

**SaferAfrica** and **Saferworld****Act No. 62-621, June 1962  
Art. 6**

Legally traded firearms and munitions shall be understood to be non-rifled weapons, either flint or spring-piston powered, together with the munitions, primers and powders required for their operation.

# Strengthening small arms controls:

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

**DJIBOUTI****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 DJIBOUTI** 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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# Djibouti

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

### Definitions

**THE PRIMARY PIECE OF NATIONAL LEGISLATION ON SMALL ARMS CONTROL IN DJIBOUTI** is Act 62-621 of June 1962.

The definitions contained in Act 62-621, categorising arms and thus determining the controls that are applicable to different classes of arms, are limited in comparison to those contained in the regional and international agreements. A limited definition is given for the category of firearms, but the Act contains no definitions relating to ammunition, small arms, parts and components or other related material. Crucially, a separate definition for light weapons, which would enable the enacting of legal provisions prohibiting their civilian possession and use, as called for by the Protocol for the GLR and HoA, is not included.

### Controls on civilian possession and use

The national legislation conforms to some of the provisions of the regional and international agreements:

- Authorisation for the possession of small arms must be obtained from the Head of State and will only be granted in individual and exceptional circumstances.

However, fundamental absences include:

- No total prohibition on the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.
- 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 restriction on the type of small arm for which a licence may be issued.
- Only a very general and limited restriction on how, where and when small arms may be carried and used.
- No provision for the safe storage of civilian owned small arms.
- No controls on the relinquishing of small arms by civilians and no 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:

- Records are to be kept on small arms imported for sale.
- The information to be included in licences for the civilian possession of small arms should include the number marked on the arm.

However, fundamental absences include:

	<ul style="list-style-type: none"> <li>■ No record keeping requirements in relation to civilian owned, exported, transited or manufactured small arms.</li> <li>■ No requirement that records be maintained for not less than ten years.</li> <li>■ No system or requirements for the marking of small arms at the time of manufacture, import or export.</li> </ul>
<b>Import, export and transit</b>	<p>The national legislation conforms to most of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ Authorisation is required for the import, export and transit of small arms and ammunition.</li> <li>■ Records must be maintained on the import of small arms.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ Only a limited requirement relating to the information to be included on import and export licences.</li> <li>■ No requirement for the use of end-user certificates.</li> <li>■ No system or requirement for the marking of small arms at the time of import.</li> </ul>
<b>Brokering</b>	<p>There are no controls over brokering.</p>
<b>Manufacture</b>	<p>The national legislation conforms to most of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ Manufacture can only take place in state establishments set up for this purpose unless express permission is given by the Head of State.</li> <li>■ Restrictions exist on the transfer of small arms, which apply to manufacturers. Authorisation must be gained from the Head of State for the transfer of small arms and transfers can only be made to an individual or entity authorised to receive them.</li> <li>■ The conversion of legally traded small arms, making them comparable to banned small arms, is prohibited.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No system or requirement for the marking of small arms at the time of manufacture.</li> <li>■ No requirement for the keeping of records on the manufacture of small arms.</li> </ul>
<b>Trade</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>■ Authorisation from the Head of State is required for the sale, transfer and transport of small arms.</li> <li>■ Records must be kept on those small arms imported for sale.</li> <li>■ The sale or transfer of small arms may only be made to an individual or entity authorised in advance to possess, carry or export the arms.</li> </ul> <p>However fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No provisions for the safe storage of small arms.</li> <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>■ A limited provision exists for the inspection of arms licences.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No provisions for the seizure, confiscation, forfeiture, disposal or destruction of small arms.</li> </ul>

- No controls relating to the re-activation of de-activated small arms.

### Arms embargoes

There are no controls relating to the enforcement of arms embargoes.

### State-owned small arms

Act No. 62-621 is not applicable to small arms, munitions and other weaponry intended for use by the state armed forces. Neither does it apply to items intended for use by the law enforcement authorities or for national defence purposes. There are no provisions relating to the control of state owned small arms.

### Penalties

The penalties for offences under Act No. 62-621 are reasonably severe, allowing for a custodial sentence of between one and five years, or up to ten years if the offender has a previous conviction. However, the fines that may be imposed have not been reviewed since 1962 and are in need of urgent review.

## 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 requirements 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>3</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 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.

<sup>3</sup> Please refer to the explanation contained under ‘Use of terms’ in the regional and national overview section of this report.

## Definitions in Djibouti's small arms legislation<sup>4</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>  <b>(a)</b> 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;  <b>(b)</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>  <b>(a)</b> "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>Act No. 62-621, June 1962</b>  <b>Art. 6</b>          Legally traded firearms and munitions shall be understood to be non-rifled weapons, either flint or spring-piston powered, together with the munitions, primers and powders required for their operation.</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>  <b>(c)</b> "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>Act No. 62-621, June 1962</b>  <b>Art. 6</b>          Legally traded firearms and munitions shall be understood to be non-rifled weapons, either flint or spring-piston powered, together with the munitions, primers and powders required for their operation.</p>
Light Weapons/Arms of War		<p><b>Article 1</b>          "light weapons" 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>		
Small Arms		<p><b>Article 1</b>          "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>		

<sup>4</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
		<p>“small arms” shall also include:</p> <ul style="list-style-type: none"> <li>– “firearms” ,</li> <li>“ammunition” and “other related materials”</li> </ul>		
<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>(b)</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 Djibouti’s small arms legislation<sup>5</sup>

### 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 firearms 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><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>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>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><b>Act No. 62-621 dated June 1962 Art. 1</b></p> <p>The importation, sale, transfer, transportation, carrying, possession and export of firearms, armaments, munitions and weaponry are prohibited in the French Somali Coast, except under the conditions and in the circumstances hereinafter specified.</p> <p><b>Art. 3</b></p> <p>A decree issued on the basis of a decision made by the Territorial Assembly, shall similarly determine the authorisation procedure in respect of the import or export, customs bond storage, sale, transfer, transportation, possession and carrying of items listed in Article 1 above.</p> <p><b>Decree No 64-407, 5 May 1964 Art. 1</b></p> <p>Authorisation to import, sell, transport, transfer, possess and export firearms, armaments, munitions and weaponry shall be given by the Head of State.</p> <p><b>Art. 5</b></p> <p>The possession or carrying of firearms may be authorised by the Head of State in individual and exceptional cases. Such authorisation must be demonstrated through the issue of a corresponding licence or register counterfoil giving details of the licence holder, make and serial number of the firearm or failing this the number marked on it.</p> <p>Holders of such licences shall be obliged to present these on request to the administrative authorities together with the firearms to which they relate.</p> <p>Such authorisations may be withdrawn on the grounds of public order or public safety by the issuing authority. In such cases, the holder must hand over the respective firearm to the administrative depot referred to in</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>A licence is required to possess a small arm. Such a licence may be granted in individual and exceptional circumstances.</p>

<sup>5</sup> The copies of Act No. 62-621 dated June 1962 and Decree No 64-407, 5 May 1964 obtained by the research team contain some passages of text where words could not easily be identified. In the tables, ‘... [sic]’ has been used to indicate those passages where words are missing or illegible.

<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
		Article 3 above. Unless a decision is made to the contrary by the Head of State, the respective firearm may only be removed from this depot with a view to its immediate export, which must be supervised by the authorities stipulated in the order issued by the Head of State, or its transfer to the holder of a licence to possess or carry the respective firearm.	

**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			
<ul style="list-style-type: none"> <li>■ General conditions</li> </ul>			
<ul style="list-style-type: none"> <li>■ Age restrictions</li> </ul>			
<ul style="list-style-type: none"> <li>■ Competency test</li> </ul>	<b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b> Requires provisions for the competency testing of prospective small arms owners.		The national legislation does not conform to the Protocol for the GLR and HoA.
Quantity of weapons	<b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b> Requires a restriction on the number of small arms that may be owned.		The national legislation does not conform to the Protocol for the GLR and HoA.
<ul style="list-style-type: none"> <li>■ Licensing required for each arm possessed</li> </ul>		<b>Decree No 64-407, 5 May 1964 Art. 5</b> The possession or carrying of firearms may be authorised by the Head of State in individual and exceptional cases. Such authorisation must be demonstrated through the issue of a corresponding licence or register counterfoil giving details of the licence holder, make and serial number of the firearm or failing this the number marked on it.	
Quantity of ammunition			
Type of weapon	<b>Protocol for the GLR and HoA Art. 3 (c) (ii) and Art. 5 (b) (iii)</b> Requires the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.		The national legislation does not conform to the Protocol for the GLR and HoA, as it does not explicitly prohibit the civilian possession and use of light weapons.  Furthermore, the loose and outdated definition of legally traded firearms contained in the national legislation does not sufficiently allow for the prohibition of certain types of weapons.
Duration of licence and renewal procedure			
Withholding information or misrepresentation	<b>Protocol for the GLR and HoA Art. 3</b> Prohibits the misrepresentation or withholding of any information given with a view to obtaining any licence or permit.		The national legislation does not conform to the Protocol for the GLR and HoA.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Exemptions		<p><b>Act No. 62-621 dated June 1962</b> <b>Art. 8</b></p> <p>The provisions of this Act shall not be applicable to:</p> <p>(a) Firearms, munitions and other weaponry intended for use by the state armed forces, wherever these are stationed;</p> <p>(b) Firearms and munitions transported by ...[sic] forming part of these forces or working for the Republic of France and required by these on account of their function.</p> <p>Items intended for use by the law enforcement authorities or for national defence purposes shall be exempt from all formalities apart from...[sic] on entering and leaving depots.</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 firearm – when, where, how?</p> <p>Some potential cases include:</p> <ul style="list-style-type: none"> <li>■ resisting arrest</li> <li>■ injure/endanger person or property</li> <li>■ handle firearm under influence of drugs/alcohol</li> <li>■ negligent discharge/use</li> <li>■ point gun without good cause</li> <li>■ restrictions on carriage of firearm (when, where (public place), how (holster, concealed etc))</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>Co-ordinated Agenda for Action Art. 5.4</b></p> <p>Requires effective control of all weapons owned by private security companies and dealers.</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 and use of small arms and light weapons.</p> <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>		The national legislation does not conform to the regional and international agreements.
Storage and safekeeping conditions	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for the effective control of small arms and light weapons including the storage thereof.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
<p>Restrictions on/ conditions of relinquishing and regaining possession of firearms</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></p> <p>Requires restrictions on owners' rights to relinquish control, use and possession of small arms.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
■ leasing/lending			
■ pawning/pledging	<b>Protocol for the GLR and HoA Art. 3 (c) (x)</b> Requires provisions prohibiting the pawning and pledging of small arms and light weapons.		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 firearms			
Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)			
Other restrictions on possession and use of firearms including: ■ carry licence while in possession ■ civilian maintenance, repair, loading			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<b>Protocol for the GLR and HoA Art. 5 (b) (i)</b> 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.	<b>Act No. 62-621 dated June 1962 Art. 7</b> Breaches of Articles 1, 4, 5 and 6 above or the provisions of statutory instruments issued in order to implement this Act shall be punishable with a custodial sentence of between one and five years and a fine of between NF 360 and 36,000 or either of these two penalties. In addition, the court may decide that the items should be confiscated. A custodial sentence of between three and ten years and local banishment for a maximum of five years may be imposed if the guilty party has been previously convicted of a crime or an offence punishable by imprisonment or a more serious penalty. <b>Decree No. 64-407 of 5 May 1964 Art. 9</b> Breaches of the provisions of this decree and those of local statutory instruments drawn up for their application shall be punishable in accordance with the sanctions provided for in Article 7 of Act No. 62-621 of 2 June 1962.	Implementation of Article 5 (b) (i) will require consultation and agreement on what constitute heavy minimum sentences. The national legislation appears to allow for heavy sentencing of offenders.

**Record keeping and marking****Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
When? (import/export/transit/manufacture etc)	<b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.		The national legislation does not conform to the regional and international agreements.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 3 (c) (vi)</b> 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> Requires the destruction of confiscated, seized or collected arms, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.</p> <p><b>UN Firearms Protocol Art. 9 (c)</b> Requires the necessary measures to prevent the illicit reactivation of deactivated firearms, including a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.</p>		
How? ■ stamping/engraving?			
■ where on weapon?	<p><b>Protocol for the GLR and HoA Art. 7</b> Requires that the marking should be on the barrel, frame and, where applicable, the slide.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
■ with what? (unique alpha-numeric symbol/identifying country and manufacturer?)	<p><b>Protocol for the GLR and HoA Art. 7</b> <b>(a)</b> 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. <b>(b)</b> Requires the marking at the time of import with a simple marking identifying the country and year of import and an individual serial number if it does not have one. <b>(c)</b> 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</b> <b>UN Programme of Action Section II Art. 7</b> 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.

**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> </ul>	<p><b>Co-ordinated Agenda for Action Art. 5.3 and 5.4</b> Requires strict accountability and the effective tracing of all weapons owned by the state and effective control of all weapons owned by private security companies and dealers.</p>	<p><b>Decree No. 64-407 of 5 May 1964 Art. 4</b> Any individual or legal entity in possession of authorisation to import items specified in Article 1 above, issued with a view to the sale of these items, shall be obliged to submit to the administrative authorities on request detailed lists of the purchasers together with purchase authorisations, indicating the destinations of the items sold, the number and date of</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.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>■ for how long?</li> <li>■ when must authorities be provided with information?</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (iii)</b> Requires the regulation and centralised registration of all civilian-owned small arms.</p> <p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b> 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. 7 (d)</b> 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> 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> Requires ensuring responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.</p> <p><b>Art. 17</b> Requires accounting and control of small arms and light weapons held or transported by operational units or authorized personnel.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p>	<p>the licence to carry and be in possession of firearms referred to in Article 5 and the stock status of these items, which the individual or legal entity may be called upon to tally with shop-held quantities.</p>	<p>Records are required to be kept by those importing small arms into Djibouti for sale.</p> <p>However, there are no provisions for the centralised registration of all civilian-owned small arms or for the keeping of records on the manufacture, other trade, transfer and holding of small arms or for records to include details of markings. Further there is no requirement that records be kept for at least ten years.</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> 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> 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>The national legislation does not conform to the regional and international agreements.</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)**

Require 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

##### **Act No. 62-621 dated June 1962 Art. 1**

The importation, sale, transfer, transportation, carrying, possession and export of firearms, armaments, munitions and weaponry are prohibited in the French Somali Coast, except under the conditions and in the circumstances hereinafter specified.

##### **Art. 2**

A decree issued on the basis of a decision made by the Territorial Assembly, shall specify the categories of firearms, armaments and munitions that may be authorised for import and export by the Head of State.

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

A decree issued on the basis of a decision made by the Territorial Assembly, shall similarly determine the authorisation procedure in respect of the import or export, customs bond storage, sale, transfer, transportation, possession and carrying of items listed in Article 1 above.

##### **Decree No 64-407, 5 May 1964 Art. 1**

Authorisation to import, sell, transport, transfer, possess and export firearms, armaments, munitions and weaponry shall be given by the Head of State.

##### **Art. 2**

Any authorisation granted in respect of the import or export of the items referred to in Article 1 above must give details of the importer or exporter, the category or categories of the respective items and the lawful grounds for importing or exporting them.

##### **Art. 4**

Any individual or legal entity in possession of authorisation to import items specified in Article 1 above, issued with a view to the sale of these items, shall be obliged to submit to the administrative authorities on request detailed lists of the purchasers together with purchase authorisations, indicating the destinations of the items sold, the number and date of the licence to carry and be in possession of firearms referred to in Article 5 and the stock status of these items, which the individual or legal entity may be called upon to tally with shop-held quantities.

##### **Art. 6**

The sale or transfer of firearms may only be made to an individual or legal entity duly authorised in advance to possess, carry or export items involved in the respective transaction. Similarly, firearms may only be transported between consignor and consignee, also authorised in advance to import, possess, carry or export the respective items.

#### Conformity

The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps exist.

Authorisation must be sought and gained to import, export and transit small arms and ammunition and lists of purchasers must be submitted to the authorities.

However, there is no explicit requirement for the use of end-user certificates or for the information to be included on licences or specific provisions for arms in transit and no requirement that export applications are assessed in a manner consistent with existing responsibilities under international law.

**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
<p>Where can arms be imported/exported (specified points of entry)?</p> <p>How (conditions of carriage)?</p> <p>What arms can be imported/exported/transited?</p>		<p><b>Act No. 62-621 dated June 1962 Art. 4</b></p> <p>Items falling into the categories stipulated by the implementing decree issued on the basis of a decision made by the Territorial Assembly, may not be brought into the country outside the port of Djibouti or any other point designated in an order issued by the Head of State.</p> <p><b>Decree No. 64-407 of 5 May 1964 Art. 3</b></p> <p>As soon as they enter the country at the points specified in Article 4 of the aforementioned act, items referred to in Article 1, in respect of which no authorisation has been granted, must be left by the importer or the consignee, at their own risk, in an administrative depot under the exclusive and permanent guard of the department which has been allocated this task through a order issued by the Head of State, in return for an itemised receipt.</p> <p>Items may only be taken out of this warehouse in accordance with corresponding authorisation to import, carry or possess these items.</p> <p>In the event that such authorisation shall be refused, the importer or the consignee shall have a period of three months in which to arrange at their expense the return of the respective items, under the supervision of the authorities referred to in the first paragraph of this article. If items shall belong to an individual visiting the country, who has not obtained the aforementioned authorisation, the owner of these items may collect them on leaving the country on production of a deposit receipt.</p> <p>The authorities referred to in the first paragraph of this Article shall supervise the loading of the said objects.</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>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>	<p><b>Decree No. 64-407 of 5 May 1964 Art. 4</b></p> <p>Any individual or legal entity in possession of authorisation to import items specified in Article 1 above, issued with a view to the sale of these items, shall be obliged to submit to the administrative authorities on request detailed lists of the purchasers together with purchase authorisations, indicating the destinations of the items sold, the number and date of the licence to carry and be in possession of firearms referred to in Article 5 and the stock status of these items, which the individual or legal entity may be called upon to tally with shop-held quantities.</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>Records are kept on small arms imported for sale, however, there is no requirement relating to records of arms exported from or transiting Djibouti nor of the need to keep records for not less than ten years.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Temporary import/export conditions?</p> <p>Conditions for dignitaries, diplomats, tourists or other categories of person?</p>	<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. 64-407 of 5 May 1964 Art. 3</b></p> <p>As soon as they enter the country at the points specified in Article 4 of the aforementioned act, items referred to in Article 1, in respect of which no authorisation has been granted, must be left by the importer or the consignee, at their own risk, in an administrative depot under the exclusive and permanent guard of the department which has been allocated this task through a order issued by the Head of State, in return for an itemised receipt.</p> <p>Items may only be taken out of this warehouse in accordance with corresponding authorisation to import, carry or possess these items.</p> <p>In the event that such authorisation shall be refused, the importer or the consignee shall have a period of three months in which to arrange at their expense the return of the respective items, under the supervision of the authorities referred to in the first paragraph of this article. If items shall belong to an individual visiting the country, who has not obtained the aforementioned authorisation, the owner of these items may collect them on leaving the country on production of a deposit receipt.</p> <p>The authorities referred to in the first paragraph of this Article shall supervise the loading of the said objects.</p>	<p>Normal import requirements cover all small arms entering Djibouti, including those of visitors.</p> <p>Visitors may deposit their arms at a warehouse on arrival and collect them on their departure if no import authorisation has been granted.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity

**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>Requires 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>Act No. 62-621 dated June 1962 Art. 7</b></p> <p>Breaches of Articles 1, 4, 5 and 6 above or the provisions of statutory instruments issued in order to implement this Act shall be punishable with a custodial sentence of between one and five years and a fine of between NF 360 and 36,000 or either of these two penalties.</p> <p>In addition, the court may decide that the items should be confiscated.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p>

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

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 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>A custodial sentence of between three and ten years and local banishment for a maximum of five years may be imposed if the guilty party has been previously convicted of a crime or an offence punishable by imprisonment or a more serious penalty.</p> <p><b>Decree No. 64-407 of 5 May 1964 Art. 9</b></p> <p>Breaches of the provisions of this decree and those of local statutory instruments drawn up for their application shall be punishable in accordance with the sanctions provided for in Article 7 of Act No. 62-621 of 2 June 1962.</p>	<p>Importing, exporting, transferring and transporting arms and ammunition are offences.</p> <p>Organising, aiding, abetting, facilitating and counselling the commission of offences are not, however, stipulated as specific 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>Require 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>The national legislation does not conform to the regional and international agreements.</p>

**Brokering: Description of brokering controls** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>(iv) 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>(v) 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>  <b>UN Firearms Protocol Art. 15</b>  <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><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 firearm 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>Act No. 62-621 dated June 1962 Art. 5</b></p> <p>The manufacture, conversion and alteration of firearms, armaments, munitions and weaponry, which fall into the categories outlined in the implementing decree issued on the basis of a decision made by the Territorial Assembly, are prohibited outside the state or territorial establishments set up for this purpose, except with the express permission of the Head of State.</p> <p><b>Decree No. 64-407 of 5 May 1964 Art. 7</b></p> <p>The authorisations provided for in Article 5 of Act No. 62-621 of 2 June 1962 may only be exceptional in nature and non-transferable.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Manufacture can only take place in state establishments unless, in exceptional circumstances, express permission is given by the Head of State.</p>

**Manufacture: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Bamako Declaration Art. 3 A</b></p> <p>(iii) Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p><b>UN Firearms Protocol Art. 3</b></p> <p>(d) "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>Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p>		

**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>"illicit manufacturing" shall mean the manufacturing or assembly of small arms and light weapons:</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>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>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>The national legislation does not conform to the regional and international agreements.</p>

**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>	<p><b>Act No. 62-621 dated June 1962 Art. 5</b></p> <p>The manufacture, conversion and alteration of firearms, armaments, munitions and weaponry, which fall into the categories outlined in the implementing decree issued on the basis of a decision made by the Territorial Assembly, are prohibited outside the state or territorial establishments set up for this purpose, except with the express permission of the Head of State.</p>	<p>The national legislation does not conform to the regional and international commitments.</p> <p>There are no explicit provisions relating to the security, storage and control of manufactured small arms.</p>

**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>Act No. 62-621 dated June 1962 Art. 1</b></p> <p>The importation, sale, transfer, transportation, carrying, possession and export of firearms, armaments, munitions and weaponry are prohibited in the French Somali Coast, except under the conditions and in the circumstances hereinafter specified.</p> <p><b>Art. 3</b></p> <p>A decree issued on the basis of a decision made by the Territorial Assembly, shall similarly determine the authorisation procedure in respect of the import or export, customs bond storage, sale, transfer, transportation, possession and carrying of items listed in Article 1 above.</p> <p><b>Decree No 64-407, 5 May 1964 Art. 1</b></p> <p>Authorisation to import, sell, transport, transfer, possess and export firearms, armaments, munitions and weaponry shall be given by the Head of State.</p> <p><b>Art. 6</b></p> <p>The sale or transfer of firearms may only be made to an individual or legal entity duly authorised in advance to possess, carry or export items involved in the respective transaction. Similarly, firearms may only be transported between consignor and consignee, also authorised in advance to import, possess, carry or export the respective items.</p>	<p>The national legislation fully conforms to the Bamako Declaration.</p> <p>Restrictions exist on the transfer of small arms, which apply to manufacturers.</p> <p>Authorisation must be gained from the Head of State for the transfer of small arms and transfers can only be made to an individual or entity authorised to receive them.</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>Act No. 62-621 dated June 1962</b> <b>Art. 5</b></p> <p>The manufacture, conversion and alteration of firearms, armaments, munitions and weaponry, which fall into the categories outlined in the implementing decree issued on the basis of a decision made by the Territorial Assembly, are prohibited outside the state or territorial establishments set up for this purpose, except with the express permission of the Head of State.</p> <p><b>Art. 6</b></p> <p>The conversion of legally traded firearms rendering them comparable to banned firearms and other items is prohibited.</p> <p>Legally traded firearms and munitions shall be understood to be non-rifled weapons, either flint or spring-piston powered, together with the munitions, primers and powders required for their operation.</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</b> <b>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>Art. 3 (a) (ii)</b></p> <p>Requires establishing as a criminal offence illicit manufacturing of small arms and light weapons.</p>	<p><b>Act No. 62-621 dated June 1962</b></p> <p>Art. 7. Breaches of Articles 1, 4, 5 and 6 above or the provisions of statutory instruments issued in order to implement this Act shall be punishable with a custodial sentence of between one and five years and a fine of between NF 360 and 36,000 or either of these two penalties.</p> <p>In addition, the court may decide that the items should be confiscated.</p> <p>A custodial sentence of between three and ten years and local banishment for a maximum of five years may be imposed if the guilty party has been previously convicted of a crime or an offence punishable by imprisonment or a more serious penalty.</p> <p><b>Decree No. 64-407 of 5 May 1964</b> <b>Art. 9</b></p> <p>Breaches of the provisions of this decree and those of local statutory instruments drawn up for their application shall be punishable in accordance with the sanctions provided for in Article 7 of Act No. 62-621 of 2 June 1962.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Manufacturing can only take place in state establishments or with the permission of the Head of State and any other manufacturing is an offence.</p> <p>However, the legislation does not stipulate as specific offences the organising, aiding, abetting, facilitating, counselling or commissioning of offences.</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> </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>Act No. 62-621 dated June 1962</b> <b>Art. 1</b></p> <p>The importation, sale, transfer, transportation, carrying, possession and export of firearms, armaments, munitions and weaponry are prohibited in the French</p>	<p>The national legislation fully conforms to the regional and international agreements.</p>

**Trade: Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <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>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art 3.1, 3.2.3</b></p> <p>Promote 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 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>Somali Coast, except under the conditions and in the circumstances hereinafter specified.</p> <p><b>Art. 3</b></p> <p>A decree issued on the basis of a decision made by the Territorial Assembly, shall similarly determine the authorisation procedure in respect of the import or export, customs bond storage, sale, transfer, transportation, possession and carrying of items listed in Article 1 above.</p> <p><b>Decree No 64-407, 5 May 1964 Art. 1</b></p> <p>Authorisation to import, sell, transport, transfer, possess and export firearms, armaments, munitions and weaponry shall be given by the Head of State.</p> <p><b>Art. 2</b></p> <p>Any authorisation granted in respect of the import or export of the items referred to in Article 1 above must give details of the importer or exporter, the category or categories of the respective items and the lawful grounds for importing or exporting them.</p> <p><b>Art. 6</b></p> <p>The sale or transfer of firearms may only be made to an individual or legal entity duly authorised in advance to possess, carry or export items involved in the respective transaction. Similarly, firearms may only be transported between consignor and consignee, also authorised in advance to import, possess, carry or export the respective items.</p>	<p>Authorisation to sell and transfer small arms must be received from the Head of State.</p>

**Trade: Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What conditions pertain?</p>			

**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. 64- 407 of 5 May 1964 Art. 4</b></p> <p>Any individual or legal entity in possession of authorisation to import items specified in Article 1 above, issued with a view to the sale of these items, shall be obliged to submit to the administrative authorities on request detailed lists of the purchasers together with purchase authorisations, indicating the destinations of the items sold, the number and date of the licence to carry and be in possession of firearms referred to in Article 5 and the stock status of these items, which the individual or legal entity may be called upon to tally with shop-held quantities.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Records must be kept of small arms imported for sale. However, there are no provisions for keeping records of markings or for maintaining records for not less than ten years.</p>

**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>The national legislation does not conform 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. 64-407 of 5 May 1964 Art. 6</b></p> <p>The sale or transfer of firearms may only be made to an individual or legal entity duly authorised in advance to possess, carry or export items involved in the respective transaction. Similarly, firearms may only be transported between consignor and consignee, also authorised in advance to import, possess, carry or export the respective items.</p>	<p>The national legislation fully conforms to the Bamako Declaration.</p> <p>The sale of small arms is controlled and restricted to those authorised to possess, carry or export the items.</p>

**Trade: Quality control/standards**

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

**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>		<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p>

**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>			

**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 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>Act No. 62-621 dated June 1962 Art. 7.</b></p> <p>Breaches of Articles 1, 4, 5 and 6 above or the provisions of statutory instruments issued in order to implement this Act shall be punishable with a custodial sentence of between one and five years and a fine of between NF 360 and 36,000 or either of these two penalties.</p> <p>In addition, the court may decide that the items should be confiscated.</p> <p>A custodial sentence of between three and ten years and local banishment for a maximum of five years may be imposed if the guilty party has been previously convicted of a crime or an offence punishable by imprisonment or a more serious penalty.</p> <p><b>Decree No. 64-407 of 5 May 1964 Art. 9</b></p> <p>Breaches of the provisions of this decree and those of local statutory instruments drawn up for their application shall be punishable in accordance with the sanctions provided for in Article 7 of Act No. 62-621 of 2 June 1962.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>The sale or transfer of small arms without authorisation is an offence.</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 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>		The national legislation does not conform to the regional and international agreements.

### 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> <p><b>UN Programme of Action Section II Art. 16 and 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>		The national legislation does not conform to the regional and international agreements.

### 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 reactivate previously deactivated firearms; issuing of 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. 64-407 of 5 May 1964 Art. 5</b></p> <p>The possession or carrying of firearms may be authorised by the Head of State in individual and exceptional cases. Such authorisation must be demonstrated through the issue of a corresponding licence or register counterfoil giving details of the licence holder, make and serial number of the firearm or failing this the number marked on it.</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>On request, licences and the small arms to which they relate must be presented to the authorities for inspection.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Act No. 62-621 dated June 1962 Art. 7.</b></p> <p>Breaches of Articles 1, 4, 5 and 6 above or the provisions of statutory instruments issued in order to implement this Act shall be punishable with a custodial sentence of between one and five years and a fine of between NF 360 and 36,000 or either of these two penalties.</p> <p>In addition, the court may decide that the items should be confiscated.</p> <p>A custodial sentence of between three and ten years and local banishment for a maximum of five years may be imposed if the guilty party has been previously convicted of a crime or an offence punishable by imprisonment or a more serious penalty.</p> <p><b>Decree No. 64-407 of 5 May 1964 Art. 9</b></p> <p>Breaches of the provisions of this decree and those of local statutory instruments drawn up for their application shall be punishable in accordance with the sanctions provided for in Article 7 of Act No. 62-621 of 2 June 1962.</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>		<p>The national legislation does not conform to the regional and international agreements.</p>

**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 Protocol for the GLR and HoA.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
General provisions		<p><b>Act No. 62-621 dated June 1962 Art. 8</b></p> <p>The provisions of this Act shall not be applicable to :</p> <p><b>(a)</b> Firearms, munitions and other weaponry intended for use by the state armed forces, wherever these are stationed;</p> <p><b>(b)</b> Firearms and munitions transported by ...[sic], forming part of these forces or working for the Republic of France and required by these on account of their function.</p> <p>Items intended for use by the law enforcement authorities or for national defence purposes shall be exempt from all formalities apart from...[sic] on entering and leaving depots.</p>	

**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 (a) (iii)</b></p> <p>Requires establishing as a criminal offence the illicit possession and use of small arms and light weapons.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.

**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>	<p><b>Act No. 62 621 dated June 1962 Art. 8</b></p> <p>The provisions of this Act shall not be applicable to:</p> <p><b>(a)</b> Firearms, munitions and other weaponry intended for use by the state armed forces, wherever these are stationed;</p> <p><b>(b)</b> Firearms and munitions transported by ...[sic], forming part of these forces or working for the Republic of France and required by these on account of their function.</p> <p>Items intended for use by the law enforcement authorities or for national defence purposes shall be exempt from all formalities apart from...[sic] on entering and leaving depots.</p>	The national legislation does not conform to the regional and international agreements. The Act is not applicable to state armed forces, law enforcement authorities or other national defence purposes.

**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> <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>Encourages states to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and light weapons, and to implement, where appropriate, 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>		The national legislation does not conform to the regional and international agreements.

**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>		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
	<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> <p>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.</p>		

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity

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

**Saferworld is a non-governmental organisation that works with governments and civil society internationally to promote and implement new strategies to increase human security and prevent armed violence.**

*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)