

SaferAfrica and Saferworld

**Decree No. 1/91, 1971  
Article 1**

**Arm:** Every firearm for hunting, sports or for personal defence as well as all spare parts for these arms excluding simple weapons like pistols and alarm revolvers for as long as they cannot fire solid, liquid or gaseous projectiles.

# Strengthening small arms controls:

An audit of small arms control legislation in the Great Lakes region  
and the Horn of Africa

**BURUNDI****Catherine Flew** and **Angus Urquhart**

February 2004

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# Foreword

**THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS** is one of the greatest humanitarian challenges. To address it a united and holistic approach is required from governments and civil society. Such an approach is embodied in the 'Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa' which was signed in March 2000. Since then progress towards implementing the Declaration has been made and while slower than desired a degree of momentum is now building.

The Nairobi Secretariat, the regional co-ordination body for small arms in the Great Lakes region and the Horn of Africa has been significantly enhanced in 2003. Most signatories to the Nairobi Declaration have established national co-ordination agencies, known as National Focal Points, and other significant progress has been made at the national level in Kenya, Tanzania and Uganda towards the establishment and implementation of National Action Plans for Arms Management and Disarmament.

Many studies of trafficking of small arms for crime or to support conflict show a variety of ways in which legal small arms can be diverted for illegal purposes if there are inadequate legislative controls. International co-operation, the establishment of effective tracing systems and the enforcement of arms embargoes are essential to reduce and combat the illicit trafficking and misuse of small arms.

Strengthening and harmonising legislation on these issues and others is one of the key tasks that states in the sub-region have committed to address in the Nairobi Declaration and other international small arms agreements. A 'Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa' has been developed by the Eastern Africa Police Chiefs Co-operation Committee and was signed by Chiefs of Police in Tanzania in December 2003. It is important that this is now effectively implemented. This will necessitate national and regional reviews of legislation in order to ensure that there are effective common standards of control on small arms in operation across the region.

This comprehensive and accessible study by Saferworld and SaferAfrica will significantly aid states as they address the issue of legislative controls. At the national level the detailed country tables will assist national governments in identifying areas of weakness that must be addressed and existing best practice. While at the regional level, the regional overview and comparative analysis will aid governments to regionally harmonise their national legislation and to develop rigorous and effective minimum standards of control.

Some states have already begun to examine where and how their small arms legislation must be amended while for others this challenge still remains to be tackled. For all countries, however, this report will provide a valuable point of reference for fine-tuning proposed amendments or as a starting point from which to embark on a process of review.

**Mr Francis Sang**

*Co-ordinator*

*Nairobi Secretariat on Small Arms and Light Weapons*

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# Introduction

**THIS COUNTRY STUDY ON BURUNDI** forms one chapter of a comprehensive study on small arms legislation in the Great Lakes region (GLR) and Horn of Africa (HoA), conducted by Saferworld and SaferAfrica. The report builds on the methodology developed in a similar study conducted on small arms legislation in Southern Africa by Saferworld and SaferAfrica entitled *The Law of the Gun: An Audit of Firearms Control Legislation in the SADC Region*, published in June 2003. This study is intended as a reference document to assist law-makers and others involved in reviewing national small arms legislation.

The full study contains an introductory chapter providing a regional overview of the small arms legislation in nine countries of the GLR and HoA. Each of the following chapters covers one of these nine countries – Burundi, Djibouti, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania and Uganda.<sup>1</sup> These country chapters should be read alongside the regional, introductory chapter which identifies examples of best practice in the region and certain issues which states should consider when reviewing their national legislation. Each of these country chapters contains two sections – a national overview of existing legislation and a table containing a break down of the legislation. The analysis is broken down into analytical categories and indicates how far the national legislation meets, or falls short of (the level of conformity to), the commitments contained in key regional and international small arms agreements for the states of the GLR and HoA.

The analytical categories are:

- Definitions
- Controls on civilian possession and use
- Record keeping and marking
- Import, export and transit
- Brokering
- Manufacture
- Trade
- Seizure, disposal and enforcement
- Arms embargoes
- State-owned small arms
- Penalties (treated as a separate category in the national overview only)

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<sup>1</sup> To date it has not been possible to complete research in the Democratic Republic of Congo (DRC), Ethiopia and Somalia.

The key regional and international small arms agreements are:

- ‘Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime’ (‘UN Firearms Protocol’);
- ‘United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects’ (‘UN Programme of Action’);
- ‘Bamako Declaration on an African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons’ (‘Bamako Declaration’);
- ‘Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Nairobi Declaration’);
- ‘Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Co-ordinated Agenda for Action’);
- ‘Implementation Plan of the Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Implementation Plan’);
- ‘Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Protocol for the GLR and HoA’).

## Comment on conformity

Throughout this report, where we talk of ‘conformity’, ‘commitments’, ‘requirements’ or similar terms, we do so with regard to the importance of fully implementing the provisions of these agreements and the need to ratify them and hasten their entry into force. By noting the ‘conformity’ or otherwise of existing national legislation we are not indicating a legal commitment to the UN Firearms Protocol or Protocol for the GLR and HoA, before these are ratified and have entered into force. Full conformity with the provisions of these regional and international agreements is, nonetheless, important in laying the foundations for the effective control of small arms across the GLR and HoA.

The reader should also note, however, that while the regional and international agreements are very important guides to the action that states must take with regard to the review of legislation, in many areas they require a great deal of detailed elaboration to ensure the implementation of a truly effective legal control regime. Where we provide an overview of each country’s small arms legislation and note some of the key absences, these absences refer solely to those instances where the legislation falls short of the requirements of the regional and international agreements. Indeed, where we talk of full conformity to certain provisions, this does not necessarily indicate that the provisions are adequate to ensure that a strong legal control regime, free of any loopholes, exists.<sup>2</sup>

<sup>2</sup> The comment that we make on conformity also refers solely to the acts that we have been able to obtain and have included in the tabular analysis. The reader should be aware that other pieces of legislation may exist which contain provisions meeting the requirements of the regional and international agreements.

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## Scope of the study

The scope of this study is limited to the legal controls that are laid out in the primary piece of national legislation on small arms control, usually the firearms or arms and ammunition act. Provisions relating to the control of small arms are also likely to be contained in some other pieces of legislation. For instance, controls relating to the use of small arms by police officers may be contained in a police act or statute. In some cases, where information has been readily available, this study has included some of these other laws. However, this study has focused on the primary act relating to small arms control in each country. The primary reason for this is that those people responsible for small arms control in the governments of the region, whom we contacted for assistance in collecting the relevant legislation, were in most cases able to provide only the primary piece of small arms legislation. This in itself illustrates the importance of undertaking legislative review in order to draw all the national legislation pertaining to small arms together in one Act, of which all relevant actors are aware.

This study has also been limited to the legislation itself and does not touch on the *de facto* practice of small arms control; how the laws are actually implemented or issues concerning the capacity to enforce legal controls. The existence of legislative controls does not necessarily mean that an effective control system is being enforced. Conversely, the absence of sufficient legal controls does not necessarily preclude the operation of an effective control regime on the ground. Neither of these two scenarios is, however, desirable. Effective small arms legislation *and* effective controls on the ground should be the objective of all states.

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# Burundi

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## Overview of existing legislation and conformity to regional and international agreements

### Definitions

**THE PRIMARY PIECES OF NATIONAL LEGISLATION ON SMALL ARMS CONTROL IN BURUNDI** are Decree No. 1/91 of 2nd August, 1971 relating to firearms and their ammunitions and Decree No. 1/92 of August, 1971 putting in place regulations for the implementation of Decree No. 1/91 of 2nd August 1971.

The definitions contained in Decree No. 1/91, 1971 and Decree No. 1/92, 1971 – Rules, categorising arms and thus determining the controls that are applicable to different classes of arms, are somewhat unclear.<sup>3</sup> A definition of arms is included, as is a definition of ammunition, but there are no separate categories for firearms or small arms. Crucially, a definition for light weapons, which would enable the enacting of legal provisions prohibiting their use, as called for by the Protocol for the GLR and HoA, is not included in the Decrees. Those responsible for developing new legislation must address this matter urgently and should introduce definitions compatible with those laid out in the Protocol for the GLR and HoA and UN Firearms Protocol.

### Controls on civilian possession and use

The national legislation conforms to most of the provisions of the regional and international agreements.

- A licence is required for the possession and carriage of arms and ammunition and a ‘certificate of good conduct, life and morals’ is necessary to gain a licence.
- There is a limit on the quantity of ammunition that may be possessed.
- The civilian possession of certain categories of small arms is prohibited.
- There are also some limited restrictions placed on where and how arms can be used.
- The commander of the armed forces may at any time ‘order the verification of the conditions of possessing arms and ammunitions’.
- There are controls on the relinquishing of small arms.

However, fundamental absences include:

- No competency testing or age restriction for licence applicants.
- No restriction on the number of small arms that may be licensed to any one civilian.
- No total prohibition on the civilian possession of all light weapons and automatic and semi-automatic rifles and machine guns.
- No provisions for the safe storage of civilian owned small arms, other than a provision that the commander of the armed forces may at any time ‘order the verification of the conditions of possessing arms and ammunitions’.
- No specific provisions detailing what the safe storage of small arms should entail.

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<sup>3</sup> The need to translate legislation into English may lead to some inadvertent misinterpretations.

- No explicit prohibition on the pawning and pledging of small arms.
- Record keeping and marking**
- The national legislation conforms to some of the provisions of the regional and international agreements.
- Provisions are made for the maintenance of permanent records of all traded arms; for the counting of arms and ammunition meant for private use; for repairers to keep a register of arms under repair; and for reporting on the import of arms.
- However, fundamental absences include:
- No requirement for the centralised registration of all civilian owned small arms.
  - No requirement for the keeping of records on the manufacture of small arms.
  - No system or requirements for the marking of small arms at the time of manufacture, import or export.
  - Only information on traded arms is required to be kept for not less than ten years.
- Import, export and transit**
- The national legislation conforms to some of the provisions of the regional and international agreements.
- Licences are required for the import, export and transit of small arms and will not be granted for certain categories of arms.
  - Provision is made for the temporary export of small arms in certain cases.
  - Provisions exist for reporting on the import of small arms.
- However, fundamental absences include:
- No requirement for the use of end-user certificates.
  - No system or requirement for the marking of small arms at the time of import.
  - No provision for record keeping on the export or transit of arms and no requirement that records on imports be maintained for not less than ten years.
- Brokering**
- There are no controls over brokering.
- Manufacture**
- The national legislation conforms to some of the provisions of the regional and international agreements:
- A licence is required for the manufacture of arms and conditions of manufacture are contained on the licence.
- However, fundamental absences include:
- No system or requirement for the marking of small arms at the time of manufacture.
  - No requirement for the keeping of records on the manufacture of small arms, other than a requirement that gunsmiths maintain a register of repairs.
  - No controls over the premises that may be used for the manufacture of small arms.
- Trade**
- The national legislation conforms to most of the provisions of the regional and international agreements.
- Applications for a permit to sell small arms and ammunition must be accompanied by a 'certificate of good conduct and morals' and a 'favourable recommendation' from the governor of the province.
  - Permanent records must be maintained of all arms and ammunition sold and transferred.
  - There are limits on the amount of arms and ammunition that may be stocked by traders, which vary according to whether or not the premises used have strong gun pits with metallic walls, an armoured metallic wall and a secret security lock.

	<p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No prohibition on the pawning and pledging of small arms.</li> </ul>
<b>Seizure, disposal and enforcement</b>	<p>The national legislation conforms to some of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ There are extensive provisions for the seizure, confiscation and forfeiture of small arms.</li> <li>■ A commander of the armed forces may at any time order the compulsory counting of small arms meant for private use and trade.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No provisions for the disposal or destruction of small arms.</li> <li>■ No controls relating to the reactivation of deactivated small arms.</li> </ul>
<b>Arms embargoes</b>	<p>There are no controls relating to the enforcement of arms embargoes.</p>
<b>State-owned small arms</b>	<p>Members of the armed forces are exempt from needing a licence for the possession of arms and other categories of state employees are exempt from needing a licence to carry arms. There are no record keeping, marking, storage, destruction or disposal provisions relating to state-owned small arms contained in Decree No. 1/91, 1971 or Decree No. 1/92 – Rules.</p>
<b>Penalties</b>	<p>The penalties contained in the Decrees are reasonably severe. Offences relating to the import, acquisition, keeping, transferring, abandonment, manufacture, transport, export and repair of arms are punishable with 10 years imprisonment and other offences carry a penalty of up to 5 years imprisonment. However, the fines quoted in the Act, which date from 1971, are in need of review in order to take account of inflation.</p>

## How to use the tables

Each table provides a detailed overview of the legislative controls contained in the primary piece of small arms legislation in a country. Where available other regulations, acts and statutes have been referenced.

### Column one – analytical category

The first column of the table contains the analytical categories. The table is broken down into ten main analytical categories which are then divided into sub-categories and where appropriate further levels of sub-category(s).

For instance: main category ‘Controls on civilian possession and use’; first sub-category ‘Restrictions and conditions for civilian possession’; second sub-category ‘Personal suitability to possess arms’; third sub-category ‘Age restrictions’.

When using the table the reader should first reference the analytical category and any sub-categories as this dictates the content of columns two, three and four; ‘Regional and international agreements’, ‘National legislation’ and ‘Conformity’, respectively.

### Column two – regional and international agreements

The second column provides information on the requirements of the regional and international agreements. Here the information included is a summary of the require-

ments from each agreement relating to a specific category and sub-category(s). The name of the agreement and the article or section which contains the requirement(s) is included. The reader should cross-reference this summary with the full text of the article or section which appears in the 'Regional and international agreements' table in the regional and national overview section of this report. For each article or section referenced the summary includes only information from that article that is directly relevant to the analytical category under consideration. Where the requirements of two or more agreements are similar or identical a summary may be included that refers to more than one agreement. Where no summary is provided for a particular category or sub-category(s) this indicates that there are no relevant requirements in any of the regional and international agreements.

### **Column three – national legislation**

The third column reproduces the exact wording of the national legislation that contains controls relevant to the category and sub-category(s) under consideration. The act and article are referenced. In some cases only part of an article may be reproduced where other parts of the article are not directly relevant to the analytical category under consideration. Where no text is reproduced no relevant controls are contained within the legislation being analysed.

The reader should be aware that any grammatical and typographical errors that may appear in the text of the national legislation are those present in the copies of the legislation obtained by the researchers. In some cases the difficulty in deciphering the legislation caused by such errors is in itself a factor that demands the review and amendment of the legislation.

The text of the Burundi, Djibouti and Rwanda legislation has had to be translated from the original French. There is therefore a risk that mistakes and misinterpretations may have inadvertently occurred. However, our analysis of the legislation has been checked with government experts from each country, so any misinterpretations should not be substantive.

### **Column four – conformity**

The fourth and final column provides a comment on the level of conformity<sup>4</sup> of the national legislation (in column three) to the requirements of the regional and international agreements (in column two) for the specific analytical category in question (in column one). A brief outline of how the legislation conforms and does not conform follows this comment on conformity. Comments have only been made for the analytical categories for which there are requirements under the regional and international agreements.

Four levels of conformity have been identified and standard language developed:

- **Level one – language used** 'The national legislation fully conforms to the regional and international agreements'. The requirements of the regional and international agreements for this category and sub-category(s) are met in full.
- **Level two – language used** 'The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas'. Here the majority of the requirements of the regional and international agreements are met by the national legislation but a small number are absent (possibly only one).
- **Level three – language used** 'The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps

<sup>4</sup> See section above on 'Comment on conformity' for explanation of how use of the term 'conformity' refers to the extent to which the commitments of the regional and international agreements have been fulfilled but does not necessarily indicate that the provisions in a given analytical category are sufficient to be considered fully comprehensive.

are evident'. A few (possibly only one) of the requirements of the regional and international agreements will be present but most are not. The existing legislation falls considerably short of full conformity.

- **Level four – language used** 'The national legislation does not conform to the regional and international agreements'. No provisions relevant to the requirements of the regional and international agreements are present. The reader should note that for a particular analytical category the requirements of the regional and international agreements may only cover some part of that category. Consequently, provisions within the national legislation for the analytical category under consideration may exist, and are thus reproduced in column three, yet these provisions may in no way meet the specific requirements of the regional and international agreement in this area. Hence a comment indicating no conformity will be used despite some provisions within the particular analytical category being present in the national legislation.

## Definitions in Burundi's small arms legislation<sup>5</sup>

Analytical category	Nairobi Declaration	Protocol for the GLR and HoA	UN Firearms Protocol	National Legislation
Firearms		<p><b>Article 1</b> <b>"firearms", means</b></p> <p>(a) any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p> <p>(b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine</p>	<p><b>Article 3</b></p> <p>(a) "Firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p>	<p><b>Decree No. 1/91, 1971</b> <b>Article 1</b></p> <p>Arm: Every firearm for hunting, sports or for personal defence as well as all spare parts for these arms excluding simple weapons like pistols and alarm revolvers for as long as they cannot fire solid, liquid or gaseous projectiles.</p>
Ammunition		<p><b>Article 1</b> <b>"ammunition"</b> means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party;</p>	<p><b>Article 3</b></p> <p>(c) "Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;</p>	<p><b>Decree No. 1/91,1971</b> <b>Article 1</b></p> <p>Ammunitions: All ammunitions for firearms including powder and detonators used for the firearms as well as all spare parts for the ammunitions.</p>
Light Weapons/ Arms of War		<p><b>Article 1</b> <b>"light weapons"</b> shall include the following portable weapons designed for use by several persons as a crew: heavy machine guns, automatic canons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-tank weapons and launchers, and air defense weapons.</p>		<p><b>Decree No. 1/91, 1971</b> <b>Article 7</b></p> <p>Nobody shall, save for military reasons, keep arms and ammunitions like those of the armed forces.</p> <p>The foregoing prohibition applies to arms which may use ammunitions of the armed forces as well as ammunitions suitable for arms belonging to the armed forces.</p> <p>If a new type of arm is included in the weapons of armed forces, this shall be deemed to cancel licences for carrying the firearm including the keeping of arms of this type as well as licences for keeping all ammunitions for this type of arm.</p> <p>If a new type of ammunitions is included in the weapons of the armed forces, the licences for the keeping of ammunitions of this type as well as</p>

<sup>5</sup> Please refer to the explanation contained under 'Use of terms' in the regional and national overview section of this report.

**Definitions** *continued*

Analytical category	Nairobi Declaration	Protocol for the GLR and HoA	UN Firearms Protocol	National Legislation
			licences for carrying arms which may use ammunitions of this type, shall be deemed to be cancelled.	
<b>Small arms</b>		<p><b>Article 1</b></p> <p>“small arms” are weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.</p> <p>“small arms” shall also include:</p> <p>– “firearms”, “ammunition” and “other related materials”.</p>		
<b>Other related materials/ Parts and components</b>		<p><b>Article 1</b></p> <p>“other related materials” means any components, parts or replacement parts of a small arm or light weapon, that are essential to its operation.</p>	<p><b>Article 3</b></p> <p>(b) “Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;</p>	

## Breakdown of Burundi’s small arms legislation

### Controls on civilian possession and use<sup>6</sup>

#### Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of licensing process – how small arms licence is obtained	<p><b>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</b></p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3</b></p> <p>(a) Requires the establishment as criminal offences the</p> <p>(iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p><b>Bamako Declaration Art. 3 A (iii)</b></p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p><b>Decree No. 1/91,1971 Art. 2</b></p> <p>The importation, acquisition, transfer (except for depositing arms and ammunitions in the depot of the armed forces, and putting an arm at the place of a duly authorised repairer), manufacture, transportation and exportation of arms and ammunitions shall be subject to licence and authority of the commander in chief of the armed forces.</p> <p><b>Art. 3</b></p> <p>The possession of arms (apart from arms in transit contained in a container with a seal of the department of customs and arms taken for repair by a duly authorised mechanic) as well as the trading in arms and ammunitions are subject to special licence referred to as a licence for the sale of arms and ammunitions or a licence for holding arms and ammunitions as the case may be.</p> <p><b>Art. 13</b></p> <p>Every individual who acquires a weapon shall get an accompanying valid licence for carrying a firearm.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Separate licences are required to possess and carry small arms.</p> <p>A licence, valid for one month, is required to purchase ammunition.</p> <p>Licensing system is controlled by the Commander of the armed forces.</p>

<sup>6</sup> Please refer to the explanation contained under ‘Use of terms’ in the regional and national overview section of this report.

**Controls on civilian possession and use: *Licensing* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action II Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p>The validity of a licence to carry a firearm is subject to payment of an annual tax as shall from time to time be fixed by the Commander of the armed forces and published in the official Gazette of Burundi. The payment of this tax expires in case of transfer, duly authorised exportation, abonding, whether spontaneous or upon being required so to do by of an officer of the Judicial Police or an Officer, of public prosecutions or the handing over of the weapon to the commander of territorial Unit, in compliance with the order revoking the permit for carrying a firearm, as a legal seizure, or upon disappearance or loss of an arm in accordance with the provisions of article 10 of this decree.</p> <p><b>Art. 17</b></p> <p>Licences for possession of arms and sale of arms and ammunitions may be cancelled for any other reasons related to Internal and External Security of the State not expressly stipulated in clause 7 and 11 of this Decree.</p> <p><b>Art. 18</b></p> <p>The cancellation of licences for carrying or selling arms as stipulated in articles 7, 11, and 17 of this decree are effective with effect from the day of notification to the holder of the arm.</p> <p><b>Art. 19</b></p> <p>The cancellation of the licence for carrying a firearm stipulated in articles 7, 11, and 17 of this decree shall be deemed to cancel licence to possess all ammunitions of the firearms whose licences are cancelled.</p> <p>The provisions of this article shall not apply to cancellation of licences for carrying firearms meant for sale as stipulated in article 17 of this decree.</p> <p><b>Decree No. 1/92, 1971 – Rules</b></p> <p><b>Rule 13</b></p> <p>The Commander of the armed forces shall deliver licences for the acquisition of arms. There shall not be a distinction between new arms and used arms. Every application for a licence to acquire an arm shall be accompanied by a certificate of good conduct, life and morals given to the applicant by the governor of his province of residence for at least a period of 2 months.</p> <p>Every application shall also be accompanied by good recommendation from the authority stated above and from the administrator general of the department of immigration and security organization. The provisions of the previous paragraph shall not apply to an application from a trader and concerns arms meant for sale.</p> <p><b>Rule 14</b></p> <p>The commander of the armed forces shall give a licence to acquire arms only when he deems that this it does not in any way prejudice the internal and external security of the state.</p> <p>The Commander of the armed forces may also reduce the quantities of the arms applied for and, demand justification for getting the licence as he may deem it appropriate.</p> <p>Licences for arms belonging to the armed forces or for arms that may use the ammunitions of the armed forces shall not be given.</p> <p><b>Rule 19</b></p> <p>The Commander of the armed forces shall issue licences for the acquisition of ammunitions.</p> <p>These licences shall be valid for one month. They shall be in the form in the 6th schedule in counter foil and two slips which shall be given to the applicant.</p> <p>The first slip shall be kept by the person who transfers ammunitions and constitutes a licence for transfer.</p> <p>The second slip shall be kept by the acquirer and constitutes licence for keeping ammunitions. For ammunitions in transit and on condition that they are packed, sealed and stamped by the department of customs, the licence for transporting these ammunitions shall be subject to the licence for keeping the ammunitions.</p>	

### Controls on civilian possession and use: **Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 20</b></p> <p>Licences for acquisition of ammunitions shall only be issued to individuals who hold valid licences for carrying arms and only for types of ammunitions for the arm mentioned on the licence. Provided that licences for ammunition for hunting guns shall be issued only to individuals who have hunting licences.</p> <p><b>Rule 25</b></p> <p>Licences for the acquisition of ammunitions are only valid for ammunitions whose type make and calibre correspond to those mentioned in the licence.</p> <p><b>Rule 36</b></p> <p>The commander of the armed forces shall issue licences for carrying arms. Each licence shall mention only one arm. A licence for carrying a firearm covering the keeping of the arm by a trader and meant for sale shall conform to the 9th schedule to these regulations and shall be issued upon the depositing of the second slip of the acquisition licence, duly filled by the entry terminal custom's officer with regard to the date of issue. If the arm meant for sale was acquired from within, the mention of its destination is put on the second slip of the authorisation licence as stipulated in article 15 of these regulations. The same requirement shall apply to arms meant for private use or imported under a special permission given by the commander of the armed forces in accordance with article 10 of these regulations. A note indicating the special permission shall be appended onto the licence. If the licence does not have enough space for putting a fiscal label, a duplicate of the original licence shall immediately be to the commander of the armed forces by the holder of the licence.</p>	

### Controls on civilian possession and use: **Restrictions and conditions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Personal suitability to possess arms ■ General conditions		<p><b>Decree No. 1/92, 1971 – Rules</b></p> <p><b>Rule 13</b></p> <p>The Commander of the armed forces shall deliver licences for the acquisition of arms. There shall not be a distinction between new arms and used arms. Every application for a licence to acquire an arm shall be accompanied by a certificate of good conduct, life and morals given to the applicant by the governor of his province of residence for at least a period of 2 months. Every application shall also be accompanied by good recommendation from the authority stated above and from the administrator general of the department of immigration and security organization. The provisions of the previous paragraph shall not apply to an application from a trader and concerns arms meant for sale.</p> <p><b>Rule 14</b></p> <p>The Commander of the armed forces may also reduce the quantities of the arms applied for and, demand justification for getting the licence as he may deem it appropriate.</p>	
■ Age restrictions			
■ Competency test	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for the competency testing of prospective small arms owners.</p>	<p><b>Decree No. 1/91, 1971 Art. 9</b></p> <p>A holder of an arm shall justify the possession or the relinquishing of the firearm as indicated on his permit.</p> <p><b>Decree No. 1/92, 1971 – Rules</b></p> <p><b>Rule 13</b></p> <p>The Commander of the armed forces shall deliver licences for the acquisition of arms. There shall not be a distinction between new arms and used arms. Every application for a licence to acquire an arm shall be accompanied by a certificate of good conduct, life and morals given to the applicant by the governor of his province of residence for at least a period of 2 months.</p>	<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p> <p>A certificate of good conduct, life and morals and a recommendation must be provided and justification for possessing an arm given.</p>

**Controls on civilian possession and use: *Restrictions and conditions* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		Every application shall also be accompanied by good recommendation from the authority stated above and from the administrator general of the department of immigration and security organization. The provisions of the previous paragraph shall not apply to an application from a trader and concerns arms meant for sale.	However, uniform criteria for all applications by which to adjudge the competency of prospective small arms owners – including their ability to safely handle, use and possess a small arm and their knowledge of the small arms laws - are not included in the national legislation
Quantity of weapons	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b></p> <p>Requires a restriction on the number of small arms that may be owned.</p>	<p><b>Decree No. 1/92, 1971 – Rules Rule 14</b></p> <p>The Commander of the armed forces may also reduce the quantities of the arms applied for and, demand justification for getting the licence as he may deem it appropriate.</p>	<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p> <p>A restriction on the quantity of arms that may be possessed is not specified.</p>
<p>■ Licensing required for each arm possessed</p>		<p><b>Decree No. 1/92, 1971 – Rules Rule 15</b></p> <p>The licences for acquiring arms shall conform to the form in the 5th schedule to these regulations and shall be valid for one month. They shall comprise one counterfoil and two slips which shall be submitted to the acquirer of the arm. The first slip shall be kept by the person who transfers the arm and constitutes a licence for transfer. The second one shall be kept by the acquirer and constitutes a licence for carrying a firearm. Each licence shall cover only one arm.</p> <p><b>Rule 36</b></p> <p>The commander of the armed forces shall issue licences for carrying arms. Each licence shall mention only one arm.</p>	
Quantity of ammunition		<p><b>Decree No. 1/92, 1971 – Rules Rule 22</b></p> <p>Except for traders, licences for acquisition of ammunitions shall not exceed the quantities mentioned below within one Calendar year.</p> <p>Without a hunting licence:</p> <ul style="list-style-type: none"> <li>■ Rifle 22LR – 150</li> <li>■ Salon Gun – 1,000</li> <li>■ Revolver or Pistol – 75</li> </ul> <p>With a short term licence:</p> <ul style="list-style-type: none"> <li>■ Hunting Rifle – 100</li> <li>■ Hunting Gun non-rifle – 200</li> <li>■ Rifle 22LR – 300</li> </ul> <p>With a medium term licence:</p> <ul style="list-style-type: none"> <li>■ Hunting Rifle – 150</li> <li>■ Hunting Gun non-rifle – 350</li> <li>■ Rifle 22LR – 300</li> </ul> <p>With a long term licence:</p> <ul style="list-style-type: none"> <li>■ Hunting Rifle – 25</li> <li>■ Hunting Gun non-rifle – 500</li> <li>■ Rifle 22LR – 300</li> </ul> <p><b>Rule 23</b></p> <p>A holder of a licence shall at one buying, purchase quantities of ammunitions for which licences were issued. He may however keep applying for more arms until he gets a maximum amount of ammunitions that he can acquire annually in comparison with what he acquired in the previous financial year.</p> <p><b>Rule 24</b></p> <p>Apart from traders, no one is authorised to keep an amount of ammunitions in contravention of article 22 in this presidential decree even when the excess could have come about from the non utilization of legally acquired ammunitions for the previous year.</p>	

## Controls on civilian possession and use: *Restrictions and conditions* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Type of weapon	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ii) and Art. 5 (b) (iii)</b></p> <p>Requires the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.</p>	<p><b>Decree No. 1/91,1971 Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 7</b></p> <p>Nobody shall, save for military reasons, keep arms and ammunitions like those of the armed forces.</p> <p>The foregoing prohibition applies to arms which may use ammunitions of the armed forces as well as ammunitions suitable for arms belonging to the armed forces.</p> <p>If a new type of arm is included in the weapons of armed forces, this shall be deemed to cancel licences for carrying the firearm including the keeping of arms of this type as well as licences for keeping all ammunitions for this type of arm.</p> <p>If a new type of ammunitions is included in the weapons of the armed forces, the licences for the keeping of ammunitions of this type as well as licences for carrying arms which may use ammunitions of this type, shall be deemed to be cancelled.</p> <p><b>Decree No. 1/92, 1971 – Rules</b></p> <p><b>Rule 14</b></p> <p>Licences for arms belonging to the armed forces or for arms that may use the ammunitions of the armed forces shall not be given.</p> <p><b>Rule 16</b></p> <p>The acquisition licence is only valid for an arm whose type make, calibre, number and model correspond to those written on the licence.</p> <p><b>Rule 17</b></p> <p>Save for the case of traders and only with respect to arms meant for sale, the issuance of licences for acquisition of arms should never justify the keeping by the same person of more than:</p> <ul style="list-style-type: none"> <li>– 2 non rifles, or</li> <li>– one rifle and one non rifle, or</li> <li>– Rifles among which at least one will be a pistol or revolver.</li> </ul> <p><b>Rule 21</b></p> <p>Licences for Ammunitions belonging to the armed forces or ammunitions whose guns are exclusively held by the armed forces shall not be issued.</p>	<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p> <p>Civilian possession of arms and ammunition used by the armed forces is prohibited, however, the legislation does not state that this necessarily and always includes all light weapons and automatic and semi-automatic rifles and machine guns.</p>

**Controls on civilian possession and use: *Restrictions and conditions* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Duration of licence and renewal procedure		<p><b>Decree No. 1/91, 1971</b> <b>Art. 13</b></p> <p>A tax for carrying an arm covers a full calendar year from 1st January, to 31st December irrespective of the date and month within the calendar year when the tax is paid.</p> <p><b>Decree No. 1/92, 1971- Rules</b> <b>Rule 15</b></p> <p>The licences for acquiring arms shall conform to the form in the 5th schedule to these regulations and shall be valid for one month. They shall comprise one counterfoil and two slips which shall be submitted to the acquirer of the arm. The first slip shall be kept by the person who transfers the arm and constitutes a licence for transfer. The second one shall be kept by the acquirer and constitutes a licence for carrying a firearm. Each licence shall cover only one arm.</p> <p><b>Rule 19</b></p> <p>The Commander of the armed forces shall issue licences for the acquisition of ammunitions.</p> <p>These licences shall be valid for one month. They shall be in the form in the 6th schedule in counter foil and two slips which shall be given to the applicant.</p>	
Withholding information or misrepresentation	<p><b>Protocol for the GLR and HoA</b> <b>Art. 3</b></p> <p>Prohibits the misrepresentation or withholding of any information given with a view to obtaining any licence or permit.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
Exemptions		<p><b>Decree No. 1/91,1971</b> <b>Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 6</b></p> <p>The commander of the armed forces may for good cause issue an exemption published in the official Gazette in Burundi to individuals who may give sound and special reasons from the requirements of the previous article.</p> <p><b>Art. 14</b></p> <p>Traders are exempted from the licence for carrying weapons on arms which they have in their shops and which are meant for sale.</p> <p>The following categories of people, that is to say magistrates, officials of the judicial Police, Officers of the Judiciary, administrators, members of Parastatal organisations and of the house of the party are equally exempted, given the dangers related to the exercise of their functions.</p>	

### Controls on civilian possession and use: *Restrictions and conditions* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Notwithstanding the foregoing provision, any person holding arms and ammunitions under the exemptions shall before the 15th day of February of each year obtain a certificate by his head of department certifying that he requires the weapon by virtue of the nature of his work. The certificate shall be submitted to the commander of the armed forces.</p> <p>Any person who fails to submit the certificate within the time specified under the foregoing paragraph shall forfeit the tax exemption for the year in which the default is made.</p> <p><b>Art. 25</b></p> <p>As a transitory measure and unless they are expressly contrary to this decree or the regulations thereunder, all licences and authorisations, validly issued under the former laws on firearms and ammunitions before the coming into force of this decree shall remain valid.</p> <p><b>Decree No. 1/92, 1971 – Rules</b></p> <p><b>Rule 37</b></p> <p>In line with article 14, paragraph 2 of decree No. 1/91 of 2 August 1971, the hierarchical authority for purposes of issuing annual licences, to exempting some people from the annual tax for carrying firearms and overseeing dangers related thereto is:</p> <ul style="list-style-type: none"> <li>– For people attached to the Maison du parti, the secretary general of the Maison du parti. For the president of the supreme court and the attorney General, the Minister of Justice.</li> <li>– For judges and magistrates of the supreme court, the court of appeal and courts of first instance as well as for members of the judicial police attached to these jurisdictions, the president of the supreme court.</li> <li>– For public prosecutors and members of the public judicial police, the Attorney General.</li> <li>– For magistrates of provincial and local tribunals as well as agents of the judiciary attached to these jurisdictions, the president of the tribunal of first instance to whom they are answerable.</li> <li>– For members of parastatal organisations, the authority in charge of day-to-day management of the organ to which they are attached.</li> </ul> <p>The authorities mentioned above shall not delegate their powers with regard to issuing the annual certificates as required in this article.</p> <p>For Ministers, the general secretary of the Maison du parti and the authority concerned with the day-to-day management of a parastatal, the annual certificate shall be replaced by a statement duly signed by the interested party and certifying the keeping of order in exercise of his functions.</p>	

### Controls on civilian possession and use: *Possession and use*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Restrictions on application/use of small arm – when, where, how?</p> <p>Some potential cases include:</p> <ul style="list-style-type: none"> <li>■ resisting arrest</li> <li>■ injure/endoranger person or property</li> <li>■ handle small arm under influence of drugs/alcohol</li> <li>■ negligent discharge/use</li> <li>■ point gun without good cause</li> </ul>	<p><b>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</b></p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3</b></p> <p><b>(a)</b> Requires the establishment as criminal offences the</p> <p><b>(iii)</b> illicit possession and misuse of small arms and light weapons</p> <p><b>(c) (i)</b> Requires the prohibition of unrestricted civilian possession of small arms</p>	<p><b>Decree No. 1/91, 1971 Art. 9</b></p> <p>A holder of an arm shall justify the possession or the relinquishing of the firearm as indicated on his permit.</p> <p><b>Art. 11</b></p> <p>The Commander of the armed forces may, if the internal and external security of the state demand, determine the communes in which the keeping of arms and ammunitions by the residents is prohibited.</p> <p>His decision shall published in the official Gazette of Burundi. In such Communes, all licences for carrying a firearm and for the sale of arms and ammunitions shall stand revoked.</p> <p><b>Art. 12</b></p> <p>Without prejudice to military exercises by the armed forces, maintenance of order or legitimate self defence, it is prohibited to shoot or transport loaded arms to more than one thousand metres from residential areas.</p>	<p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Minimal controls exist, with a small arm holder having to justify possession of their arm.</p>

**Controls on civilian possession and use: *Possession and use continued***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>■ restrictions on carriage of small arm (when, where (public place), how (holster, concealed etc))</li> </ul>	<p><b>Bamako Declaration Art. 3 A (iii)</b>  Recommends establishing as a criminal offence the illegal possession and use of small arms and light weapons.</p> <p><b>UN Programme of Action II Art. 3</b>  Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>		<p>However, standards for civilian possession of small arms and explicit restrictions on owners' rights to use and possess small arms are not stipulated.</p>
<p>Storage and safekeeping conditions</p>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b>  Requires provisions for the effective control of small arms and light weapons including the storage thereof.</p>	<p><b>Decree No. 1/91, 1971 Art. 8</b>  A commander of the armed forces may order at any time the compulsory counting of arms and ammunitions meant for private use or trade as well as the verification of the conditions of possessing these arms and ammunitions.</p>	<p>The national legislation broadly conforms to the Protocol for the GLR and HoA but falls short in one key area. Verification of the conditions of possession is allowed for in the legislation, however, specific provisions relating to the conditions/ standards of storage are not stipulated.</p>
<p>Restrictions on/conditions of relinquishing and regaining possession of small arms</p> <ul style="list-style-type: none"> <li>■ to whom (authorised person, dealer, licence holder, relations)</li> <li>■ deposit in and retrieval of arms from warehouses</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b>  Requires restrictions on owners' rights to relinquish control, use and possession of small arms.</p>	<p><b>Decree No. 1/91, 1971 Art. 9</b>  A holder of an arm shall justify the possession or the relinquishing of the firearm as indicated on his permit.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 38</b>  An individual who wants to temporarily relinquish his arms and ammunitions may place them in the depot of the armed forces where they are kept under the responsibility of the state. This shall be confirmed by obtaining a certificate for depositing the arms in the form of the one in the 10th schedule to these regulations made by the commander of the armed forces and comprising a counterfoil and a slip and this shall constitute the licence for depositing the arms and ammunitions. This slip shall be kept by the owner of the arms and ammunitions in the depot.</p> <p><b>Rule 39</b>  Arms and ammunitions put in the depot of the armed forces shall be given back to the owner on his request and in return for some fee, submitting the slip for depositing as well as payment of all dues owed to treasury in the in compliance with the following article. Upon request of the owner, only part of arms and ammunitions may be given while the rest remain held in the depot. This partial arrangement shall place in the circumstances as those stipulated in the previous paragraph. The original certificate which is annual is annulled and replaced by a new certificate prepared by the Commander of the armed forces and covering the arms and ammunitions left in the depot by the owner.</p> <p><b>Rule 40</b>  The depositing of arms in the depot of the armed forces does not exempt the payment of an annual tax for carrying an arm. In addition, whether with regard to arms or ammunitions, the deposit in the depot of the armed forces is subject to a tax which shall be fixed by the Commander of the armed forces and published in the official Gazette of Burundi.</p> <p><b>Rule 41</b>  If the cumulative taxes for the licence on firearms as well as the tax for depositing in the warehouse adds up to the value of the arms and ammunition in the depot, a warning in form of a registered letter shall be addressed to the owner inviting him to pay the amount he is owed within a period of two months. If the owner does not heed to this deadline, he may be presumed to have abandoned the arms and ammunitions to the state.</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Justification for relinquishing a licensed small arm must be given.</p> <p>Controls and provisions relating to deposit in and retrieval from arms depots are included.</p>

### Controls on civilian possession and use: *Possession and use continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 42</b></p> <p>The abandonment of arms and ammunitions which may take place under the foregoing article is certified by the Commander of the armed forces in conformity with the form in the 11th schedule to these regulations and addressed to the owner and posted to him by registered mail.</p> <p><b>Rule 43</b></p> <p>Article 75 of these regulations shall apply to arms and ammunitions considered abandoned in line with article 41.</p> <p><b>Rule 53</b></p> <p>A bearer of a hunting gun who wishes to go with it abroad shall obtain a temporary export licence as stipulated in articles 51 and 52 of these regulations. The licence shall be valid for only 7 months.</p>	
■ leasing/lending			
■ pawning/pledging	<p><b>Protocol for the GLR and HoA Art. 3 (c) (x)</b></p> <p>Requires provisions prohibiting the pawning and pledging of small arms and light weapons.</p>		The national legislation does not conform to the Protocol for the GLR and HoA
■ inheritance/death			
■ other conditions restrictions on/ conditions of relinquishing and regaining possession of small arms			
Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)		<p><b>Decree No. 1/91, 1971 Art. 10</b></p> <p>The disappearance or loss of a firearm or ammunition for whatever reason shall be reported by the holder to an officer of the Judicial police within 3 days from the date he realises that the arm disappeared or got lost.</p> <p>The Judicial Police Officer shall take a statement from the holder and forward a copy of the same to the Commander of the armed forces.</p>	
Other restrictions on possession and use of small arms including: <ul style="list-style-type: none"> <li>■ carry licence while in possession</li> <li>■ civilian maintenance, repair, loading</li> </ul>		<p><b>Decree No. 1/91, 1971 Art. 9</b></p> <p>A holder of an arm shall justify the possession or the relinquishing of the firearm as indicated on his permit.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 78</b></p> <p>Save for traders, the authority to transport arms and ammunitions shall not be given for a number of arms and ammunitions greater than that required under articles 17 to 22 of these regulations.</p> <p><b>Rule 79</b></p> <p>The commander of the armed forces may turn down applications for the transportation of arms and ammunitions if he deems it prejudicial the internal and external security of the state. He may also reduce the quantities of arms and ammunitions for which a licence for transportation is being sought and demand that all the necessary justification for the transportation of the arms and ammunitions be produced as he may find necessary.</p>	

## Controls on civilian possession and use: *Offences/penalties*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 5 (b) (i)</b></p> <p>Requires the introduction of harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons.</p>	<p><b>Decree No. 1/91, 1971 Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed not withstanding opposition, or appeal in the court of appeal.</p> <p><b>Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p> <p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p> <p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may lose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p>	<p>Implementation of Article 5 (b) (i) will require consultation and agreement on what constitute heavy minimum sentences.</p> <p>The national legislation appears to allow for reasonably heavy sentencing of offenders.</p>

## Record keeping and marking

### Marking

Analytical category	International and Regional Agreements	Current national legislative controls	Conformity
When? (import/export/transit/ manufacture etc)	<p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (vi)</b></p> <p>Requires provisions ensuring the standardised marking and identification of small arms and light weapons at the time of manufacture, import or export.</p> <p><b>UN Programme of Action Section II Art. 16</b></p> <p>Requires the marking and registering of all confiscated, seized or collected small arms prior to their destruction or disposal.</p> <p><b>UN Firearms Protocol Art. 9</b></p> <p><b>(c)</b> Requires the marking of deactivated firearms with a clearly visible mark attesting to its deactivation.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>
How? ■ stamping/engraving?			
■ where on weapon?	<p><b>Protocol for the GLR and HoA Art. 7</b></p> <p>Requires that the marking should be on the barrel, frame and, where applicable, the slide.</p>		<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p>

## Record keeping and marking: *Marking* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>■ with what? (unique alpha-numeric symbol/identifying country and manufacturer?)</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7</b></p> <p>(a) Requires the marking 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.</p> <p>(b) Requires the marking at the time of import with a simple marking identifying the country an year of import and an individual serial number if it does not have one.</p> <p>(c) Requires the marking of small arms and light weapons in possession of the state with a unique mark.</p> <p><b>UN Firearms Protocol Art. 8 UN Programme of Action Section II Art. 7</b></p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

## Record keeping and marking: *Record keeping*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of record keeping specifications:</p> <ul style="list-style-type: none"> <li>■ what records should be kept?</li> <li>■ where?</li> <li>■ how?</li> <li>■ by whom?</li> <li>■ for how long?</li> <li>■ when must authorities be provided with information?</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records of markings for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly manufactured or trafficked arms.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (iii)</b></p> <p>Requires the regulation and centralised registration of all civilian-owned small arms.</p> <p><b>Art. 7 (d)</b></p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p> <p><b>Art. 10</b></p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p><b>Art. 17</b></p> <p>Requires all bodies authorised to hold small arms to ensure standards and procedures are established regarding: inventory management; and accounting control; and accounting of small arms held or transported by operational units or authorized personnel.</p>	<p><b>Decree No. 1/91, 1971 Art. 8</b></p> <p>A commander of the armed forces may order at any time the compulsory counting of arms and ammunitions meant for private use or trade as well as the verification of the conditions of possessing these arms and ammunitions.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 4</b></p> <p>The Commander of the armed forces shall be immediately notified of any off loading of arms and ammunitions imported in conformity with article 10 of these regulations.</p> <p>This information shall be given in form of a report that conforms to the 2nd schedule to these regulations and shall be made by the customs officer at the imports terminal.</p> <p><b>Rule 28</b></p> <p>Traders shall hold a permanent records register of arms and ammunitions stocked in their shops except for arms taken for repair in conformity with article 44 and following of these regulations as well as arms and ammunitions which they validly keep for their personal use.</p> <p>This register shall conform to the form in the 8th schedule to these regulations and shall be numbered, and initialled on the first and last page by the Commander of the armed forces.</p> <p><b>Rule 29</b></p> <p>The permanent records register shall indicate in a Chronological manner all entries and exits of arms and ammunitions registered by the trader and reproduce monthly the total stock of arms and ammunitions which the trader intends to sell on the first day of each month.</p> <p>All entries and exits of arms and ammunitions stipulated in the permanent records register shall be justified through a document which the trader is obliged to keep for a period of five years with effect from 1st January following the date of starting the business operations.</p> <p>The records on the entries and exits within the permanent records register as well as the document that justifies it, shall have a number constituting two numbers separated by a slash.</p>	<p>The national legislation conforms broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Provision is made for the counting of arms, for repairers to keep a register of arms under repair, for the reporting of imports of arms and for the maintenance of permanent records of all traded arms.</p> <p>However, there is no provision for the centralised registration of all civilian owned small arms nor for information to be held on manufactured small arms.</p> <p>Further, information on small arms markings is not required to be held and only information on traded arms is explicitly required to be kept for more than ten years.</p>

**Record keeping and marking: Record keeping** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>Co-ordinated Agenda for Action Art. 5.3</b> Ensure strict accountability and the effective tracing of all weapons owned by the state</p> <p><b>Art. 5.4</b> Ensure strict accountability and effective control of all weapons owned by private security companies and dealers.</p>	<p>The first number corresponds to the ranking of the record of entries or exit in the permanent records register, the number "One" being attributed to the first record of each calendar year. The second number is the two last figures of the dates of the current year. Only one number per document is mentioned even if it justifies the entry or exit of arms and ammunitions belonging to different types.</p> <p>The serial number mentioned on the document by the trader shall be initialled by the trader.</p> <p><b>Rule 30</b> For arms, the documentation required in the previous article is one of the following mentioned here under:</p> <p><b>(a)</b> For entry;</p> <ul style="list-style-type: none"> <li>– Licence for carrying a firearm stipulated under article 36 of these regulations.</li> </ul> <p><b>(b)</b> For exit;</p> <ul style="list-style-type: none"> <li>– The first slip of the licence for acquisition required under article 15 of these regulations.</li> <li>– The slip certifying that the arms and ammunitions are deposited is the depot as stipulated in article 38.</li> <li>– The slip certifying that the weapon has been taken for repair and dated less than a month in accordance with article 47.</li> <li>– The second slip of the temporally export licence required under article 51 and dated less than seven months or one year if the exportation took place as a form of tourism or repairing the gun.</li> <li>– The first copy of the certificate for depositing arms and ammunitions to the Commander for territorial unity stipulated in article 59 and dated less than a year.</li> <li>– The decision confirming the abandonment of arms and ammunitions as stipulated in article 71.</li> <li>– The slip of the certificate of abandonment to the state stipulated in article 74.</li> <li>– The second slip of an export licence stipulated in article 86.</li> <li>– A copy of a statement on the loss or disappearance made in application of article 10 decree No. 1/91 of 2nd August, 1971.</li> <li>– A copy of a statement of abandonment on invitation by an officer of the Judicial police or an official from the department of public prosecutions.</li> <li>– A copy of a Judicial decision ruling on special confiscation.</li> </ul> <p><b>Rule 31</b> For ammunitions, the documentation required under article 29 of these regulations is one of these mentioned hereunder:</p> <p><b>(a)</b> For the entry:</p> <ul style="list-style-type: none"> <li>– The second or the third slip of the import licence stipulated in article 3 of these regulations.</li> </ul> <p><b>(b)</b> For the output:</p> <ul style="list-style-type: none"> <li>– The first slip of the import licence stipulated in article 19 of these regulations.</li> <li>– The slip of the certificate for depositing in accordance with article 38.</li> <li>– The first copy of the certificate for depositing arms and ammunition to the commander of territorial unity as stipulated in article 59 dated less than a year.</li> <li>– The decision confirming the abandonment of arms and ammunitions as stipulated in article 71.</li> <li>– The slip certifying the abandonment to the state as stipulated in article 74.</li> <li>– The second slip of the export licence as stipulated in article 26.</li> <li>– A copy of a statement of loss or disappearance established in line with article 10 of decree No. 1/91 of 2nd August 1971.</li> <li>– A copy of a statement of Judicial seizure.</li> <li>– A copy of a statement of abandonment on invitation by an officer of the Judicial police or an official of public prosecutions.</li> </ul>	

**Record keeping and marking: Record keeping** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>– A copy of the Judicial decision ruling on special confiscation.</p> <p><b>Rule 47</b></p> <p>The certificate for taking an arm for repair shall conform to the form in the 13th schedule to these regulations and comprise a counterfoil and a slip which shall be given by the repairer to the owner as a means to justify the relinquishing of the arm.</p> <p>When the owner repossesses the gun, he shall give the copy of the certificate to repair to the repairer after noting on it the date of repossession and appended his signature.</p> <p>The repairer shall keep the slip of the certificate for repair which shall be duly filled in by the bearer of the repaired arm in support of the arms register as stipulated in article 49 of these regulations.</p> <p><b>Rule 48</b></p> <p>The certificate for repair shall be valid for one month. If the repairing exceeds this deadline the repairer shall issue a new certificate to the bearer of the arm and take note of the same on the counterfoil and slip of the original certificate.</p> <p><b>Rule 49</b></p> <p>The repairers of arms shall keep a register of arms under repair. This register shall conform to the form in the 14th schedule to these regulations which must, before its use be numbered and initialled on the first and last page by the Commander of the armed forces.</p>	

**Record keeping and marking: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (c) and Protocol for the GLR and HoA Art. 3 (a) (iv)</b></p> <p>Require provisions that explicitly make it an offence to illegally falsify, obliterate or remove or alter the markings on a firearm.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires provisions relating to interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p>	<p><b>Decree No. 1/91, 1971 Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed not withstanding opposition, or appeal in the court of appeal.</p> <p><b>Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p> <p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p> <p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may loose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>There are not provisions relating to the altering, falsification and removal of markings.</p>

## Import, export and transit

### Licensing

#### Analytical category

Description of licensing process:

- licensing/ registration of persons and transactions?
- competency test of those licensed to import, export or transit arms?
- duration of licences?
- offence withhold information?
- distinction between civilian and commercial transfers?
- specifications of licence – information to be included on licence?
- required documentation – end-user certificates etc?)

#### International and regional agreements

##### **Nairobi Declaration Art. iv and Co-ordinated Agenda for Action Preamble**

Urge states to have in place adequate laws, regulations and administrative procedures to exercise effective control over the transfer of small arms and light weapons.

##### **Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art. 3.1, 3.2.2**

Require regulations and standards to govern the import of small arms and light weapons.

##### **Protocol for the GLR and HoA Art. 3 (c) (v)**

Requires standards regarding the import of small arms and light weapons.

##### **Art. 10 (a) and (c)**

Requires an effective system of export and import licensing or authorisation and specifies the specific information that must be included on import and export licences and documentation.

##### **UN Firearms Protocol Art. 5 (1) (b) Art. 10 (1), (2) and (3)**

Requires state parties to adopt legislative measures making the illicit trafficking in firearms illegal.

Requires provisions catering for the international transit of firearms.

Requires provisions for verifying the issuance of import licences and authority for transit.

##### **UN Firearms Protocol Art 5 (1) (b) Art 10 (1), (2) and (3) and Protocol for the GLR and HoA Art. 10 (b)**

Require provisions outlining the specific detailed information to be included on export and import licences. These should include a minimum of:

- Place and date of issuance
- Date of expiration
- Country of export
- Country of import
- Final recipient
- Description and quantity of goods
- Country of transit, where appropriate.

##### **UN Programme of Action Section II Art. 2, Art. 11 and Art. 12**

Requires provisions catering for the international transit of small arms, including the use of authenticated end-user certificates, and requires that export applications are assessed in a manner consistent with existing responsibilities under international law.

##### **Bamako Declaration Art. 3 A (iii) (vii)**

Recommends establishing as a criminal offence the illegal trafficking of small arms and light weapons.

Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents

#### Current national legislative controls

##### **Decree No. 1/91, 1971 Art. 2**

The importation, acquisition, transfer (except for depositing arms and ammunitions in the depot of the armed forces, and putting an arm at the place of a duly authorised repairer), manufacture, transportation and exportation of arms and ammunitions shall be subject to licence and authority of the commander in chief of the armed forces.

##### **Art. 3**

The possession of arms (apart from arms in transit contained in a container with a seal of the department of customs and arms taken for repair by a duly authorised mechanic) as well as the trading in arms and ammunitions are subject to special licence referred to as a licence for the sale of arms and ammunitions or a licence for holding arms and ammunitions as the case may be.

##### **Art. 13**

The provisions of this article are not applicable to arms given to a duly authorised arms repairer or to arms under a transit licence bearing an intact seal of the department of customs.

##### **Art. 20**

Non observance of the provisions of this decree and regulations made thereunder shall not exempt individuals who transport ammunitions from observing the law on explosives nor individuals who import transport or export arms and ammunitions from observing customs laws.

##### **Art. 25**

As a transitory measure and unless they are expressly contrary to this decree or the regulations thereunder, all licences and authorisations, validly issued under the former laws on firearms and ammunitions before the coming into force of this decree shall remain valid.

##### **Decree No. 1/92, 1971 – Rules Rule 1**

The Commander of the armed forces shall issue licences for the importation of firearm and ammunitions for sale by traders.

##### **Rule 2**

The Commander of the armed forces shall issue licences for importing arms and ammunitions meant for sale only when the licence does not prejudice the internal and external security of the state.

He may also reduce the quantities of arms and ammunitions and may demand that all justification for the importation of the arm be given as he may deem necessary. A licence for importing arms like those of the armed forces, or arms which may use the ammunition of the armed forces or ammunitions belonging to the armed forces.

##### **Rule 3**

A licence for the importation of arms and ammunitions meant for sale is valid for only six months with effect from the date of issue.

The licence must conform to the form in Schedule 1 to these regulations and shall issue in a counterfoil and three slips which shall be issued to the importer. The third slip shall be issued only when the importer imports both firearms and ammunitions.

##### **Rule 10**

In exceptional circumstances and through specific derogation the commander of the armed forces may under specific circumstances authorise importation of arms and ammunitions meant for private use.

#### Conformity

The national legislation broadly conforms to the regional and international agreements but falls short a few key areas.

Provisions exist for the licensing of the import, export and transit of small arms with detailed information provided on the procedure for import, export and transit including the monitoring and verification of licences.

However, there is no requirement for the use of end-user certificates and no requirement that export applications are assessed in a manner consistent with existing responsibilities under international law.

**Import, export and transit: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 19</b></p> <p>The Commander of the armed forces shall issue licences for the acquisition of ammunitions.</p> <p>These licences shall be valid for one month. They shall be in the form in the 6th schedule in counter foil and two slips which shall be given to the applicant.</p> <p>The first slip shall be kept by the person who transfers ammunitions and constitutes a licence for transfer.</p> <p>The second slip shall be kept by the acquirer and constitutes licence for keeping ammunitions. For ammunitions in transit and on condition that they are packed, sealed and stamped by the department of customs, the licence for transporting these ammunitions shall be subject to the licence for keeping the ammunitions.</p> <p><b>Rule 78</b></p> <p>Save for traders, the authority to transport arms and ammunitions shall not be given for a number of arms and ammunitions greater than that required under articles 17 to 22 of these regulations.</p> <p><b>Rule 79</b></p> <p>The commander of the armed forces may turn down applications for the transportation of arms and ammunitions if he deems it prejudicial the internal and external security of the state. He may also reduce the quantities of arms and ammunitions for which a licence for transportation is being sought and demand that all the necessary justification for the transportation of the arms and ammunitions be produced as he may find necessary.</p> <p><b>Rule 80</b></p> <p>The Commander of the armed forces may lay down procedures regarding the transportation of arms and ammunitions, and special surveillance mechanism which he deems necessary in light of the internal and external security of the state.</p> <p>These special surveillance measures as well as authorities meant to over see them are mentioned on the transportation licence. The commander of the armed forces ensures that the authorities are duly informed of their obligations with regard to these measures.</p> <p><b>Rule 81</b></p> <p>A transportation licence conforms to the form in the 21st scheduled to these regulations and comprises one counterfoil and three slips which shall be handed over to the transport agent. A transport licence shall be valid for six months.</p> <p><b>Rule 82</b></p> <p>Articles 4 to 7 of this presidential decree shall apply mutatis mutandis to the transportation of arms and ammunitions.</p> <p><b>Rule 83</b></p> <p>Before delivery the verification officer for the entry terminal shall verify if the arms and ammunitions conform to those on the transport licence with regard to quantity, types, calibre and make. Save for the case where the transport agent attempts to smuggle, arms and ammunitions of types, makes and calibre not indicated in the transport licence as well as arms and ammunitions which exceed the amounts indicated in this document shall be re-exported to Burundi.</p> <p>The re-exportation shall not be subject to any authorisation. The provisions of the last four paragraphs of article 8 as well as those of article 12 of these regulations shall apply to the re-exportation stipulated in this article.</p> <p><b>Rule 84</b></p> <p>During delivery, the customs official at the entry terminal shall put a seal on the containers of arms and ammunitions and make a note to that effect on the</p>	

**Import, export and transit: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>three slips of the transport licence. He shall immediately dispatch the first slip to the Commander of the armed forces and hand the second one to the transport agent. The second slip of the licence shall be for exit and shall be handed over to the customs official at the exit terminal by the transport agent. The verification officer of customs at the exit terminal shall verify the seal on the containers. If they shall be intact he shall break them and verify if the arms and ammunitions correspond to those mentioned on the licence with regard to amounts, types, calibres and make in order to correlate the information with the other officer, and if the conditions required under the last paragraph are met, the customs officer shall authorise the exit and note the date of the authorisation on the second slip of the licence which he shall send to the commander of the armed forces and on the third slip which he shall hand over to the transport agent. If the seal shall not be found not intact and the amount, type, calibre and make of arms not corresponding to those mentioned in the licence, the verification officer at the exit terminal shall make a statement of the irregularities and take all the arms and ammunitions to the Commander of the armed forces. He shall then take note of these undertakings on the second slip of the transport licence which he shall retain and on the third slip of the transport licence which he shall give to the transport agent.</p> <p>The third slip of the transport licence may be considered as evidence of relinquishing of arms and ammunitions in transit or seizure thereof by the customs officer.</p> <p><b>Rule 85</b></p> <p>The commander of the armed forces shall issue licences for the exportation of arms and ammunitions under conditions like those stipulated in articles 76 to 79 of this presidential decree with regard to licences for transportation of arms and ammunitions. The export licence shall valid for one month.</p> <p><b>Rule 86</b></p> <p>Transport licences shall conform to the form in 22nd schedule of these regulations and shall comprise a counter foil and two slips which shall be given to the exporter.</p> <p>The first slip shall constitute a licence for exit and shall be handed over to the customs official at the exit terminal. The verification officer at the exit terminal shall verify if the arms and ammunitions presented correspond to what is indicated in the export licence with regard to amounts, type, make, calibre model and number. There shall be total conformity between the arms and ammunitions and what is written in the licence.</p> <p>If this condition is fulfilled, the customs shall officer authorise the exit of and note the date on the first slip which he shall address immediately to the commander of the armed forces and on the second which he shall give to the exporter.</p> <p>If there is no conformity, the customs verification officer shall make a report of the irregularities found, seize all the arms and ammunitions and transport all to the commander of the armed forces. He shall take note of what he has done on the first slip of the export licence which he shall keep and on the second slip which shall give to the exporter.</p> <p>The fact that arms and ammunitions to be exported are less than what is mentioned on the export licence shall not in any way impede their exportation. If need arises, the customs officer shall state the differences on all the slips of the export licence and note what is left to complete the consignment. In either of the cases, the second slip of the export licence shall constitute evidence of relinquishing or seizure of the arms and ammunitions.</p>	

**Import, export and transit: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 88</b></p> <p>The decision to cancel the licence as well as the letter of notification form a single document which shall conform to the form in the 23rd schedule to these regulations and comprise three slips. The document shall be prepared by the commander of the armed forces and filled in by the commander of territorial unity with regard to the notification.</p> <p>The first slip shall be left with the bearer of the cancelled licence. The second slip is sent by the commander of territorial unity to the commander of the armed forces and the third slip is kept by the customs officer.</p> <p>The commander of the armed forces shall in addition send a copy of the decision to cancel to all customs officers except in the case of arms licences.</p> <p>As soon as custom officers receive this document they shall not allow importation, transportation or exportation of arms and ammunitions notwithstanding the fact that the cancellation may not have been communicated to the importer, transporter and/or exporter.</p> <p><b>Rule 89</b></p> <p>The bearer of a cancelled import licence shall not import arms and ammunitions mentioned on the said licence. However an importer who imports arms and ammunitions properly in all other respect before he gets notice of cancellation of his licence does not commit and offence.</p>	

**Import, export and transit: Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>Protocol for the GLR and HoA Art. 3 (c) (vi) and Art. 7 (b)</b></p> <p>Requires the standardised marking and identification of small arms and light weapons at the time of import, with information that permits the identification of the country and year of import and with an individual serial number if the small arms or light weapon does not bear one at the time of import.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>UN Firearms Protocol Art. 8 UN Programme of Action Section II Art. 7 and Art. 8</b></p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of import. Such information must permit identification of country of manufacture and manufacturer.</p> <p>Require provision making it illegal to stockpile, transfer or possess unmarked weapons.</p>		The national legislation does not conform to the regional and international agreements.

**Import, export and transit: Restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Where can arms be imported/exported (specified points of entry)? How (conditions of carriage)? What arms can be imported/exported/tranisted?		<p><b>Decree No. 1/91,1971 Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p>	

**Import, export and transit: Restrictions** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 6</b></p> <p>The commander of the armed forces may for good cause issue an exemption published in the official Gazette in Burundi to individuals who may give sound and special reasons from the requirements of the previous article.</p> <p><b>Decree No. 1/92,1971 – Rules</b></p> <p><b>Rule 4</b></p> <p>The Commander of the armed forces shall be immediately notified of any off loading of arms and ammunitions imported in conformity with article 10 of these regulations.</p> <p>This information shall be given in form of a report that conforms to the 2nd schedule to these regulations and shall be made by the customs officer at the imports terminal.</p> <p><b>Rule 5</b></p> <p>Arms and ammunitions imported for trade shall be cleared within 15 days after they have been off loaded onto the Burundi soil. Where the importer provides evidence that he was not aware that the arms and ammunitions had arrived or that it was impossible for them to be cleared within the stipulated period, the commander may extend the period.</p> <p><b>Rule 6</b></p> <p>Whether the period of clearing the goods has been extended or not, arms and ammunitions that are not yet cleared shall be transferred to the depot of the armed forces on the sixteenth day after the date of unloading.</p> <p><b>Rule 7</b></p> <p>Any importer who fails to clear his arms and ammunitions until after the deadline or after the extension granted by the commander shall be presumed to have abandoned his arms and ammunitions to the state. The abandonment shall be confirmed by the Commander of the armed forces in conformity with the form in the 3rd schedule to these regulations whose copy shall be addressed and posted by registered mail to the importer. Article 75 of these regulations shall apply to arms and ammunitions presumed abandoned in conformity with this article.</p> <p><b>Rule 8</b></p> <p>Before delivery, the customs verification officer shall ensure that the arms and ammunitions meant for sale conform to the quantities, types, makes and calibres mentioned in the importation licences.</p> <p>Save for the case where the importer is involved in fraud, arms and ammunitions whose types, makes or calibres are not mentioned on the importation licence as well as arm and ammunitions which exceed the quantities mentioned in this document shall immediately be sent back to their countries of origin.</p>	

**Import, export and transit: Restrictions** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>This re-exportation is not subject to prior licensing.</p> <p>If the importer fails to satisfy this obligation, he shall be presumed to have voluntarily abandoned arms and ammunitions spelt out in paragraph 2 of this article, in which case customs officer shall transport them immediately to the Commander of the armed forces and officer prepare in triplicate a statement confirming the abandonment in the form under 4th schedule to these regulations and indicate the quantities, types, makes, calibres, numbers and models of the abandoned arms and ammunitions, the first copy of which together with the abandoned arms and ammunitions shall be taken to the Commander of the armed forces, the second to the importer in by registered mail and the third shall be kept by the customs officer.</p> <p>Article 75 of these regulations shall apply to arms and ammunitions presumed abandoned in conformity with this article. The fact that arms and ammunitions imported are in quantities less than those stated on the importation licence does not impede their delivery. If need arises the customs officer indicates the differences, as evidenced by all the importation slips which the importer may bring in to complement his consignment.</p> <p><b>Rule 9</b></p> <p>The customs officer shall confirm the delivery of all imported arms and ammunitions meant for sale and indicate this on the three slips licensing the importation. He shall keep the first slip and give the second one or even the third one to the importer if need arises.</p> <p>Where the delivery is for arms only, the importer shall give the second slip licensing the importation to the Commander of the armed forces so as to prepare licences for carrying firearms for the said arms.</p> <p>Where the delivery is for ammunitions only, the second slip shall be kept by the importer to justify the responsibility over ammunitions in the permanent records' register provided for in article 28 of these regulations.</p> <p>Where the delivery is for both arms and ammunitions, the second slip goes to the destination stipulated in the anti penultimate paragraph and the third slip to the destination stipulated in the penultimate paragraph of this article.</p> <p><b>Rule 11</b></p> <p>Arms and ammunitions meant for sale or private use and presented spontaneously and non-fraudulently at the entry point into the territory but which do not have an importation licence shall be immediately re-exported to countries from which they had come. This re-exportation shall not be subject to any licensing.</p> <p>The provisions of the third, fourth and fifth paragraphs of article 8 of these regulations are applicable to the re-exportation of arms and ammunitions stipulated in this article.</p> <p><b>Rule 12</b></p> <p>The re-exportation stipulated in articles 8 and 11 of this Presidential decree shall be effected in a way similar to that in which the arms came. If it shall be impracticable for the importer to follow the same means, the customs official shall designate the manner through which the re-exportation shall take place. In each of case, the customs officer or the commander of the armed forces after the expiry of the 15 days before the arms are picked, shall ensure that the re-exporter does not at any moment repossess the arms and ammunitions meant for re-exporting.</p> <p><b>Rule 76</b></p> <p>The transportation of arms and ammunitions over the territory of Burundi is subject to the prior authority of by the commander of the armed forces.</p> <p>If the arms and ammunitions do not exceed the amounts stipulated in articles 17 to 22 of these regulations, the authorisation is given in return for a certificate from the diplomatic or consular</p>	

**Import, export and transit: Restrictions** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>representative accredited to the state where the arms and ammunitions are to be imported certifying that the importation is authorised by the authorities of that state.</p> <p>In all the other cases, authorisation shall only be given upon producing a certificate from the Ministry of foreign affairs of the state importing certifying that the importation is authorized by the state authorities.</p> <p><b>Rule 77</b></p> <p>If, after going through Burundi but before reaching the final destination, the arms must go through several other countries, the commander of the armed forces shall only give authorisation after getting a certificate for the consular and diplomatic representatives of each of the countries certifying that the authorities of the state they represent will authorise the transportation of the arms and ammunitions on their territory.</p> <p><b>Rule 78</b></p> <p>Save for traders, the authority to transport arms and ammunitions shall not be given for a number of arms and ammunitions greater than that required under articles 17 to 22 of these regulations.</p> <p><b>Rule 91</b></p> <p>The bearer of a cancelled transport licence shall not transport arms and ammunitions mentioned on the said licence.</p> <p>If the said arms were brought in under clear circumstances before the notification to revoke and the arms and ammunitions are still in Burundi, the transport agent is supposed to re-export them within 3 days to a country from where they had been dispatched.</p> <p>In this case, the first slip of the single document stipulated in article 88 of these regulations shall constitute a licence to re-export the arms and ammunition back to a country of origin. This slip shall be handed over to the customs official by the transport agent and the former records of the re-exportation. He shall make 2 certified copies out of this and fill in the date of re-exportation and send the first copy to the commander of the armed offices and give the second one to the transport agent as evidence of relinquishing of the arms and ammunitions.</p> <p>If there is failure to re-export in the given time the transport agent is deemed to have abandoned the arms and ammunitions to the state and is expected to deposit them at the depot of the armed forces in return for a certificate of abandonment as stipulated in article 74 of these regulations.</p> <p>Article 75 of these regulations shall apply to arms and ammunitions considered abandoned in line with this article.</p> <p><b>Rule 92</b></p> <p>The bearer of an export licence which has been cancelled shall not export arms and ammunitions covered by the licence. However, an exporter does not commit an offence where the export is done regularly in all respects under the cancelled licence without notice of the fact of cancellation</p>	

**Import, export and transit: Record keeping**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What records should be kept?</p> <p>What records must be submitted to authorities, and when?</p>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records of information on small arms and light weapons for not less than ten years necessary to trace illicitly manufactured or trafficked arms.</p>	<p><b>Decree No. 1/92,1971 – Rules Rule 4</b></p> <p>The Commander of the armed forces shall be immediately notified of any off loading of arms and ammunitions imported in conformity with article 10 of these regulations.</p> <p>This information shall be given in form of a report that conforms to the 2nd schedule to these regulations and shall be made by the customs officer at the imports terminal.</p>	<p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p>

**Import, export and transit: Record keeping** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 7 (d)</b></p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p>		Reporting of arms imports is provided for. However, there is no explicit provision stating for how long these records must be kept nor is there provision for recording arms exports.

**Import, export and transit: Special conditions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Temporary import/export conditions? Conditions for dignitaries, diplomats, tourists or other categories of person?	<p><b>Protocol for the GLR and HoA Art. 10 (f)</b></p> <p>Allows states to adopt simplified procedures for the temporary import and export and the transit of small arms for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.</p>	<p><b>Decree No. 1/92, 1971 – Rules Rule 51</b></p> <p>The Commander of the armed forces may issue temporary licences for the exportation of arms whose bearers intend to take them abroad for repair.</p> <p>The licence for temporary exportation shall conform to the form in the 15th schedule to these Regulations and is valid for one year. Each temporary export licence shall only cover of one arm.</p> <p><b>Rule 52</b></p> <p>The temporary export licence shall comprise of one counterfoil and two slips which shall be handed over to the exporter.</p> <p>The first slip shall constitute a licence for taking the arm across the border and is handed over to the customs officer who notes the date of taking out the arm on the second slip of the licence which is kept by the exporter.</p> <p>The second slip shall constitute both a licence for relinquishment and a licence for re-importation.</p> <p>During the re-importation of the arm after temporary exportation, the exporter shall hand over the second slip to the customs officer at the entry terminal who shall deliver to him the gun after verifying that the type, calibre, number and make correspond to those mentioned on the temporary export licence.</p> <p>In case there is a difference, the customs officer shall make a statement to the head of the department of non-authorized goods, seize the arm in question and send it to the Commander of the armed forces together with the said statement.</p> <p><b>Rule 53</b></p> <p>A bearer of a hunting gun who wishes to go with it abroad shall obtain a temporary export licence as stipulated in articles 51 and 52 of these regulations. The licence shall be valid for only 7 months.</p> <p><b>Rule 54</b></p> <p>The holder of a gun who exports it under the arrangement of the temporary export licence shall re-import it into Burundi within a time limit fixed in the licence.</p> <p>If shall fail to fulfil this obligation, he commits an offence punishable in accordance with the provisions of article 24 paragraph 3 of decree NO. 1/91 of 2nd August, 1971.</p>	Provision is made for the temporary export of arms in certain circumstances.

**Import, export and transit: Re-export provisions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Decree No. 1/92, 1971 – Rules Rule 83</b></p> <p>Before delivery the verification officer for the entry terminal shall verify if the arms and ammunitions conform to those on the transport licence with regard to quantity, types, calibre and make. Save for the case where the transport agent attempts to smuggle, arms and ammunitions of types, makes and calibre not indicated in the transport licence as well as arms and ammunitions which exceed the amounts indicated in this document shall be re-exported to Burundi.</p> <p>The re-exportation shall not be subject to any authorisation. The provisions of the last four paragraphs of article 8 as well as those of article 12 of these regulations shall apply to the re-exportation stipulated in this article.</p>	

**Import, export and transit: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Co-ordinated Agenda for Action Art. 3.3 and Implementation Plan Art. 3.3</b></p> <p>Require the establishment as criminal offences under the national law the illicit trafficking in small arms and light weapons, including home made weapons.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires a provisions relating to the illicit trafficking in firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>	<p><b>Decree No. 1/91, 1971 Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed notwithstanding opposition, or appeal in the court of appeal.</p> <p><b>Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p> <p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p> <p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may loose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 54</b></p> <p>The holder of a gun who exports it under the arrangement of the temporary export licence shall re-import it into Burundi within a time limit fixed in the licence.</p> <p>If shall fail to fulfil this obligation, he commits an offence punishable in accordance with the provisions of article 24 paragraph 3 of decree NO. 1/91 of 2nd August, 1971.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>The import, export and transit of small arms without a licence is an offence.</p> <p>Organising, aiding, abetting, facilitating or counselling the commission of offences are not, however, stipulated as offences.</p>

## Brokering

### Description of brokering controls

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Co-ordinated Agenda for Action Art. 3.2.3 and Implementation Plan Art. 3.2.3</b></p> <p>Requires regulations for the effective control of brokers, financiers and transporters of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>"broker" is a person who acts:</p> <p><b>(a)</b> for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p><b>(b)</b> to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or</p> <p><b>(c)</b> as an intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.</p> <p>"brokering" means acting:</p> <p><b>(a)</b> for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p><b>(b)</b> to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or</p> <p><b>(c)</b> thereby acting as intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.</p> <p><b>Art. 3 (c) (xii)</b></p> <p>Requires provisions regulating brokering in the individual State Parties.</p> <p><b>Art. 11</b></p> <p>Requires a national system for regulating dealers and brokers of small arms and light weapons, which includes:</p> <p><b>(ii)</b> registering all brokers operating within their territory;</p> <p><b>(iii)</b> ensuring all registered brokers seek and obtain authorisation for each individual transaction taking place;</p> <p><b>(iv)</b> ensuring that all brokering transactions provide full disclosure on import and export licences or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction;</p> <p><b>(v)</b> licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.</p> <p><b>Bamako Declaration Art. 3 A (vii) B (iv)</b></p> <p><b>UN Firearms Protocol Art. 15</b></p> <p><b>UN Programme of Action Section II Art. 14</b></p> <p>Require provisions for the control of brokers, including shipping and transit agents.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

**Brokering: Description of brokering controls**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b) and Art. 14</b></p> <p>Requires provisions relating to the illicit trafficking in firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p>Requires adequate legislation regulating the activities of those who engage in small arms and light weapons brokering.</p>		

**Brokering: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity

**Manufacture****Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> <li>■ competency testing of manufacturers?</li> <li>■ duration of licences?</li> <li>■ offence to withhold information?</li> <li>■ specifications of licence – information to be included on licence?</li> <li>■ distinction made between small arm and ammunition manufacturing?</li> <li>■ limits on quantities produced?</li> <li>■ restrictions on types of arms/ammunition produced?</li> </ul>	<p><b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2, 3.2.3 and Implementation Plan Art. 3.1, 3.2.2, 3.2.3</b></p> <p>Require minimum standards to govern and regulations regarding the manufacture of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p><b>(b)</b> without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p><b>Art. 3 (a) (ii) and (c) (iv)</b></p> <p>Require establishing as a criminal offence illicit manufacturing of small arms and light weapons and establishing controls over the manufacturing of small arms and light weapons.</p> <p><b>Bamako Declaration: Art. 3 A (iii)</b> Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p><b>UN Firearms Protocol: Art. 3 (d)</b> “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:</p> <p><b>Art. 5 (1) (a)</b></p> <p>Requires state parties to adopt legislation making the illicit manufacturing of firearms and ammunition a criminal offence.</p> <p><b>UN Programme of Action II: Art. 2</b></p> <p>Requires establishing adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms</p>	<p><b>Decree No. 1/91,1971 Art. 2</b></p> <p>The importation, acquisition, transfer (except for depositing arms and ammunitions in the depot of the armed forces, and putting an arm at the place of a duly authorised repairer), manufacture, transportation and exportation of arms and ammunitions shall be subject to licence and authority of the commander in chief of the armed forces.</p> <p><b>Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 25</b></p> <p>As a transitory measure and unless they are expressly contrary to this decree or the regulations thereunder, all licences and authorisations, validly issued under the former laws on firearms and ammunitions before the coming into force of this decree shall remain valid.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 109</b></p> <p>The manufacture of arms and ammunitions is subject to a prior licence from the commander of the armed forces.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area. <i>See marking section below.</i></p> <p>Otherwise a system of licensing the manufacture of small arms and light weapons operates. Conditions of manufacture are contained on the licence.</p>

**Manufacture: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p>	The licence shall specify in each case the conditions under which the activities of the manufacturer are subject.	

**Manufacture: Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>Protocol for the GLR and HoA: Art. 1</b></p> <p><i>Definitions</i></p> <p><b>“illicit manufacturing”</b> shall mean the manufacturing or assembly of small arms and light weapons:</p> <p><b>(c)</b> without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p> <p><b>Art. 3 (c) (vi)</b></p> <p>Requires the standardized marking and identification of small arms and light weapons at the time of manufacture.</p> <p><b>Art. 7 (a)</b></p> <p>Requires the marking of each small arm and light weapon at the time of manufacture, with a unique marking providing the name of the manufacturer, the country of place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>Protocol for the GLR and HoA Art. 7 (a), UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7</b></p> <p>The agreements require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>		The national legislation does not conform to the regional and international agreements.

**Manufacture: Record keeping**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What records should be kept?</p> <p>What records should be submitted to authorities, and when?</p>	<p><b>Protocol for the GLR and HoA Art. 7 (d)</b></p> <p>Requires the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured and to prevent and detect such activities.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring that accurate records are kept for as long as possible on the manufacture of small arms and light weapons. Records should be maintained and organised to ensure accurate and prompt retrieval of information.</p>	<p><b>Decree No. 1/91, 1971: Art. 8</b></p> <p>A commander of the armed forces may order at any time the compulsory counting of arms and ammunitions meant for private use or trade as well as the verification of the conditions of possessing these arms and ammunitions.</p> <p><b>Decree No. 1/92, 1971 – Rules: Rule 47</b></p> <p>The certificate for taking an arm for repair shall conform to the form in the 13th schedule to these regulations and comprise a counterfoil and a slip which shall be given by the repairer to the owner as a means to justify the relinquishing of the arm.</p> <p>When the owner repossesses the gun, he shall give the copy of the certificate to repair to the repairer after noting on it the date of repossession and appended his signature.</p> <p>The repairer shall keep the slip of the certificate for repair which shall be duly filled in by the bearer of the repaired arm in support of the arms register as stipulated in article 49 of these regulations.</p>	The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident. Gunsmiths repairing arms are required to keep a register, however, there are no record keeping provisions relating specifically to the manufacture of small arms and light weapons.

**Manufacture: Record keeping** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 48</b></p> <p>The certificate for repair shall be valid for one month. If the repairing exceeds this deadline the repairer shall issue a new certificate to the bearer of the arm and take note of the same on the counterfoil and slip of the original certificate.</p> <p><b>Rule 49</b></p> <p>The repairers of arms shall keep a register of arms under repair. This register shall conform to the form in the 14th schedule to these regulations which must, before its use be numbered and initialled on the first and last page by the Commander of the armed forces.</p>	There is also no requirement for the register of repairs to be kept for not less than ten years.

**Manufacture: Premises**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Registration of premises?</p> <p>Conditions of storage?</p> <p>Restrictions on type of premises and location?</p>	<p><b>UN Firearms Protocol Art. 11</b></p> <p>Requires state parties to take appropriate measures to ensure the security of firearms, their parts and components and ammunition to prevent theft, loss and diversion.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p>		The national legislation does not conform to the regional and international agreements.

**Manufacture: Restrictions on sale/transfer**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>To whom can manufacturer transfer arms?</p> <p>What arms can manufacturer transfer? Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p>	<p><b>Bamako Declaration Art. 3 A. (vii)</b></p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers.</p>	<p><b>Decree No. 1/91,1971: Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 6</b></p> <p>The commander of the armed forces may for good cause issue an exemption published in the official Gazzette in Burundi to individuals who may give sound and special reasons from the requirements of the previous article.</p>	<p>The national legislation conforms in part to the Bamako Declaration. Provisions exist in some areas but a number of gaps are evident.</p> <p>There is a prohibition on the transfer of certain arms. However, no other controls on the transfer of arms by manufacturers exist.</p>

**Manufacture: Quality control/standards**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Conditions relating to quality of arms/ammunition produced			

**Manufacture: Gunsmiths**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Conditions/controls relating to repair and modification		<p><b>Decree No. 1/91, 1971</b> <b>Art. 3</b></p> <p>The possession of arms (apart from arms in transit contained in a container with a seal of the department of customs and arms taken for repair by a duly authorised mechanic) as well as the trading in arms and ammunitions are subject to special licence referred to as a licence for the sale of arms and ammunitions or a licence for holding arms and ammunitions as the case may be.</p> <p><b>Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 6</b></p> <p>The commander of the armed forces may for good cause issue an exemption published in the official Gazzette in Burundi to individuals who may give sound and special reasons from the requirements of the previous article.</p> <p><b>Art. 13</b></p> <p>The provisions of this article are not applicable to arms given to a duly authorised arms repairer or to arms under a transit licence bearing an intact seal of the department of customs.</p> <p><b>Decree No. 1/92, 1971 – Rules</b> <b>Rule 44</b></p> <p>Repairers of arms shall hold a licence for the repair of arms issued by the Commander of the armed forces. This licence shall conform to the form in the 12th schedule to these regulations and shall comprise a counterfoil and a slip which shall be kept by the arms repairer.</p> <p><b>Rule 45</b></p> <p>All applications for a licence to repair arms shall be accompanied by a certificate of good conduct and morals issued by the governor of his province of residence and dated at most 2 months. The application shall also be recommended by the said authority and the administrator general of the department of security and immigration.</p> <p>In addition, the Commander of the armed forces shall issue a licence only if he thinks that this does not prejudice the internal and external security of the state.</p> <p><b>Rule 46</b></p> <p>An individual who hands to the repairer an arm for repair shall also hand to the latter the licence for carrying firearms. This document shall be returned to the owner together with the repaired arm. In addition the taking of the arm to the repairer is confirmed by a certificate made by the repairer.</p>	

**Manufacture: Gunsmiths** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 47</b></p> <p>The certificate for taking an arm for repair shall conform to the form in the 13th schedule to these regulations and comprise a counterfoil and a slip which shall be given by the repairer to the owner as a means to justify the relinquishing of the arm.</p> <p>When the owner repossesses the gun, he shall give the copy of the certificate to repair to the repairer after noting on it the date of repossession and appended his signature.</p> <p>The repairer shall keep the slip of the certificate for repair which shall be duly filled in by the bearer of the repaired arm in support of the arms register as stipulated in article 49 of these regulations.</p> <p><b>Rule 48</b></p> <p>The certificate for repair shall be valid for one month. If the repairing exceeds this deadline the repairer shall issue a new certificate to the bearer of the arm and take note of the same on the counterfoil and slip of the original certificate.</p> <p><b>Rule 49</b></p> <p>The repairers of arms shall keep a register of arms under repair. This register shall conform to the form in the 14th schedule to these regulations which must, before its use be numbered and initialled on the first and last page by the Commander of the armed forces.</p> <p><b>Rule 50</b></p> <p>Traders also have full rights to repair arms and may not have to get permission as spelt out in article 44 of these regulations.</p> <p>They are however subject to all the other obligations of repairing of arms as stipulated in articles 46 to 49 of these regulations.</p> <p><b>Rule 90</b></p> <p>An arms repairer whose licence to repair has been cancelled shall not accept new arms for repair and shall surrender to the owners all the arms he has had for repair as well as licences for repair and licences for carrying arms corresponding to the arms within 8 days of cancellation of his licence.</p> <p>If within the stipulated time he has for any reason not surrendered the arms to the owners, he shall deposit the arms at the depot of the armed forces.</p>	

**Manufacture: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Stipulates including provisions relating to the illicit manufacturing of firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>"illicit manufacturing" shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(a) from parts and components illicitly trafficked;</p> <p>(b) without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p>(c) without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p>	<p><b>Decree No. 1/91, 1971 Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed not withstanding opposition, or appeal in the court of appeal.</p> <p><b>Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p> <p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Manufacturing without a licence is an offence. However, the legislation does not stipulate as specific offences the organising aiding, abetting, facilitating, counselling or commissioning of offences.</p>

**Manufacture: Offences/penalties** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Art. 3 (a) (ii)</b></p> <p>Requires establishing as a criminal offence illicit manufacturing of small arms and light weapons.</p>	<p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may lose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p>	

**Trade****Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> <li>■ competency testing of those licensed to trade?</li> <li>■ duration of licences?</li> <li>■ offence to withhold information?</li> <li>■ specifications of licence – information to be included on licence?</li> <li>■ limits on quantities traded?</li> </ul>	<p><b>Nairobi Declaration Art. iv</b></p> <p>Urges states to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities.</p> <p><b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art 3.1, 3.2.3</b></p> <p>Promotes minimum standards and regulations for the governing and control of the transfer of small arms and light weapons.</p> <p><b>Co-ordinated Agenda for Action 3.2.3</b></p> <p>Requires regulations for the effective control of traders of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires establishing as a criminal offence the illicit trafficking in small arms and light weapons.</p> <p><b>(c) (v)</b> Requires minimum standards regarding the control and transfer of small arms and light weapons.</p> <p><b>Bamako Declaration Art. 3 A (vii)</b></p> <p>Recommends that Member States should take appropriate measures to control arms transfers by traders.</p> <p><b>UN Programme of Action II Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.</p>	<p><b>Decree No. 1/91,1971 Art. 2</b></p> <p>The importation, acquisition, transfer (except for depositing arms and ammunitions in the depot of the armed forces, and putting an arm at the place of a duly authorised mechanic), manufacture, transportation and exportation of arms and ammunitions shall be subject to licence and authority of the commander in chief of the armed forces.</p> <p><b>Art. 3</b></p> <p>The possession of arms (apart from arms in transit contained in a container with a seal of the department of customs and arms taken for repair by a duly authorised mechanic) as well as the trading in arms and ammunitions are subject to special licence referred to as a licence for the sale of arms and ammunitions or a licence for holding arms and ammunitions as the case may be.</p> <p><b>Art. 14</b></p> <p>Traders are exempted from the licence for carrying weapons on arms which they have in their shops and which are meant for sale.</p> <p><b>Art. 15</b></p> <p>Every individual who deals in the trade of arms and ammunitions, must acquire a valid licence for the sale of the same. The validity of the licence for the sale of arms and ammunition shall be subjected to payment of an annual tax as shall be fixed by the Commander of the armed forces and published in the official Gazette of Burundi. This tax shall cover a full Calendar year, from 1st January, to 31 December.</p> <p>It shall be due for the year in which the activities for the trader begin.</p> <p>Its payment shall expire when the traders stops his activities after fully notifying the Commander of the armed forces by means of registered letter or after cancellation of the permit for the sale of arms and ammunitions in accordance with articles 11 or 17 of this decree.</p> <p>The annual tax for the licence for the sale of arms and ammunitions shall not be refundable except in cases where the licence is cancelled under article 11 of this decree. In this case, the refunding is effected following the decision of the cancellation and according to the number of months counting from the day of the notification of the decision to cancel the permit up to 31st December of the year in question.</p> <p><b>Art. 17</b></p> <p>Licences for possession arms and sale of arms and ammunitions may be cancelled for any other reasons related to Internal and External Security of the State not expressly stipulated in clause 7 and 11 of this Decree.</p> <p><b>Art. 18</b></p> <p>The cancellation of licences for carrying or selling arms as stipulated in articles 7, 11, and 17 of this decree are effective with effect from the day of notification to the holder of the arm.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Licensing is required for both the transfer and the sale of small arms and ammunition.</p> <p>Applications for licences to sell small arms must be accompanied by a certificate of good conduct and morals and by a favourable recommendation.</p>

**Trade: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 19</b></p> <p>The cancellation of the licence for carrying a firearm stipulated in articles 7, 11, and 17 of this decree shall be deemed to cancel licence to possess all ammunitions of the firearms whose licences are cancelled.</p> <p>The provisions of this article shall not apply to cancellation of licences for carrying firearms meant for sale as stipulated in article 17 of this decree.</p> <p><b>Art. 25</b></p> <p>As a transitory measure and unless they are expressly contrary to this decree or the regulations thereunder, all licences and authorisations, validly issued under the former laws on firearms and ammunitions before the coming into force of this decree shall remain valid.</p> <p><b>Decree No. 1/92, 1971 – Rules</b></p> <p><b>Rule 15</b></p> <p>The licences for acquiring arms shall conform to the form in the 5th schedule to these regulations and shall be valid for one month. They shall comprise one counterfoil and two slips which shall be submitted to the acquirer of the arm. The first slip shall be kept by the person who transfers the arm and constitutes a licence for transfer. The second one shall be kept by the acquirer and constitutes a licence for carrying a firearm. Each licence shall cover only one arm.</p> <p><b>Rule 19</b></p> <p>The Commander of the armed forces shall issue licences for the acquisition of ammunitions.</p> <p>These licences shall be valid for one month. They shall be in the form in the 6th schedule in counter foil and two slips which shall be given to the applicant.</p> <p>The first slip shall be kept by the person who transfers ammunitions and constitutes a licence for transfer.</p> <p>The second slip shall kept by the acquirer and constitutes licence for keeping ammunitions. For ammunitions in transit and on condition that they are packed, sealed and stamped by the department of customs, the licence for transporting these ammunitions shall be subject to the licence for keeping the ammunitions.</p> <p><b>Rule 26</b></p> <p>Traders who enter business of trading in arms and ammunitions must possess a valid licence for the sale of arms and ammunition which is in form of the VII schedule of these regulations and issued by the Commander of the armed forces. The licence which comprises a counter foil and a slip which is kept by the trader is strictly personal and does not cover activities of employees, agents, and attendants of the trader, who is the holder of the licence.</p> <p><b>Rule 27</b></p> <p>All applications for a permit to sell arms and ammunitions shall be accompanied by a certificate of good conduct and morals issued to the applicant by the governor of his province of residence and dated more than two months before.</p> <p>All applications shall in addition to the foregoing, bear a favourable recommendation from the said official and the administrator general of the department of security and immigration.</p> <p>The Commander of the armed forces shall only issue licences when he feels that this does not contravene the requirements of the internal and external security of the state.</p> <p><b>Rule 36</b></p> <p>The commander of the armed forces shall issue licences for carrying arms. Each licence shall mention only one arm.</p>	

**Trade: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		A licence for carrying a firearm covering the keeping of the arm by a trader and meant for sale shall conform to the 9th schedule to these regulations and shall be issued upon the depositing of the second slip of the acquisition licence, duly filled by the entry terminal custom's officer with regard to the date of issue. If the arm meant for sale was acquired from within, the mention of its destination is put on the second slip of the authorisation licence as stipulated in article 15 of these regulations. The same requirement shall apply to arms meant for private use or imported under a special permission given by the commander of the armed forces in accordance with article 10 of these regulations. A note indicating the special permission shall be appended onto the licence. If the licence does not have enough space for putting a fiscal label, a duplicate of the original licence shall immediately be to the commander of the armed forces by the holder of the licence.	

**Trade: Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?			

**Trade: Record keeping**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What records should be kept?</p> <p>What records should be submitted to authorities?</p>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly trafficked arms.</p>	<p><b>Decree No. 1/91, 1971 Art. 8</b></p> <p>A commander of the armed forces may order at any time the compulsory counting of arms and ammunitions meant for private use or trade as well as the verification of the conditions of possessing these arms and ammunitions.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 28</b></p> <p>Traders shall hold a permanent records register of arms and ammunitions stocked in their shops except for arms taken for repair in conformity with article 44 and following of these regulations as well as arms and ammunitions which they validly keep for their personal use.</p> <p>This register shall conform to the form in the 8th schedule to these regulations and shall be numbered, and initialled on the first and last page by the Commander of the armed forces.</p> <p><b>Rule 29</b></p> <p>The permanent records register shall indicate in a Chronological manner all entries and exits of arms and ammunitions registered by the trader and reproduce monthly the total stock of arms and ammunitions which the trader intends to sell on the first day of each month.</p> <p>All entries and exits of arms and ammunitions stipulated in the permanent records register shall be justified through a document which the trader is obliged to keep for a period of five years with effect from 1st January following the date of starting the business operations.</p> <p>The records on the entries and exits within the permanent records register as well as the document that justifies it, shall have a number constituting two numbers separated by a slash.</p> <p>The first number corresponds to the ranking of the record of entries or exit in the permanent records register, the number "One" being attributed to the first record of each calendar year. The second number is the two last figures of the dates of the current year. Only one number per document is mentioned even if it justifies the entry or exit of arms and ammunitions belonging to different types.</p> <p>The serial number mentioned on the document by the trader shall be initialled by the trader.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Permanent records of all arms and ammunition held and transferred by arms traders must be kept. However, the information required to be held on record does not include the markings on arms.</p>

**Trade: Record keeping** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 30</b></p> <p>For arms, the documentation required in the previous article is one of the following mentioned here under:</p> <p><b>(a)</b> For entry;</p> <ul style="list-style-type: none"> <li>– Licence for carrying a firearm stipulated under article 36 of these regulations.</li> </ul> <p><b>(b)</b> For exit;</p> <ul style="list-style-type: none"> <li>– The first slip of the licence for acquisition required under article 15 of these regulations.</li> <li>– The slip certifying that the arms and ammunitions are deposited in the depot as stipulated in article 38.</li> <li>– The slip certifying that the weapon has been taken for repair and dated less than a month in accordance with article 47.</li> <li>– The second slip of the temporarily export licence required under article 51 and dated less than seven months or one year if the exportation took place as a form of tourism or repairing the gun.</li> <li>– The first copy of the certificate for depositing arms and ammunitions to the Commander for territorial unity stipulated in article 59 and dated less than a year.</li> <li>– The decision confirming the abandonment of arms and ammunitions as stipulated in article 71.</li> <li>– The slip of the certificate of abandonment to the state stipulated in article 74.</li> <li>– The second slip of an export licence stipulated in article 86.</li> <li>– A copy of a statement on the loss or disappearance made in application of article 10 decree No. 1/91 of 2nd August, 1971.</li> <li>– A copy of a statement of abandonment on invitation by an officer of the Judicial police or an official from the department of public prosecutions.</li> <li>– A copy of a Judicial decision ruling on special confiscation.</li> </ul> <p><b>Rule 31</b></p> <p>For ammunitions, the documentation required under article 29 of these regulations is one of these mentioned hereunder:</p> <p><b>(a)</b> For the entry:</p> <ul style="list-style-type: none"> <li>– The second or the third slip of the import licence stipulated in article 3 of these regulations.</li> </ul> <p><b>(b)</b> For the output:</p> <ul style="list-style-type: none"> <li>– The first slip of the import licence stipulated in article 19 of these regulations.</li> <li>– The slip of the certificate for depositing in accordance with article 38.</li> <li>– The first copy of the certificate for depositing arms and ammunition to the commander of territorial unity as stipulated in article 59 dated less than a year.</li> <li>– The decision confirming the abandonment of arms and ammunitions as stipulated in article 71.</li> <li>– The slip certifying the abandonment to the state as stipulated in article 74.</li> <li>– The second slip of the export licence as stipulated in article 26.</li> <li>– A copy of a statement of loss or disappearance established in line with article 10 of decree No. 1/91 of 2nd August 1971.</li> <li>– A copy of a statement of Judicial seizure.</li> <li>– A copy of a statement of abandonment on invitation by an officer of the Judicial police or an official of public prosecutions.</li> <li>– A copy of the Judicial decision ruling on special confiscation.</li> </ul>	

**Trade: Premises**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Registration of premises?</p> <p>Conditions of storage?</p> <p>Restrictions on type of premises and location?</p>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p>	<p><b>Decree No. 1/92, 1971 – Rules Rule 32</b></p> <p>The maximum amount of arms and ammunitions that a trader can stock at a time in his shop is:</p> <ol style="list-style-type: none"> <li>1. One model of each of the different types of arms displayed for sale.</li> <li>2. 2,500 bullets for traders who do not have a strong room with gun pits.</li> <li>3. 100,000 bullets comprising at least 50,000 bullets for non-rifles for traders who have a strong room with gun pits.</li> </ol> <p>In the latter case, an assortment of 2,500 bullets may be locked up in an armoury within the shop. The balance shall stay kept in the strong room with gun pits.</p> <p><b>Rule 33</b></p> <p>The strong room with gunpits stipulated in the previous article shall have metallic walls, an armoured metallic door with a secret security lock and conditioned gun pits as required under the general rules on explosives.</p> <p>Further, it shall conform to all the requirements recommended by the commander of the armed forces before use as a depot for ammunitions.</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p>

**Trade: Restrictions on sale/transfer**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>To whom can a licensed trader transfer arms?</p> <p>What arms can a licensed trader transfer?</p> <p>Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p>	<p><b>Bamako Declaration Art. 3 A. (vii)</b></p> <p>Requires that states take appropriate measures to control arms transfers by traders.</p>	<p><b>Decree No. 1/91,1971 Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 6</b></p> <p>The commander of the armed forces may for good cause issue an exemption published in the official Gazzette in Burundi to individuals who may give sound and special reasons from the requirements of the previous article.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 35</b></p> <p>Traders shall in no circumstances:</p> <ol style="list-style-type: none"> <li>(a) Deliver arms and ammunitions whose amounts are more or less than those mentioned on the licences for acquisition of arms and ammunitions which they acquired.</li> <li>(b) Deliver arms and ammunitions of types, makes, calibres, numbers or models different from those mentioned on the said licences.</li> </ol>	<p>The national legislation fully conforms to the Bamako Declaration.</p> <p>Traders may only sell to those with valid licensed to possess and the transfer of certain types of arm is prohibited.</p>

**Trade: Quality control/standards**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Conditions relating to quality of arms/ammunition traded			

**Trade: Pawning/pledging restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 3 (c) (x)</b></p> <p>Requires provisions prohibiting the pawning and pledging of small arms and light weapons.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.

**Trade: Transfer and possession restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Restrictions/special conditions for traders for business purposes?</p> <ul style="list-style-type: none"> <li>Eg possessing/transferring arms without a licence in the course of business</li> </ul>		<p><b>Decree No. 1/91, 1971 Art. 14</b></p> <p>Traders are exempted from the licence for carrying weapons on arms which they have in their shops and which are meant for sale.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 32</b></p> <p>The maximum amount of arms and ammunitions that a trader can stock at a time in his shop is:</p> <ol style="list-style-type: none"> <li>One model of each of the different types of arms displayed for sale.</li> <li>2,500 bullets for traders who do not have a strong room with gun pits.</li> <li>100,000 bullets comprising at least 50,000 bullets for non-rifles for traders who have a strong room with gun pits.</li> </ol> <p>In the latter case, an assortment of 2,500 bullets may be locked up in an armoury within the shop. The balance shall stay kept in the strong room with gun pits.</p> <p><b>Rule 34</b></p> <p>If, after importation or acquisition of firearms and ammunitions a trader realizes that they are in excess of what he should have got in accordance with article 32 of this presidential decree, it is incumbent upon him to immediately deposit the excess arms and ammunitions in the depot of the armed forces.</p> <p>The provisions of article 38 to 43 of these regulations shall apply to the depositing of arms and ammunitions at the depot done under this article.</p>	

**Trade: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires provisions relating to the illicit trafficking in and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>	<p><b>Decree No. 1/91, 1971 Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed not withstanding opposition, or appeal in the court of appeal.</p> <p><b>Decree No. 1/91, 1971 Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Illicit trading is a criminal offence, however, the legislation does not stipulate as specific offences the organising aiding, abetting, facilitating, counselling or commissioning of offences.</p>

**Trade: Offences/penalties** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p> <p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may lose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p>	

**Seizure, disposal and enforcement****Seizure, confiscation, forfeiture**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Co-ordinated Agenda for Action Art. 3.2.4 and Implementation Plan Art. 3 and Protocol for the GLR and HoA Art. 3 (c) (vii)</b></p> <p>Require provisions for the seizure, confiscation and forfeiture to the State of all small arms manufactured or conveyed in transit and transport without or in contravention of licences, permits or written authority.</p> <p><b>Protocol for the GLR and HoA Art. 9 (a) and UN Firearms Protocol Art. 6 (1)</b></p> <p>Require measures to enable the confiscation of small arms and light weapons that have been illicitly manufactured or trafficked.</p>	<p><b>Decree No. 1/ 91, 1971 Art. 3</b></p> <p>Abandoned arms and ammunitions shall be deemed to have become the property of the state upon abandonment.</p> <p>Putting of arms and ammunitions in a depot means depositing of the arms in the depot of the armed forces.</p> <p><b>Art. 21</b></p> <p>The following types of arms shall immediately be deposited in the depot of the armed forces:</p> <ul style="list-style-type: none"> <li>– Arms and ammunitions seized by an officer of the Judicial police or public prosecutions.</li> <li>– Arms and ammunitions legally confiscated.</li> <li>– Arms and ammunitions that are subject of confiscation and whose owner has abandoned following an invitation by an officer of the Judicial police or of public prosecutions.</li> <li>– Arms and ammunitions that are abandoned or lost.</li> <li>– Firearms, white arms, and prohibited special engines stipulated in article 5 of this decree which are seized, confiscated, lost, abandoned voluntarily or by order of an officer, of the Judicial Police.</li> </ul> <p>Civil servants and individuals are in the by virtue of the provisions of this decree, obliged to deposit at the depot of the armed forces the arms, ammunitions as well as firearms, white arms and prohibited special engines stipulated in this article. Any person who fails or delays complying with this provision commits an offence and is pecuniary responsible for the loss caused to the state due to failure to deposit the arms or depositing them late.</p> <p><b>Art. 24</b></p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p> <p><b>Decree No. 1/92, 1971 – Rules Rule 41</b></p> <p>If the cumulative taxes for the licence on firearms as well as the tax for depositing in the warehouse adds up to the value of the arms and ammunition in the depot, a warning in form of a registered letter shall be addressed to the owner inviting him to pay the amount he is owed within a period of two months. If the owner does not heed to this deadline, he may be presumed to have abandoned the arms and ammunitions to the state.</p> <p><b>Rule 42</b></p> <p>The abandonment of arms and ammunitions which may take place under the foregoing article is certified by the Commander of the armed forces in conformity with the form in the 11th schedule to these regulations and addressed to the owner and posted to him by registered mail.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Extensive provisions for the seizure, confiscation and forfeiture of arms are stipulated.</p>

**Seizure, disposal and enforcement: *Seizure, confiscation, forfeiture* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 43</b></p> <p>Article 75 of these regulations shall apply to arms and ammunitions considered abandoned in line with article 41.</p> <p><b>Rule 55</b></p> <p>The Commander of the armed forces has power to revoke licences for carrying arms and selling arms and ammunitions as stipulated in article 17 of decree No. 1/19 of 2nd August, 1971.</p> <p><b>Rule 56</b></p> <p>The Commander of the armed forces shall notify individuals affected by the cancellation of the licence to carry and sell firearms and ammunitions in line with the provisions of articles 7, 11 and 17 of decree No. 1/19 of 2nd August, 1971.</p> <p>This notification is carried out by the commander of territorial unity in case the bearer of the cancelled licence has a specific home.</p> <p><b>Rule 57</b></p> <p>The bearer of the cancelled licence for carrying a firearm shall hand over the arm within a period specified on the licence as well as ammunitions which are used in the arm to the commander of territorial unity who notified him. If the cancellation is done in line with the provisions of article 17 of decree No. 1/19 of 2nd August, 1971 and is in respect of a licence for carrying an arm meant for sale, the bearer shall hand over only the arm mentioned on the cancelled licence. If the cancellation concerns a licence for the sale of arms and ammunitions, the trader is shall to hand over all arms and ammunitions meant for sale to the said authority in the shortest time possible.</p> <p><b>Rule 58</b></p> <p>The handing over of arms and ammunitions as stipulated in the previous article shall be confirmed by a certificate prepared by the commander of territorial unit to whom the arm shall be handed. In addition, this authority shall mention the cancellation on the licence for carrying arms, licence for the sale of arms and ammunitions and licence for keeping the ammunitions concerned. The commander of territorial unity shall as soon as possible deliver the arms handed to him to the commander of the armed forces.</p> <p><b>Rule 59</b></p> <p>The decision to cancel the licence for carrying firearms or a licence for carrying a firearm or a licence for the sale of arms and ammunitions, the letter notifying the bearer to hand over the arm and the certificate confirming the hand over form a single document, if the cancellation is a result of acquiring a new arm and ammunitions by the armed forces, the decision for the cancellation shall be replaced by a view of the commander of the armed forces indicating the arm and ammunitions which the bearer is supposed to hand over to the commander of territorial unity of his residential area. The single document shall conform to the form in the 16th schedule to these regulations, comprising three slips prepared by the commander of the armed forces and filled in by the commander of territorial unit with regard to notification of the concerned person and the handing over of arms and ammunitions. The first slip shall be handed over to the bearer of the licence and is a evidence of the relinquishing of arms and ammunitions. The second is sent by the commander of territorial unity together with the arms and ammunitions to the commander of the armed forces. The third is kept by the commander of territorial unity.</p> <p><b>Rule 60</b></p> <p>Arms and ammunitions handed over under the conditions of the cancellation of the licence to carry arm or sell arms and ammunitions are kept at the depot of the armed forces under the responsibility of the state.</p>	

**Seizure, disposal and enforcement: *Seizure, confiscation, forfeiture* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 61</b></p> <p>The commander of the armed forces shall give arms and ammunitions back to their owner as soon as the cause behind the handing them over is no longer and utmost within one year after the handing over of the arms and ammunitions. If the commander of the armed forces thinks that the returning of the arms jeopardises the internal and external security of the state, it will take place within the confines of article 65 of this presidential decree.</p> <p><b>Rule 62</b></p> <p>The handing back stipulated in the previous article is at the heart of the decision of restitution which conforms to the sample attached to this presidential decree and comprises a counterfoil and two slips which are addressed to the bearer in form of a registered letter.</p> <p>The arms and ammunitions are handed back by the commander of the armed forces on request by the bearer in return for a receipt, the first slip of the decision to hand them back and payment of a tax on goods kept in the depot as stipulated in article 40 of this presidential decree.</p> <p>The annual tax on the licence for carrying arms is also paid at this time except if the bearer was acquitted before and exempted in line with article 14 of decree No. 1/91 of 2nd August, 1971.</p> <p><b>Rule 63</b></p> <p>The handing back of the arms implies total revalidation of the licence for carrying arms, licences for the sale of arms and ammunitions and licences for keeping ammunitions covering the arms and ammunitions handed back.</p> <p>Mention of revalidation is appended on the documents quoted in the previous paragraph by the commander of the armed forces.</p> <p><b>Rule 64</b></p> <p>Articles 41 to 43 of this presidential decree are applicable to arms and ammunitions which are to be handed back and whose owner is still failing to reclaim.</p> <p><b>Rule 65</b></p> <p>If the handing back of the arms and ammunitions to the owner in view of the commander of the armed forces is likely to jeopardize the internal and external security of the state, they may them back on condition that they will not be exported in a period he fixes and this shall not exceed three months. Until this condition is fulfilled arms shall stay kept in the depot of the armed forces.</p> <p><b>Rule 66</b></p> <p>Arms and ammunitions handed over after the cancellation of the licence for carrying arms and selling arms or a licence for the sale of arms and ammunitions in line with article of decree No. 1/91 of 2nd August, 1971 are always handed back on the condition of suspending exportation only.</p> <p><b>Rule 67</b></p> <p>The decision of handing the arms and ammunitions back under to the owner suspensive conditions or transfer or exportation shall conform to the form in the 18th scheduled to these regulations and comprise a counterfoil and two slips which are addressed to the bearer by way of registered mail.</p> <p><b>Rule 68</b></p> <p>The handing back of arms and ammunitions and the suspensive condition of transfer or exportation shall not be deemed to revalidate licences for carrying arms, licences for selling arms and ammunitions and licences for keeping ammunitions covering arms and ammunitions handed back.</p>	

**Seizure, disposal and enforcement: *Seizure, confiscation, forfeiture* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 69</b></p> <p>The handing back of arms and ammunitions under the suspensive condition of transfer or exportation with a given time lime shall only take place if the condition is adhered to.</p> <p>Accordingly the request by the former bearer who in turn hands over the first slip of the decision to hand back the arms and payment of a tax for keeping in the depot as stipulated in article 40 of this presidential decree.</p> <p>Provided that the former bearer shall at any time enter into material possession of the arms and ammunitions returned. There shall not be a tax paid on the licence for carrying the arm except taxes for the previous years prior to the handing back of the arm.</p> <p><b>Rule 70</b></p> <p>The handing back of arms and ammunitions under conditions of transfer or exportation within a fixed period does not exempt the former bearers to obtain licences for transfer and exportation of arms and ammunitions stipulated in articles 15, 19 and 86 of this presidential decree.</p> <p><b>Rule 71</b></p> <p>If the bearer does not fulfil the condition of transfer and exportation within a fixed period, he shall be deemed to have abandoned the arms and ammunition as stipulated in this condition to the state.</p> <p><b>Rule 72</b></p> <p>The provisions of this section are not applicable to arms and ammunitions which were lost, abandoned or seized, or even culprits of judicial confiscation or which were abandoned by the offender on invitation by an officer of the judicial police or an officer of public prosecutions.</p> <p><b>Rule 73</b></p> <p>All bearers of arms may abandon all or part of their arms and ammunitions to the state. The abandonment involves depositing the arms and ammunitions to the depot of the armed forces.</p> <p><b>Rule 74</b></p> <p>The abandonment is confirmed through a certificate prepared by the commander of the armed forces. This certificate shall conform to the form in the 20th scheduled to these regulations and shall comprise a slip which is kept by the former bearer as evidence of the relinquishing of the arms and ammunitions.</p> <p><b>Rule 75</b></p> <p>The abandonment of arms and ammunitions shall not entitle the bear to any indemnity. The commander of the armed forces shall submit the abandoned arms and ammunitions abandoned to the state wherever he deems it necessary.</p> <p><b>Rule 90</b></p> <p>An arms repairer whose licence to repair has been cancelled shall not accept new arms for repair and shall surrender to the owners all the arms he has had for repair as well as licences for repair and licences for carrying arms corresponding to the arms within 8 days of cancellation of his licence.</p> <p>If within the stipulated time he has for any reason not surrendered the arms to the owners, he shall deposit the arms at the depot of the armed forces.</p> <p><b>Rule 91</b></p> <p>The bearer of a cancelled transport licence shall not transport arms and ammunitions mentioned on the said licence.</p> <p>If the said arms were brought in under clear circumstances before the notification to revoke and the arms and ammunitions are still in Burundi, the transport agent is supposed to re-export them within 3 days to a country from where they had been dispatched.</p>	

**Seizure, disposal and enforcement: *Seizure, confiscation, forfeiture* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>In this case, the first slip of the single document stipulated in article 88 of these regulations shall constitute a licence to re-export the arms and ammunition back to a country of origin. This slip shall be handed over to the customs official by the transport agent and the former records of the re-exportation. He shall make 2 certified copies out of this and fill in the date of re-exportation and send the first copy to the commander of the armed offices and give the second one to the transport agent as evidence of relinquishing of the arms and ammunitions.</p> <p>If there is failure to re-export in the given time the transport agent is deemed to have abandoned the arms and ammunitions to the state and is expected to deposit them at the depot of the armed forces in return for a certificate of abandonment as stipulated in article 74 of these regulations.</p> <p>Article 75 of these regulations shall apply to arms and ammunitions considered abandoned in line with this article.</p> <p><b>Rule 93</b></p> <p>An officer of judicial police or any government officer who seizes the arms and ammunitions shall take them immediately to the commander of the armed forces together with a report of the seizure.</p> <p><b>Rule 94</b></p> <p>The seized arms and ammunitions shall be returned to the owner by the commander of the armed forces in return for the judicial statement in conformity with criminal procedure and ordering the release.</p> <p><b>Rule 95</b></p> <p>The officer of the judicial police and the public prosecutions official in whose hands the arms and ammunitions were abandoned in line with article 9 of the decree of 6 August 1959 forming the penal code procedure is supposed to transport them immediately to the commander of the armed forces together with a copy of the report about the abandonment.</p> <p><b>Rule 96</b></p> <p>Arms and ammunitions affected by special confiscation and which had not suffered from judicial seizure or abandonment as stipulated in article 9 of the Decree of 6th August, 1959 forming the penal procedure, shall immediately be sent to the commander of the armed forces by the court clerk of the jurisdiction where the confiscation was declared plus a copy of the judicial decision.</p> <p><b>Rule 97</b></p> <p>The commander of the armed forces shall direct the confiscated items to where he feels best with due regard to the interests of the state. This shall also apply to arms that have been abandoned. This provision is provided for in article 9 of the decree of 6th August, 1959 forming the penal code procedure.</p> <p>The provisions of the previous paragraph shall not apply before the transaction offered to the trader who abandoned the arm is definitive or when the judicial decision declaring special confiscation is not yet finalised.</p> <p><b>Rule 98</b></p> <p>All the people of Burundi are obliged to hand over immediately to the Commander of territorial unity of the areas in which they stay: arms and ammunitions which are:</p> <p><b>(a)</b> lost, abandoned on boats, quays, public roads, vehicles, waiting rooms, and other public places.</p> <p><b>(b)</b> Given to the transporters of the state or to private transport companies but whose destination is not there, cannot be found or which the state refuses to accept.</p>	

**Seizure, disposal and enforcement: *Seizure, confiscation, forfeiture* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Rule 99</b></p> <p>The Commander of territorial unity shall proceed to name the arms and ammunitions which he receives in accordance with the provisions of the previous article and he puts all these in a report. In the said report, he shall state the first name, other names and the ammunitions as well as all the other information that may help to identify the bearer.</p> <p>This report shall immediately be sent to the Commander of the armed forces together with the concerned arms and ammunitions.</p> <p><b>Rule 100</b></p> <p>The Commander of the armed forces shall pin on the door of his office and publish in the official Bulletin of Burundi a statement with all the information that may enable the owner of the arms recognise his arms and ammunitions.</p> <p>If the owner is known, notice of discovery of his arms and ammunitions shall be done by way of registered mail instead of hanging and publication of the statement of the discovery of his arms and ammunitions.</p> <p>The arms and ammunitions stipulated in this article are returned to their owners upon presentation of a receipt.</p> <p><b>Rule 101</b></p> <p>The handing back of arms and ammunitions in line with articles 94 to 100 of these regulations shall only be effected after the owner has paid a tax for storing in the depot as stipulated in article 90 of these regulations.</p> <p><b>Rule 102</b></p> <p>If the arms and ammunitions stipulated in articles 98 and following of this, presidential decree are not claimed within a year after the publication of the decision or the dispatching of the registered letter stipulated in article 100 of this presidential decree, they shall be deemed to be forfeited to the state.</p> <p><b>Rule 103</b></p> <p>The provisions of articles 94 and 100 of these regulations shall not apply to the power to cancel a licence for carrying arms or a licence for the sale of arms and ammunitions held by the commander of the armed forces as stipulated in article 17 of decree No. 1/91 of 2nd August, 1971 and article 55 of these regulations.</p>	

**Seizure, disposal and enforcement: *Disposal/destruction***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Protocol for the GLR and HoA Art. 8</b></p> <p><b>(a)</b> Requires effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws.</p> <p><b>(b)</b> requires that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or re-organisation of armed forces and/or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.</p>		The national legislation does not conform to the regional and international agreements.

**Seizure, disposal and enforcement: *Disposal/destruction* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action Section II Art. 16</b>  <b>UN Firearms Protocol Art. 6 (2)</b></p> <p>Specify the need for provisions to ensure the destruction of confiscated, seized or collected firearms where no other form of disposition or use has been officially sanctioned.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends that Member States should develop and implement programmes for the identification and destruction of surplus, obsolete and seized stocks.</p>		

**Seizure, disposal and enforcement: *Deactivation***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>UN Firearms Protocol Art. 9</b></p> <p>Specifies the need for provisions relating to: deactivated firearms; making it an offence to re-activate deactivated firearms; issuing a certificate of deactivation; and stamping deactivated firearms with marks to that effect.</p>		The national legislation does not conform to the UN Firearms Protocol.

**Seizure, disposal and enforcement: *Inspection/enforcement***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b></p> <p>Requires provisions for the monitoring and auditing of licences.</p>	<p><b>Decree No. 1/91, 1971 Art. 8</b></p> <p>A commander of the armed forces may order at any time the compulsory counting of arms and ammunitions meant for private use or trade as well as the verification of the conditions of possessing these arms and ammunitions.</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>The Commander of the armed forces can count arms and verify the conditions under which they are possessed.</p>

**Seizure, disposal and enforcement: *Offences/penalties***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Decree No. 1/91, 1971 Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed not withstanding opposition, or appeal in the court of appeal.</p> <p><b>Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p> <p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p>	

**Seizure, disposal and enforcement: *Offences/penalties* continued**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may lose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p>	

**Arms embargoes****Overview**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Relevant provisions	<p><b>Co-ordinated Agenda for Action Art. 3.4 and Implementation Plan Art. 3.4</b></p> <p>Require measures to enforce adherence to international sanctions that prohibit the export of weapons to conflict zones and/or countries.</p> <p><b>Protocol for the GLR and HoA Art. 3 (b)</b></p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p> <p><b>Bamako Declaration Art. 3 A (vi) UN Programme of Action Section II Art. 15</b></p> <p>Require provisions to prevent the breaching of UN Security Council arms embargoes.</p>		The national legislation does not conform to the regional and international agreements.

**Arms embargoes: *Offences/penalties***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 3 (b)</b></p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p>		The national legislation does not conform to the regional and international agreements

**State-owned small arms****Overview**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
General provisions			

**State-owned small arms: *Possession and use by state employees***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Licensing requirements? Special conditions? Controls?	<p><b>Protocol for the GLR and HoA Art. 3</b></p> <p>(a) Requires the establishment as criminal offences the (iii) illicit possession and misuse of small arms and light weapons</p>	<p><b>Decree No. 1/91,1971 Art. 2</b></p> <p>The importation, acquisition, transfer (except for depositing arms and ammunitions in the depot of the armed forces, and putting an arm at the place of a duly authorised repairer), manufacture, transportation and exportation of arms and ammunitions shall be subject to licence and authority of the commander in chief of the armed forces.</p>	The national legislation fully conforms to the Protocol for the GLR and HoA.

**State-owned small arms: Possession and use by state employees** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 3</b></p> <p>The possession of arms (apart from arms in transit contained in a container with a seal of the department of customs and arms taken for repair by a duly authorised mechanic) as well as the trading in arms and ammunitions are subject to special licence referred to as a licence for the sale of arms and ammunitions or a licence for holding arms and ammunitions as the case may be.</p> <p><b>Art. 4</b></p> <p>The provisions of articles 2 and 3 of this decree are also applicable to the members of the armed forces.</p> <p>Provided that members of the armed forces are exempted from having to hold licences for carrying firearms as well as a licence for acquiring, keeping or transferring firearms and their ammunitions which they carry by virtue of their work and may keep and transfer in conformity with military regulations and under the instructions of the commander of the armed forces or his representatives under the given regulations.</p> <p><b>Art. 5</b></p> <p>Nobody shall import, acquire, keep, make, repair, transfer, transport or export firearms, white arms and prohibited special engines.</p> <p>The following are considered as firearms, white arms or prohibited special engines;</p> <p>Daggers and Knives in form of daggers (excluding hunting knives), knives with a safety catch, bayonets, sword sticks, truncheons, rods other than those fitted with iron at the end, American punches, folding guns with a more than six mm. calibre, guns whose barrels can be broken down into several segments, silencer weapons, toxic weapons and all other secret and offensive weapons.</p> <p>Spears, Javelots, Javelines, arrows, pickets and all other white arms and special engines as well as bursting firearms.</p> <p>All parts and instruments if adopted to a firearm or white arm or any special engine that can make them qualify as weapons are also prohibited within this article. The prohibitions in this article do not apply to firearms, white arms and prohibited special engines acquired, kept or transferred by members of the armed forces while in service and in conformity with the military laws as well as the instructions of the Commander of the armed forces or of his representatives in implementation of these rules.</p> <p><b>Art. 14</b></p> <p>Traders are exempted from the licence for carrying weapons on arms which they have in their shops and which are meant for sale.</p> <p>The following categories of people, that is to say magistrates, officials of the judicial Police, Officers of the Judiciary, administrators, members of Parastatal organisations and of the house of the party are equally exempted, given the dangers related to the exercise of their functions.</p> <p>Notwithstanding the foregoing provision, any person holding arms and ammunitions under the exemptions shall before the 15th day of February of each year obtain a certificate by his head of department certifying that he requires the weapon by virtue of the nature of his work. The certificate shall be submitted to the commander of the armed forces.</p> <p>Any person who fails to submit the certificate within the time specified under the foregoing paragraph shall forfeit the tax exemption for the year in which the default is made.</p> <p><b>Art. 25</b></p> <p>As a transitory measure and unless they are expressly contrary to this decree or the regulations thereunder, all licences and authorisations, validly issued under the former laws on firearms and ammunitions before the coming into force of this decree shall remain valid.</p>	

**State-owned small arms: Possession and use by state employees** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Decree No. 1/92, 1971 – Rules Rule 37</b></p> <p>In line with article 14, paragraph 2 of decree No. 1/91 of 2 August 1971, the hierarchical authority for purposes of issuing annual licences, to exempting some people from the annual tax for carrying firearms and overseeing dangers related thereto is:</p> <ul style="list-style-type: none"> <li>– For people attached to the Maison du parti, the secretary general of the Maison du parti. For the president of the supreme court and the attorney General, the Minister of Justice.</li> <li>– For judges and magistrates of the supreme court, the court of appeal and courts of first instance as well as for members of the judicial police attached to these jurisdictions, the president of the supreme court.</li> <li>– For public prosecutors and members of the public judicial police, the Attorney General.</li> <li>– For magistrates of provincial and local tribunals as well as agents of the judiciary attached to these jurisdictions, the president of the tribunal of first instance to whom they are answerable.</li> <li>– For members of parastatal organisations, the authority in charge of day-to-day management of the organ to which they are attached.</li> </ul> <p>The authorities mentioned above shall not delegate their powers with regard to issuing the annual certificates as required in this article.</p> <p>For Ministers, the general secretary of the Maison du parti and the authority concerned with the day-to-day management of a parastatal, the annual certificate shall be replaced by a statement duly signed by the interested party and certifying the keeping of order in exercise of his functions.</p>	

**State-owned small arms: Record keeping and marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 6 (a) and (b)</b></p> <p>Requires the establishment and maintenance of complete national inventories of small arms and light weapons held by security forces and other state bodies and strict national accountability of all small arms and light weapons owned and distributed by the state.</p> <p><b>UN Programme of Action Section II Art. 10</b></p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p><b>Protocol for the GLR and HoA Art. 7 (a)</b></p> <p>Requires all small arms and light weapons in the possession of the state to be marked with a unique mark.</p>		The national legislation does not conform to the regional and international agreements.

**State-owned small arms: Storage**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Stockpile Management	<p><b>Protocol for the GLR and HoA Art. 6</b></p> <p>Stipulates that States Parties must maintain secure storage of state-owned small arms and light weapons.</p>		The national legislation does not conform to the regional and international agreements.

**State-owned small arms: Storage** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Programme of Action Section II Art. 17 and 18</b></p> <p>Requires controls relating to the management and security of state stocks including:</p> <ul style="list-style-type: none"> <li>■ Appropriate locations for stockpiles</li> <li>■ Physical security measures</li> <li>■ Control of access to stocks</li> <li>■ Inventory management and accounting control</li> <li>■ Staff training</li> <li>■ Security accounting and control of firearms relating to operation units</li> <li>■ Controls on theft and loss</li> </ul> <p><b>Art. 29</b></p> <p>Encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and to implement, regional and subregional mechanisms in this regard.</p> <p><b>Co-ordinated Agenda for Action Art. 5.2 and 5.3</b></p> <p>Requires the safe storage of arms in possession of the state and strict accountability and the effective tracing of all weapons owned by the state.</p>		

**State-owned small arms: Import, export, transfer, transit**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Documentation required? Licensing/authorisation?	<p><b>UN Firearms Protocol Art. 8 (c)</b></p> <p>Requires provision for the unique marking of firearms when transferred from government stocks to permanent civilian use.</p>		The national legislation does not conform to the UN Firearms Protocol.

**State-owned small arms: Disposal/destruction**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
General conditions Provisions relating to surplus stocks of arms and ammunition?	<p><b>Protocol for the GLR and HoA Art. 8</b></p> <p><b>(a)</b> Requires effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws.</p> <p><b>(b)</b> requires that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or re-organisation of armed forces and/or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.</p> <p><b>UN Programme of Action Section II Art. 16 and 18</b></p> <p>Requires that all confiscated, seized or collected SALW are destroyed subject to any legal constraints.</p>		The national legislation does not conform to the regional and international agreements.

**State-owned small arms: Disposal/destruction** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	Stipulates the need for provisions to regularly review state held stocks, to identify surpluses and have procedures in place for the responsible disposal, preferably through destruction of such surpluses.		

**State-owned small arms: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Decree No. 1/91, 1971</b> <b>Art. 22</b></p> <p>Matters related to the violation of this decree or the measures of its execution fall under the competence of the council of war at first instance or the military court at the level of appeal.</p> <p>Decisions made in the implementation of this decree and the regulations thereunder shall always be executed not withstanding opposition, or appeal in the court of appeal.</p> <p><b>Art. 24</b></p> <p>Any person who imports, acquires, keeps, transfers, abandons, manufactures, transports and exports and repairs firearms and ammunitions in violation of the provisions of this decree or the regulations made thereunder is liable to 10 years imprisonment or to a fine of 5,000 not exceeding francs or both.</p> <p>Any person who commits an offence under this section while engaging in a conspiracy to overthrow the government shall be liable to a life imprisonment or death sentence</p> <p>Other violations of this decree and the regulations made thereunder are punishable by a maximum of 5 years imprisonment or a payment of a maximum of 1,000 francs or both.</p> <p>People who, due to negligence or failure to take precautions in keeping the arms and ammunitions they possess, may loose the arms and ammunitions in their possession, are liable to the same penalty as in the foregoing paragraph of this section.</p> <p>In all cases, special confiscation of arms and ammunitions may be ordered.</p>	

**SaferAfrica is a not-for-profit organisation that assists governments and civil society to implement agreed policy on peace and security.**

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*SaferAfrica*



*Progress with Security*



SaferAfrica  
Trelawney House  
173 Beckett Street  
Arcadia, Pretoria 0083  
South Africa

Phone: +27 12 481 6200  
Fax: +27 12 344 6708  
Email: [saferfrica@saferfrica.org](mailto:saferfrica@saferfrica.org)  
Web: [www.saferfrica.org](http://www.saferfrica.org)

Saferworld  
The Grayston Centre  
28 Charles Square  
London N1 6HT  
UK

Phone: (+44) 20 7324 4646  
Fax: (+44) 20 7324 4647  
Email: [general@saferworld.org.uk](mailto:general@saferworld.org.uk)  
Web: [www.saferworld.org.uk](http://www.saferworld.org.uk)