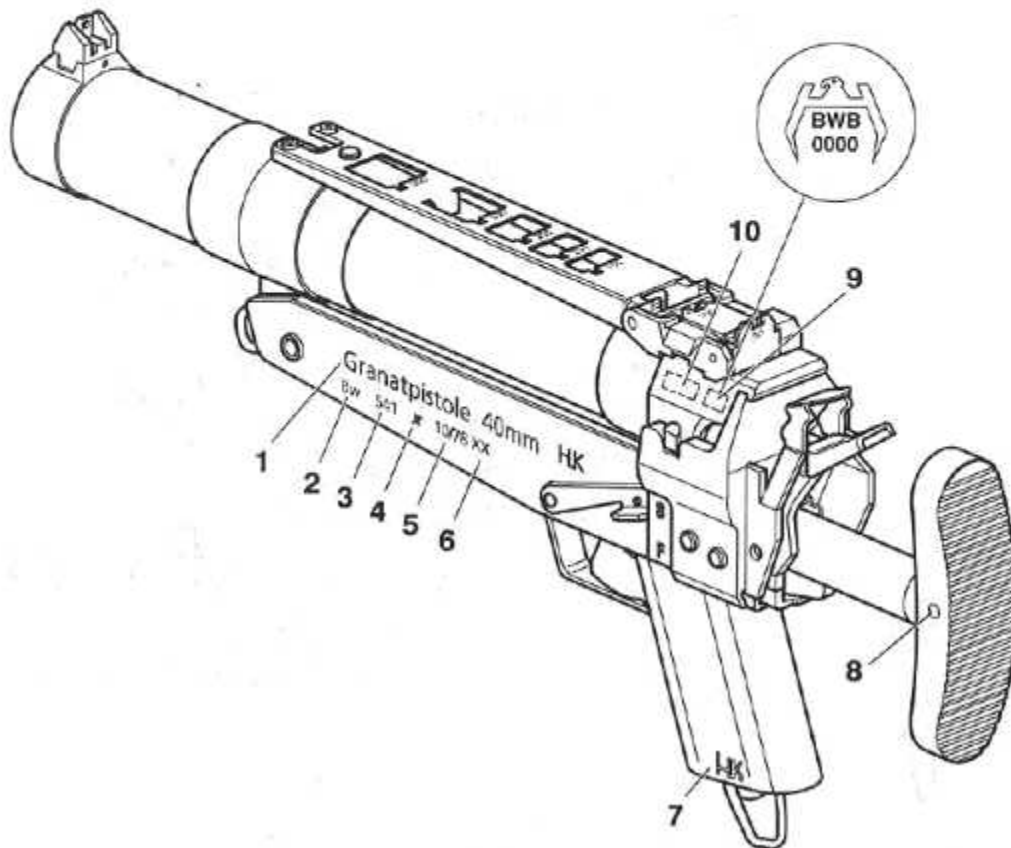
Figure 5. Example of German marking positions and content

Sample proof firing mark



Location of marks

1.1.4 Kennzeichnungsstellen



1. Type designation
2. Property stamp
3. Manufacturing number
4. Asterisk for system maintenance centre
5. Month/year of manufacturing
6. Proof firing stamp/inspection stamp
7. Manufacturer's stamp
8. Mark for modified catch
9. Proof firing stamp
10. Last three digits of item number

5.6.4. Latvia

According to Latvia's response to the questionnaire, the provisions on import marking cover all kind of imports (governmental, commercial and private individuals) and apply to all classes of firearms. The marks are applied and paid for by the manufacturer and placed on the barrel, frame and lock using engraving techniques. The response does not specify which information is included in the import marks.

The government agency responsible for ensuring the markings are added is the Licensing and Permission Unit of the Prevention Bureau of the Central Public Order Police Department. While no mention is made about other post-manufacture marks, in the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

5.6.5. Lithuania

According to Lithuania's response to the questionnaire, the marks assigned upon import indicate the country of import (country code LT). The provisions cover imports made by the government and for commercial purposes, but it is not specified whether they apply to all classes of firearms. The import marks are usually applied, and paid for, by the importer, but occasionally can be applied by the manufacturer. The marks should be placed on every main metal part of the firearm already marked by the manufacturer with serial numbers.

The government agency responsible for ensuring the markings are applied is the Weaponry Fund of Lithuania in cooperation with the Police Department. No mention is made about other relevant post-manufacture marks.

5.6.6. Poland

According to Poland's response to the questionnaire, the marks assigned upon import indicate country of import, year of import and information permitting the identification of the importer's name and address. The provisions cover all types of imports (governmental, commercial and private individuals) and apply to all classes of firearms. The marks are applied by the manufacturer in the exporting country and are placed on essential components of the firearm. In the case of existing SALW the markings of which do not meet general requirements outlined in national legislation, the markings are added.

5.6.7. Romania

According to Romania's response to the questionnaire, the marks assigned upon import indicate country of import and year of import. The provisions cover all types of imports (governmental, commercial and private individuals) and apply to all classes of firearms. No further details are given as it is noted that the legislation is not yet enforced because of a lack of resources and equipment. No mention is made about other relevant post-manufacture marks.

5.6.8. Slovakia

According to Slovakia's response to the questionnaire, the marks assigned upon import indicate the country of import. The provisions cover imports made for commercial purposes and by private individuals and apply to all classes of firearms. The import marks are applied by the importing country and are paid for by the importer. The marks are placed on the barrel and on the cartridge chamber using engraving techniques.

The organization responsible for ensuring the markings are added is a non-governmental agency called KONŠTRUKTA, which has a mandate from the state. No mention is made about other relevant post-manufacture marks.

5.7. EUROPE—NON-EU MEMBER STATES

5.7.1. The former Yugoslav Republic of Macedonia

According to the response to the questionnaire received from the former Yugoslav Republic of Macedonia, the marks assigned upon import indicate the country of import and the year of import (marked in a circle with a diameter of 2mm and a minimum depth of .08mm). The provisions cover imports made exclusively for commercial purposes and apply to all classes of firearms. The import marks are applied and paid for by the importer. The marks are placed on those parts already marked by the manufacturer using stamping techniques.

The government agency responsible for ensuring the markings are applied is the Ministry of the Interior. No mention is made about other relevant post-manufacture marks.

5.7.2. Norway

According to Norway's response to the questionnaire, the marks assigned upon import indicate the country of import and the year of production. The provisions cover only imports made by the government for the defence forces and apply to all classes of firearms. The import marks are applied by the manufacturer in the exporting country and are placed on all parts, provided there is enough space, using stamping, and occasionally engraving, techniques.

The government agency responsible for ensuring markings are applied to defence-related weapons is the Ministry of Defence. For other post-manufacture markings, a special mark, the letter N with a crown, is added to identify the government. Older weapons might be marked with the national coat of arms.

5.7.3. Switzerland

According to Switzerland's response to the questionnaire, national legislation covering import marking is currently in the process of being developed. However, through analysis

of the 2008 national report submitted by Switzerland it is possible to evaluate current regulations for other marking practices.¹³ In particular:

In order to be able to identify SALW of the Armed Forces without any risk of error, the Defence Procurement Agency called for new markings to distinguish Swiss Armed Forces' pistols and assault rifles, in addition to the weapon number. These markings provide information on four other issues, namely:

- a) The letter "A" for Armed Forces
- b) The "shield with the Swiss cross" (= service weapon)
- c) The letters "W+K" (= weapon approved by the Federal Weapons Control Agency)
- d) The proof firing stamp

These provisions apply to "9 mm pistols (models 49 and 75), the 7.5 mm model 57 and the 5.6 mm model 90 assault rifles".

Concerning the marking method, that decision:

is taken by *armasuisse* in consultation with the Armed Forces Planning Staff, taking into account the following factors:

- a) The quantity of weapons to be manufactured
- b) The manufacturer's marking and numbering
- c) The possibility of applying markings at the time of manufacture (including cost)

The final decision concerning a particular marking technique (die stamping, engraving, laser, etc.) is taken by the Armed Forces Planning Staff. *Armasuisse* is responsible for its application throughout the acquisition process.

Excerpted from the appendix to the 2008 national report submitted by Switzerland, Figures 6 and 7 give a graphic representation of Swiss SALW marking practices, both in terms of content and position.

¹³ As stated in the national report, "Since SALW in holdings of police forces are subjected to cantonal authority, this information exchange refers only to SALW of the Swiss Armed Forces. Therefore, SALW held by the various police forces of the cantons are excluded".

Figure 6. Example of Swiss marking positions and content on a pistol



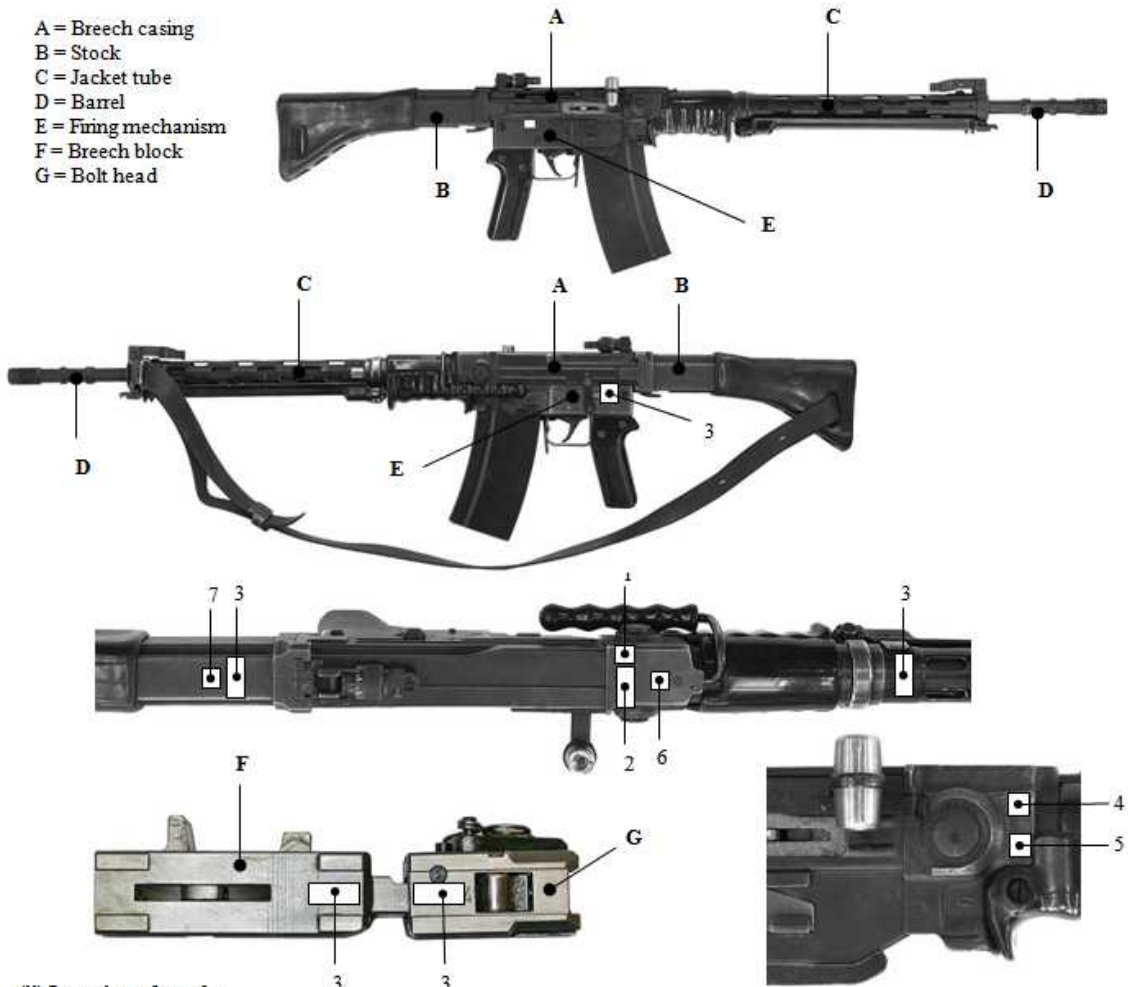
(ii) Location of marks

Position	Mark	Definition	Method of application
1	A	Armed Forces property stamp	engraved
2	0 ... 9	6-digit serial/weapon number	engraved
3	BP	Proof firing stamp	marked
4	(K+)	Inspection stamp (approved by the Federal Gun Acceptance Agency)	marked
5	Shield with cross	Service weapon stamp (made for the Swiss Armed Forces)	engraved
6	(SIG)	Manufacturer's monogram	engraved

Figure 7. Example of Swiss marking positions and content on an assault rifle

(i) General assembly

- A = Breech casing
- B = Stock
- C = Jacket tube
- D = Barrel
- E = Firing mechanism
- F = Breech block
- G = Bolt head



(ii) Location of marks

Position	Mark	Definition	Method of application
1	A	Armed Forces property stamp	engraved
2	0 ... 9	7-digit serial/weapon number	engraved
3	0 ... 9	Last 4 digits of the serial/weapon number	engraved
4	BP	Proof firing stamp	marked
5	(K+)	Inspection stamp (approved by the Federal Gun Acceptance Agency)	marked
6	+	Service weapon stamp (made for the Swiss Armed Forces)	engraved
7	SIG	Manufacturer's monogram	engraved

5.8. MIDDLE EAST

5.8.1. Israel

There was no response from Israel to the questionnaire. According to the national report submitted in 2008 by Israel, there is no specific provision requiring the marking of the importing country. However, “Imported SALW are identified and recorded upon entry into Israel A SALW without marking is marked by a turnery in accordance with accepted international standards, before entering into Israel”.

Concerning the marking methods used, the national reports specify the following techniques: laser, milling by pantograph, sealing, branding, and, when weapons have a polymeric body, markings are put on the main metallic component (for example, on the main insert of the firearm) and the logo is sealed on the polymeric part of the weapon.

Finally, the report specifies that SALW in possession of the Israeli Armed Forces are marked and recorded, as are SALW seized and confiscated if intended for re-use.

5.8.2. Turkey

According to Turkey’s response to the questionnaire, there are no specific provisions requiring the marking of the country and year of import. Nevertheless, through analysis of the national report submitted in 2008 by Turkey it is possible to assess post-manufacture marking practices for confiscated or seized weapons. Specifically, “In case of seized or confiscated but unmarked small arms, the government agency which carried out the seizure or confiscation will mark the weapons with its unique sign. Date of seizure or confiscation will be marked instead of manufacturing date”.

In addition, the national report provides information related to the marking standards and methods. Particularly, marking is made 0.2–0.3mm in depth using a pantograph, press or laser to be easily seen.

6. Needs and challenges related to implementation

The scope of this study is not only to investigate current practices related to post-manufacture and import marking, but also to assess states’ needs and challenges in implementing in the relevant international and regional instruments. The survey has found a general need for technical, financial and legal assistance, especially among African states and some states of Latin America

From a technical perspective, states that cite a need for assistance highlighted in their responses not only a lack of marking equipment, but also a lack of adequately trained personnel to ensure that equipment is used properly and weapons are successfully marked upon import. It follows that financial assistance may be most effective if it is directed not only toward the acquisition and maintenance of marking equipment, but also toward the training of personnel and information sharing to improve technical and human capacity. From a legal perspective, some states have called for international assistance in the revision of their national legislation.

Besides the calls for assistance, the survey has found other needs and challenges related to SALW transfers that are not adequately accounted for, or in some cases not covered at all, in current regulatory frameworks. Specifically, several African states have highlighted the need for more precise marking regulations for transfers of SALW to non-state actors, the temporary importation of firearms and transfers of ammunition.

7. Conclusions

The primary objectives of this study were to:

- review national legislation covering post-manufacture and import marking with respect to the provisions included in international and regional regulatory frameworks;
- explore current post-manufacture and import marking practices and procedures at the national level; and
- understand the needs and challenges related to post-manufacture and import marking.

The main findings of this study can be summarized as follows:

- 1) With respect to post-manufacture and import marking, the differences in the practices and standards established under international and regional instruments result in ambiguity and allow too much room for interpretation, especially for states that are party to one or more instrument.
- 2) With respect to the UN Firearms Protocol, notwithstanding the reports from states that are in the process of developing or revising their national legislation, over the short term the percentage of states parties that have, or will have, provisions to implement post-manufacture and import marking will remain significantly under 50%.
- 3) Positive conclusions can be drawn regarding the International Tracing Instrument. Forty of the states that returned the questionnaire (83% of the total) declared that they were aware of the marking standards under the instrument. When taking into account those states that are currently developing or revising their national legislation, more than 75% of those 40 will have national post-manufacture and import marking provisions in the near future.
- 4) From a global perspective, of the 94 states for which questionnaire responses or national reports provided relevant information, 34 (36%) have provisions covering post-manufacture or import marking included in their national legislation. Taking into account the 23 states that are in the process of developing or revising their national legislation, the percentage of states including post-manufacture and import marking in their national legislation increases to 60%.

5) The inclusion of provisions covering post-manufacture and import marking in national legislation varies from 13% among ECOWAS Convention states parties to 30% among EU member states. Considering the states that are currently developing or revising their national legislation, the trend is positive for all African sub-regions and for Europe (including both EU and non-EU states) whereas in the Americas, Asia and the Pacific and the Middle East the trend is neutral.

6) From a practical point of view, the implementation of the provisions covering post-manufacture and import marking varies widely from state to state even within the same region or sub-region. Thus it is difficult to identify common best practices related to post-manufacture and import marking. RECSA has played a key role in increasing the capabilities of states in the Great Lakes Region and the Horn of Africa by providing a full spectrum of assistance to its member states.

7) Aside from those states that returned the questionnaire, the considerable lack of state-level information on post-manufacture and import marking has presented a significant challenge to regional and sub-regional analysis, with the exception of the European Union. For example, among the states that did not return the questionnaire, less than 50% provided information on marking practices in their national reports. The absence of publicly available information is particularly acute in the Americas, where 53% of states parties to the Inter-American Convention did not provide relevant information, and in Asia and the Pacific where this percentage reaches 64%.

8) Concerning the major factors that are preventing states from implementing provisions on post-manufacture and import marking, the survey has highlighted a general need for assistance especially among African states and some states of Latin America. This assistance would be multidimensional—technical, financial and legal—suggesting that with an improvement of international assistance for SALW marking, more states could translate political will to implement post-manufacture marking into practical measures.

On the basis of these findings, further research could be aimed at:

- Exploring the role that regional and sub-regional organizations are playing, or could play, in promoting post-manufacture marking and in assistance to member states based on the example provided by RECSA (as well as the role of specialized UN and related agencies with responsibilities for peace or public security).
- Creating a practitioner's guide that explains best practices and, where possible, looks at harmonizing marking practices in a manner that is consistent with global and regional (or sub-regional) agreements and conventions. The guide would serve also as a document promoting appropriate information sharing and awareness on the topic.
- Creating a checklist to standardize the character of information included in national reports to facilitate the collection of data and allow better understanding of trends and statistics related to the implementation of the PoA and to those elements of the International Tracing Instrument and the UN Firearms Protocol that are consistent or significantly similar.

Annex A. Overview of the international and regional instruments

1. UN PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION

The UN Firearms Protocol constitutes, to date, the only global, legally binding instrument addressing the issue of small arms. Requirements covering post-manufacture and import marking are clearly included in paragraphs b and c of Article 8.1. In particular, Article 8 calls for the marking of SALW on import and for a unique marking if not already present at the time of import. In addition, the Protocol requires the marking of state-owned firearms permanently transferred to civilian use. However, import marking requirements do not apply to temporary firearm imports.

Article 8.1 reads:

1. For the purpose of identifying and tracing each firearm, States Parties shall:
 - (a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;
 - (b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;
 - (c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.¹⁴

2. INTERNATIONAL INSTRUMENT TO ENABLE STATES TO IDENTIFY AND TRACE, IN TIMELY AND RELIABLE MANNER, ILLICIT SMALL ARMS AND LIGHT WEAPONS

The International Tracing Instrument, adopted by the UN General Assembly on 8 December 2005, not only recalls explicitly the provisions of the Firearms Protocol with respect to marking on import and marking of permanently transferred state-owned weapons to civilian use, but also calls for the marking of all SALW in the possession of governmental armed and security forces for their own use (paragraphs 8(b), (c) and (d)).

¹⁴ General Assembly, *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 document A/RES/55/255, 8 June 2001.

In addition, while leaving the choice of marking methods to states, the Instrument set a list of mandatory characteristics regardless of the method used (paragraph 7) and defines where the mark should be placed (paragraph 10). As in the UN Firearms Protocol, the requirements for marking on import do not apply to temporary imports of firearms.

The Instrument reads:

7. The choice of methods for marking small arms and light weapons is a national prerogative. States will ensure that, whatever method is used, all marks required under this instrument are on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable.

8. For the purpose of identifying and tracing illicit small arms and light weapons, States will:

(a) At the time of manufacture of each small arm or light weapon under their jurisdiction or control, either require unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture; and encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre;

(b) Taking into account that import marking is a requirement for the States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, require to the extent possible appropriate simple marking on each imported small arm or light weapon, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the small arm or light weapon; and require a unique marking, if the small arm or light weapon does not already bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of small arms and light weapons for verifiable, lawful purposes, nor for the permanent import of museum artefacts;

(c) Ensure, at the time of transfer from government stocks to permanent civilian use of a small arm or light weapon that is not marked in a manner that allows tracing, the appropriate marking permitting identification of the country from whose stocks the transfer of the small arm or light weapon is made;

(d) Take all necessary measures to ensure that all small arms and light weapons in the possession of government armed and security forces for their own use at the time of adoption of this instrument are duly marked. ... ;

...

10. ... A unique marking should be applied to an essential or structural component of the weapon where the component's destruction would render the weapon

permanently inoperable and incapable of reactivation, such as the frame and/or receiver, in compliance with paragraph 7 above. ...¹⁵

3. THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, THEIR AMMUNITION AND OTHER RELATED MATERIALS

The Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons is a legally binding convention that provides a regulatory framework for small arms control in West Africa. With respect to import marking, the Convention calls for including such marks already at the production stage if possible (Article 18, paragraph 2(a)). If the importing country and the year of import are not known at the time of manufacture, they have to be marked by a competent authority in the importing country (Article 18, paragraph 2(c)iii). The Convention also introduces “security marking” (Article 18, paragraph 2(b)), a weapon mark the falsification of which would render the firearm unusable, which must be applied to all weapons imported after the entry into force of the Convention.

Article 18(2) of the Convention reads:

For small arms and light weapons covered under this Convention,

a) “Classic marking” shall include a unique serial number, the manufacturer’s identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser’s identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphanumerically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;

b) A “Security marking” shall be applied to all weapons produced after the entry into force of this Convention. This will permit the identification of the weapons in the event that classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon’s manufacture, and the falsification of which would render the weapon unusable;

c) Member States that import a small arm that is not marked in accordance with the provisions outlined under paragraph a) and b) above shall:

i. Apply a classic marking if the weapons were manufactured before the entry into force of this Convention;

ii. Apply a classic marking and a security marking if the weapons were manufactured after the entry into force of this Convention; failing this, the weapons cannot be imported or must be destroyed;

¹⁵ As contained in General Assembly, *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, UN document A/60/88, 27 June 2005.

iii. If the importing country and the year of import are not known at the time of manufacture, the acronym of the importing State and the year of importation are marked by a competent institution in the importing country.

4. INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS

The Inter-American Convention contains specific requirements on post-manufacture and import marking. In particular, the Convention requires import marks to include information on the importer's name and address. With respect to post-manufacture marking, the Convention refers specifically to confiscated weapons, calling for an appropriate marking to be placed on those weapons that are retained for official use. However, the Convention does not seem to specify which authority (manufacturer or importing state) is responsible of the fulfilment of these obligations.

Article VI(1) of the Convention reads:

For the purposes of identification and tracing of the firearms referred to in Article I.3.a, States Parties shall:

- a. Require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;
- b. Require appropriate markings on imported firearms permitting the identification of the importer's name and address; and
- c. Require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

5. NAIROBI PROTOCOL FOR THE PREVENTION, CONTROL AND REDUCTION OF SMALL ARMS AND LIGHT WEAPONS IN THE GREAT LAKES REGION AND THE HORN OF AFRICA

The Nairobi Protocol specifically covers post-manufacture and import marking. Specifically, Article 7 requires states parties to mark each imported weapon with both the country and the year of import and with a unique number if not already present. In addition, the Nairobi Protocol includes requirements for the marking of state-owned weapons.

Article 7 of the Protocol reads:

State parties undertake to:

- (a) mark each small arm or light weapon at the time of manufacture, with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.

(b) mark each small arm or light weapon at the time of import, with a simple marking permitting identification of the country of import and the year of import, and an individual serial number if the small arm or light weapon does not bear one at the time of import so that the source of the small arm or light weapon can be traced.

(c) ensure that all small arms and light weapons in the possession of the state are marked with a unique mark. ...

6. THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PROTOCOL ON THE CONTROL OF FIREARMS, AMMUNITION AND RELATED MATERIAL

The Southern African Development Community (SADC) Protocol calls for the incorporation of its provisions into states parties' national law, ensuring the standardized marking of firearms at the time of manufacture, import and export (Article 5). Marking requirements are specified in Article 9, but do not include any reference to import marking. The mark which is required to be present on all imported firearms includes a unique serial number (if not previously marked) but does not include any information on the importer.

Article 5 of the Protocol reads:

3. State Parties further undertake to incorporate the following elements in their national laws as a matter of priority:

...

g) provisions ensuring the standardized marking and identification of firearms at the time of manufacture, import or export; ...

Article 9 reads:

1. State Parties undertake to establish agreed systems to ensure that all firearms are marked with a unique number, at the time of manufacture or import, on the barrel, frame and, where applicable, the slide and undertake to keep proper records of the markings.

2. The marking referred to in paragraph 1 of this Article shall identify the country of manufacture, the serial number, and the manufacturer of the firearm.

A document containing the Standard Operating Procedures for the implementation of the SADC Protocol was approved in 2008. With respect to post-manufacture marking, these identify particular cases where such markings should be applied to SALW. The cases include:

- the same number was allocated to more than one firearm;
- no indication that the firearm was marked previously;
- the number was tampered with or unlawfully changed; and

- alteration of the firearm took place where either the barrel, the frame or the receiver was replaced.¹⁶

In addition, the Standard Operating Procedures determine the marking standards and the method. In particular, they require the marking to be applied by means of stamping to a depth of at least 0.2mm on either the barrel and frame or the barrel and receiver.¹⁷

¹⁶ Standard Operating Procedures, chp. 3, para. 2.3.

¹⁷ Ibid., para. 2.1.

Annex B. Australian analysis of challenges related to post-manufacture and import marking

A comprehensive analysis of needs and challenges has been provided by Australia, which has identified some key challenges to the implementation of obligations for import marking of SALW through specific considerations of technical feasibility and cost-benefit ratio. The following analysis was included in the Australian response to the survey:

a) Potential technical problems associated with post-manufacture import marking

There are a number of concerns about the technical impact of post-manufacture import marking on firearms from the perspective of firearm performance or aesthetics. The potential for adverse technical impact increases for multiple-entry, multiple-marked firearms.

(i) Potential impact on structural integrity and performance of firearms

Technical firearms experts have noted the potential for damage to the structural integrity of firearms due to post-manufacture marking, including, for example, the prospect of a firearm becoming ‘unbalanced’ leading to increased safety risks and potential costs associated with rectifying its performance. The marking of highly specialized competition firearms, some of which are moved regularly between countries by active international competitors, may impact on the intrinsic accuracy of those firearms.

(ii) Damage to firearm aesthetics

Many private citizens in the shooting community take considerable pride in the aesthetic value of their firearms, particularly those firearms that are rare or expensive. Some competition and collector firearms have custom finishes which would be damaged by post-manufacture marking. There would be costs associated with rectifying such damage.

(iii) Technical difficulties of marking on certain materials

It is unclear how polymer frame firearms could be appropriately marked on import. Technical advice is that the stamping process for metal firearms is preferred to ensure a permanent readable imprint. The manufacturers of polymer framed firearms, in most cases, apply the serial number to a metal plate attached to the polymer frame. It would seem technically difficult and undesirable to attach multiple plates to facilitate the addition of import markings and it is not clear how effective markings could be applied directly to polymer.

b) Question as to the tracing benefits and outcomes to be derived from post-manufacture import marking

The requirement for import markings to be “on an exposed surface, conspicuous enough to be noted without technical aids or tools, easily recognizable, readable [...]” raise questions as to whether such overt marking will ultimately lead to

interference for the purpose of defeating tracing efforts. This would in turn hinder efforts to trace. Tracing experts in Australia advise that some 15% of firearms traced have defaced serial numbers. It must be assumed that overt import marking would similarly be targeted. The requirement for overt marking on import does not sit comfortably with the requirement of States to encourage manufacturers to develop measures against the removal or alteration of markings, which could presumably include exploring covert marking practices. Consideration should also be given to the likelihood of forgery activity in order to legitimize the movements of firearms. Of course covert import marking would be considerably more costly and lead to further delay on trade and movement of goods at the border.

c) Costs and collateral impacts of implementing an import marking scheme

The likely benefits and technical challenges of post-manufacture import marking must be considered alongside the costs of implementing such arrangements from a border control and trade facilitation perspective. Some issues that are relevant here include acquisition of marking technology and deployment at ports, technical training for Customs officers in the use of marking technology and the potential for overall delays to trade and the movement of goods from the addition of this border control activity.

Annex C. Questionnaire recipients

States that returned the questionnaire		
Australia	former Yugoslav Republic of Macedonia	Romania
Austria	Guatemala	Russia
Botswana	Hungary	Rwanda
Brazil	Ireland	Samoa
Bulgaria	Jamaica	Senegal
Burkina Faso	Japan	Slovakia
Chile	Latvia	Slovenia
China	Lesotho	South Africa
Colombia	Lithuania	Spain
Côte d'Ivoire	Mali	Sweden
Croatia	Netherlands	Switzerland
Czech Republic	Norway	Togo
Denmark	Paraguay	Turkey
Ecuador	Philippines	United Kingdom
Estonia	Poland	United States of America
Finland	Portugal	Uruguay

States that did not return the questionnaire but provided relevant information in the 2008 national report		
Angola	Iceland	Niger
Argentina	India	Pakistan
Armenia	Israel	Peru
Bahrain	Italy	Republic of Korea
Benin	Kenya	Serbia
Bosnia and Herzegovina	Lebanon	Sierra Leone
Burundi	Liberia	Sudan
Canada	Liechtenstein	Swaziland
Cyprus	Malaysia	Tanzania
Denmark	Malta	Tanzania
Djibouti	Mauritius	Thailand
Dominican Republic	Mexico	Trinidad and Tobago
Ethiopia	Mozambique	Zimbabwe
France	Namibia	
Germany	New Zealand	
Greece	Nicaragua	

Annex D. Questionnaire on post-manufacture marking

For the purpose of this study, a questionnaire was created with a specific focus on post-manufacture and import marking. The focus of the first section of the questionnaire is specifically on import marking. It includes general questions on the existence, development and enforcement of national legislation covering import marking. It also includes more specific questions related to the legal and technical aspects of the marking process. Similar questions were asked in section two with respect to other post-manufacture marking with a view to make the analysis as comprehensive as possible. Throughout the questionnaire, states were also given the opportunity to specify needs and challenges that prevent, limit or postpone the implementation of post-manufacture and import marking provisions included in the international and regional instruments.

The questionnaire is included on the following pages.

Questionnaire on Post-Manufacture Marking Practices for Small Arms and Light Weapons/Firearms

DEFINITION

This questionnaire covers the issue of post-manufacture marking, and more specifically import marking.

A post-manufacture mark includes any unique mark placed on a small arm/firearm in addition to the manufacture's mark. A post-manufacture mark may include but is not limited to import marks.

For the purposes of this questionnaire, **import marking is a simple mark permitting the identification of the country of import**, and may include the year of import and/or permit identification of the name and address of the importer. The import mark can be an additional mark made by the manufacture at the time of export or by another source at the time of import.

Import marking should not be confused with the requirement that all imported small arm/firearm that must include the original manufacturer marks.

PURPOSE OF STUDY

This survey aims to assess the progress in implementing the United Nations Programme of Action on Small Arms and Light Weapons with particular reference to the International Tracing Instrument and to all international and regional instruments covering the issue of post-manufacture marking, i.e. import marking.

The results of the survey will be reflected in a final report which will be publicly available and distributed widely to states.

The questionnaire starts on the next page

INTRODUCTORY QUESTIONS

Respondent

Name

Title

Office

Contact details

a. Has your state signed, ratified or acceded to one or more of the following instruments? *Please underline all that apply:*

- UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (signed / ratified / acceded);
- ECOWAS Convention on Small Arms and Light Weapons, their ammunition and other related materials (signed / ratified / acceded);
- Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (signed / ratified / acceded);
- Nairobi Protocol Control and Reduction of Small Arms and Light Weapons (signed / ratified / acceded);
- Southern African Development Community Protocol on the Control of Firearms, Ammunition and Related Material (signed / ratified / acceded);

b. Is your state aware of marking standards and obligations (including those for import marking) under the International Tracing Instrument, established through the United Nations Programme of Action on Small Arms and Light Weapons in 2005? *(please underline the correct answer)* [YES / NO]

SECTION 1: MARKING UPON IMPORT

1.) Does your state have provisions in its national laws establishing that all imported SALW/Firearms contain unique marks that clearly identify the importing state? *(please underline the correct answer)* [YES / NO/ is in the process of being developed]

2.) If your state does not currently have legislation on import marking, is your state considering introducing such a requirement? *(please underline the correct answer)* [YES / NO]

- If NO, why not? *(please mark an "X" by all that apply)*

Do not know what the necessary requirements are for import marking;

Do not know why import marking is necessary;

Do not have the ability to enforce anyway;

Do not import and therefore do not believe that it is necessary to establish legislation to mark upon import;

Politically sensitive issue;

3.) If your national legislation contains provisions for import marking, is the legislation enforced? *(please underline the correct answer)* [YES / NO]

- If NO, why not? *(please mark an "X" by all that apply)*

- Do not have resources/equipment to enforce it;
- Do not know what the necessary requirements are for import marking;
- Politically sensitive issue;
- Have not imported firearms since the legislation came into force;
- Other (describe): _____

4.) If your state requires all imports to be assigned with an import mark,

4.a) Do the marks indicate: *(please mark an "X" by all that apply)*

- The country of import?
- Year of import?
- Information permitting the identification of the importer's name and address?
- Other (describe): _____

- If you marked any or all of these elements, please describe physical appearance of the import mark applied to an SALW/Firearm: _____

4.b) Do the provisions cover imports made by: *(please mark an "X" by all that apply)*

- Government?
- Commercial/businesses?
- Private individuals?

4.c) Do the provisions for import marking apply to all classes of firearms? *(please underline the correct answer)* [YES / NO]

- If NO, what types of firearms are exempt from import marking requirements? _____

4.d) Who adds the additional markings? [eg. manufacturer in the exporting state, importing state, importer, other (describe)] _____

4.e) Which government agency is responsible for ensuring the markings are added? _____

4.f) Who pays for the additional markings? _____

4.g) What method is used for the marking? [eg. Laser, engraving, stamping] _____

4.h) What part(s) of the firearm are marked? _____

- 4.i) Are there other markings that must be placed on imported firearms? [eg. according to use] *(please underline the correct answer)* **[YES / NO]**
- **If YES**, please describe these marks: _____
- 5.) If you are an exporting state and/or have commercial manufacturers in your country, is there legislation that requires or permits the manufacturer to mark SALW with import markings if the importing state does not have the means to mark upon import? *(please underline the correct answer)* **[YES/NO]**
- **If YES**, what do the requirements include? _____
- **If NO**, why not? *(please mark an "X" by all that apply)*
- ____ Legislation needs to be established or reviewed;
- ____ Belief that it is the sole responsibility of the importing state;
- ____ Politically sensitive issue;
- ____ Do not have the ability to enforce;
- 6.) Are there any particular challenges and/or needs to facilitate the marking of SALW with import marks? (describe) _____

SECTION 2: OTHER MARKING (POST-MANUFACTURE)

- 7.) Are there provisions in your state's national laws establishing general requirements for the types of marks that must be found on all SALW/firearms? *(please underline the correct answer)* **[YES/NO]**
- **If YES**, which markings are required? _____
- **If NO**, why not? *(please mark an "X" by all that apply)*
- ____ No legislative or administrative need for marks;
- ____ Legislation needs to be established, reviewed or is under development;
- ____ We are unaware of what the necessary requirements are for marking;
- ____ We do not have the ability to enforce;
- ____ We are not party to a legally binding instrument that requires it;
- ____ Other (describe): _____

8.) If the markings on existing SALW/firearms do not meet general requirements outlined in national legislation (question 7), are additional markings added? (*please underline the correct answer*) [YES/NO]

- **If YES,**

8.a) Which government agency is responsible for ensuring the markings are added? _____

8.b) Who adds the additional markings? [eg. manufacturer in the exporting state, importing state, importer, other] _____

8.c) What additional markings are required? _____

8.d) Who pays for the additional markings? _____

8.e) What method is used for the marking? [eg. Laser, engraving, stamping] _____

- **If NO,** why are additional marks not added? _____

9.) Specific challenges or needs relating to marking of SALW (*describe*): _____

OTHER

Are there other firearms markings requirements/activities within your state, or other information on marking not covered in this questionnaire? *Please describe* _____.

Note

If you wish to keep any of your answers confidential, please specify the relevant question number(s).

Further information

Ilhan Berkol, “Evaluating the Cost of Small Arms and Light Weapons Marking Systems”, Groupe de recherche et d’information sur la paix et la sécurité, 15 June 2004.

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Dominique Dye, “Marking Small Arms—Towards Implementing The Nairobi Protocol”, Institute for Security Studies, 4 July 2008.

International Action Network on Small Arms, “Essential elements for an international convention on tracing of small arms and light weapons”, undated.

Matt Schroeder and Rachel Stohl, “Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse”, *Arms Control Today*, June 2006.

World Forum on the Future of Sport Shooting Activities, preliminary report, *Workshop on Technical and Manufacturing Aspects of Firearms Marking in the Context of UN Regulation Efforts*, Brescia, 30 September–1 October 1999.

World Forum on the Future of Sport Shooting Activities, report, *Workshop on Firearms Marking: Model Standards and Common Serial Number Codes*, Baia Sardinia, 22–24 June 2000.

Acronyms

ECOWAS Economic Community of West African States

PoA United Nations Programme of Action

RECSA Regional Centre on Small Arms

SADC Southern African Development Community

SALW small arms and light weapons