

SaferAfrica and Saferworld

**Decree No. 12/79 of 7th May 1979  
on Firearms and Ammunition  
Art. 1**

The following expressions are intended  
to mean the following respectively:

– **Sophisticated Firearms:** All breech-loading guns meant for personal protection or hunting.

# Strengthening small arms controls:

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

**RWANDA****Catherine Flew** and **Angus Urquhart**

February 2004

---

# Strengthening small arms controls:

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

**Catherine Flew and Angus Urquhart**





# Contents

<b>Foreword</b>	<b>5</b>
<b>Introduction</b>	<b>7</b>
Comment on conformity	8
Scope of the study	9
<b>Overview of existing legislation and conformity to regional and international agreements</b>	<b>10</b>
<b>How to use the tables</b>	<b>12</b>
<b>Definitions in Rwanda's small arms control legislation</b>	<b>15</b>
<b>Breakdown of Rwanda's small arms control legislation</b>	<b>16</b>
Controls on civilian possession and use	16
Record keeping and marking	23
Import, export and transit	26
Brokering	31
Manufacture	33
Trade	36
Seizure, disposal and enforcement	40
Arms embargoes	43
State-owned small arms	43

---

## **Acknowledgements**

Saferworld is grateful to the UK Government for funding this project.

In the research and writing of this report valuable assistance was provided by government officials in all of the countries included in the study. The authors also wish to thank Riccardo De-Caris, SaferAfrica for his comments and Dr Natal Ayiga of Makerere University, Uganda, for undertaking the initial research for this project.

---

# 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*

---

# Introduction

**THIS COUNTRY STUDY ON RWANDA** 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)

---

<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.

---

## 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.

---

# Rwanda

---

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

### Definitions

**THE PRIMARY PIECES OF NATIONAL LEGISLATION ON SMALL ARMS CONTROL IN RWANDA** are Decree No. 12/79 of 7 May 1979 on Firearms and Ammunition and Presidential Decree No. 111/02 of May 1979 on the ways of executing decree no 12/79. Law no. 13/2000 of 14/06/2000, modifying the decree-law no 12/97 of May, 1979 concerning firearms and their ammunitions, has also been incorporated in this study.

The definitions contained in Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition, categorising arms and consequently determining the controls that are applicable to different classes of arms, are narrower than those contained in the international and regional agreements. There is no separate definition for small arms and the definition on firearms is narrow. Crucially, a separate definition for light weapons, which would enable the enacting of the Protocol for the GLR and HoA, which requires a prohibition on their civilian possession, is not included.

### Controls on civilian possession and use

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

- Permits are required for the civilian possession of small arms and for the carriage of small arms across Rwanda.
- Arms like those used by the Armed Forces will only be issued in exceptional circumstances.
- The possession of certain types of small arms is prohibited completely.
- It is forbidden to carry, possess or keep small arms in some territorial areas or to carry loaded small arms through or close to towns or other inhabited areas.
- Small arms that are not in use should be well stored
- There are restrictions on the relinquishing of small arms.

However, fundamental absences include:

- No competency testing or age restriction for licence applicants.
- No restriction on the number of small arms that may be licensed to any one civilian.
- No total prohibition on the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.
- 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:

- Provisions exist for the centralised registration of all civilian-owned small arms by the Ministry of Defence and customs procedures appear to stipulate some record keeping at the time of import.
- The process of centrally registering small arms requires their marking with letters of registration and a registration number, however this provision does not appear to allow for the identification of the name and place of manufacture or the place of import, as required by the regional and international agreements, and neither does it stipulate where the marking should be placed. Further, there is a specific requirement that arms in transit should not be stamped.

Other fundamental absences include:

- No requirement for the keeping of records on manufactured small arms.
- No requirement that records be maintained for not less than ten years.
- No system or requirement for the marking of small arms at the time of manufacture, import or export.
- No provisions making it an offence to alter, falsify or remove markings.

### **Import, export and transit**

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

- Authorisation is required from the Minister of Defence to import small arms and permission to import arms like those used by the Armed Forces will only be granted in exceptional circumstances.
- The transport of arms and ammunition within Rwanda is subject to the production of an end-user certificate stating that the arms are only to be used by the state or other individuals specified on the declaration form.
- Administrative procedures exist for verifying the importation of small arms and for the holding of permanent records by the final importer.

However, fundamental absences include:

- No specific provisions relating to the export of small arms.
- No details on the specific information to be included on import and export licences.
- No system or requirement for the marking of small arms at the time of import.
- No requirement for the keeping of records on the export and transit of small arms.

### **Brokering**

There are no controls over brokering.

### **Manufacture**

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

- The manufacture of prohibited small arms (silencer guns, folding guns, multi-barrelled guns and guns with toxic effects) is forbidden. However, no provisions, standards or controls exist in relation to the manufacture of other small arms.

Other fundamental absences include:

- No system or requirement for the marking of small arms at the time of manufacture.
- No requirement for the keeping of records on the manufacture of small arms.

### **Trade**

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

- A permit issued by the Minister of Defence is required to trade in small arms and only a fixed number of such permits are issued each year.
- The transfer of prohibited arms (silencer guns, folding guns, multi-barrelled guns and guns with toxic effects) is not allowed.

- Those trading in arms are required to maintain a permanent record of stocks and transactions.
- Trading is only to be carried out in registered establishments.
- There is a limit on the number of bullets that traders may stock, which varies according to whether or not the premises have a strong room with gun pits, reinforced concrete walls, an armoured door and a secret security lock.

However, fundamental absences include:

- No prohibition on the pawning and pledging of small arms.

### **Seizure, disposal and enforcement**

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

- Small arms that have been imported, transported, acquired, sold or abandoned in violation of the provisions of Decree 12/79 may be confiscated.
- Inventories may be ordered of all small arms meant for trade or individually kept and authorities may demand that small arms traders produce for verification their licences to sell or transport small arms and their register of transactions.

However, fundamental absences include:

- No provisions for the disposal or destruction of small arms.
- 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**

The requirement for a licence for the possession of small arms does not apply to those small arms belonging to the National Army and Police and neither do the restrictions on where small arms may be carried.

### **Penalties**

Decree No. 12/79 appears to offer penalties of varying severity. Importing, transporting, possessing, selling, giving out or abandoning small arms and ammunition in violation of the provisions of the decree is punishable with imprisonment of between seven days and one year or a fine. These penalties appear very weak. However, if the offence is committed in an area where there are military operations, the length of imprisonment may be up to 10 years.

## **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).

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

- **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.

## Definitions in Rwanda'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></p> <p>– “firearms”, means</p> <p>(a) 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) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine</p>	<p><b>Article 3</b></p> <p>(a) “Firearm” shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 1</b></p> <p>The following expressions are intended to mean the following respectively:</p> <p>– Sophisticated Firearms: All breech-loading guns meant for personal protection or hunting.</p>
Ammunition		<p><b>Article 1</b></p> <p>“ammunition” means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party;</p>	<p><b>Article 3</b></p> <p>(c) “Ammunition” shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 1</b></p> <p>Ammunition for sophisticated arms: All ammunition used in breech-loading-guns.</p> <p>Ammunition for heavy weaponry: gun powder, detonators and primers for piston guns.</p>
Light Weapons/Arms of War		<p><b>Article 1</b></p> <p>“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>		<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 1</b></p> <p>The following expressions are intended to mean the following respectively:</p> <p>Heavy weaponry: Flint lock and piston guns.</p>
Small Arms		<p><b>Article 1</b></p> <p>“small arms” are weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.</p>		

<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 Rwanda’s small arms legislation<sup>5</sup>

### Controls on civilian possession and use

#### Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of licensing process – how small arms licence is obtained	<p><b>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</b></p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3</b></p> <p><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>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 4</b></p> <p>Holding, in any manner, any firearms other than that which belong to the National Army and Police, is subject to authorization supported by firearm keeping permit. No one can keep a firearm, other than that which belongs to the National Army and Police, unless his/her purpose is legitimate and supported by a firearm keeping permit.</p> <p><b>Art. 6</b></p> <p>The holder of a permit for possessing a firearm or carrying one may at any time be called upon by competent authorities to justify the possession of the arm or arms mentioned on the permit. Failure to comply with this provision is punishable, in accordance with Article 13.</p> <p><b>Art. 12</b></p> <p>The permits for possession, carrying and selling of arms and ammunition, are revocable due abuse of the arms and when the state security is in danger. In the latter case, the state reimburses the individual according to when he has ceased to use the arm after which the administration receives the arm and ammunition. The reimbursement is on the basis of the full months remaining before the expiry of the permit.</p> <p>The Minister responsible for National Police has the right to withdraw authorization already given to possess firearms.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 4</b></p> <p>If travellers are travelling with arms, spares for arms, ammunition or spares for ammunition, they must get authorization as soon as they arrive in the country and from customs officials.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>A permit, issued by the Minister responsible for the National Police, is required to possess small arms.</p> <p>Special conditions are applicable to travellers and those wishing to possess improved arms.</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.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 9</b></p> <p>Save for exceptional reasons accepted by the Ministry of Defence, Nobody shall be given permission to import, acquire and possess arms and spare parts like those used by the Armed forces.</p> <p><b>Art. 14</b></p> <p>If travellers intend to use their arms in the Republic of Rwanda, they should acquire a permit to possess the arms or a permit to carry arms and later a permit for hunting (shooting licence). These two documents will contain the number, the date, the office that issued the licence, the time limit for the transit permit under which the arms were imported. The date of delivery is also indicated on the transit document.</p> <p><b>Art. 18</b></p> <p>All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms.</p> <p>The records are done in accordance with the sample in annex 6.</p> <p>For each local government (prefecture) there exists a unique and distinct way of numbering.</p> <p>The registration is done at the Ministry of Defence.</p> <p>Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following:</p> <ol style="list-style-type: none"> <li>1. Letters of recognition meant for the local administration and in line with the prescription of annex 9.</li> <li>2. Registration number.</li> </ol> <p><b>Art. 19</b></p> <p>The Ministry of Defence issues the permit for possessing or carrying arms in return for the second slip authorising the importation of the gun or on seeing the permit for the previous year.</p> <p>As for arms imported under the regulation of transiting arms, the permit is issued on presentation of the transit permit.</p> <p>For improved arms, it is in accordance with annex 3 and for Heavy weapons.</p> <p>It is in line with annex 1 slip 2.</p> <p><b>Art. 20</b></p> <p>The Ministry of Defence authorises:</p> <ul style="list-style-type: none"> <li>■ The acquisition and giving out of improved arms as well as spare parts for these.</li> <li>■ Their passing on to any other person irrespective of who he is.</li> <li>■ It gives the same authority as pertains to: <ul style="list-style-type: none"> <li>■ Ammunition for improved arms as well as their spare parts.</li> <li>■ Heavy weapons, spare parts for these, ammunition and spare parts for the same.</li> </ul> </li> </ul> <p>The request for authorisation following the approval of the prefect and Bougmester is addressed to the Minister of Defence.</p> <p>It is in accordance with the sample annexed here to (annex 11).</p> <p><b>Art. 21</b></p> <p>This authorization conforms to the samples annexed hereto (annex 1 and 4)</p> <p><b>A.</b> The authorization is for arms, spare parts for arms, ammunition for sophisticated arms, spare parts for sophisticated arms and Heavy weapons having a counterfoil and slips (annex 1).</p> <p><b>(1)</b> In cases of sophisticated arm, spare parts for arms, ammunition for sophisticated arms, the first slip – is given to the person who sells, gives out, hands over the arm, a spare part, ammunition for improved arms or spare parts for improved ammunition. It is evidence for passing on the gun to another person.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>The second slip is given to the new owner of the gun, it is evidence for the authority for acquisition of a spare part for ammunitions for sophisticated arms or spare parts for ammunition for sophisticated arms.</p> <p><b>(2)</b> In the case of a Heavy weapon, spare parts for Heavy weapons, or spare parts for ammunition for heavy weapons, the first slip is given to the person who sells, give out or hands over the arm, a spare part for the arm or spare parts for ammunition for Heavy weapons. It is evidence of the authority to dispose off the weapon. The second slip serves as the permit to carry arms only valid for a year after putting a stamp it is evidence of the authority with regard to spare parts of Heavy weapons or spares for ammunition for Heavy weapons.</p> <p><b>B.</b> The authority for buying ammunition for Heavy weapons involves a counterfoil and a slip (annex 4).</p> <p>The slip is given to the person selling, disposing off or handing over the missile weapon. It is evidence of the authority to dispose off the arm.</p> <p><b>Art. 22</b></p> <p>It is forbidden for any competent authority to give permission to acquire or receive a firearm or spare parts for the arm, ammunition or spare parts for ammunition except when the authority thinks that the authorization does not at all jeopardise the security of the state and public order.</p> <p>The competent authority must ensure that the recipient gives all the guarantee that the arms or spare for arms as well as ammunition as well as spares for ammunition will not be illegally disposed off or handed over to third parties or even abandoned.</p> <p>The individual seeking permission may appeal to the president of the republic in case permission to possess an arm is not given to him at lower levels.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Personal suitability to possess arms <ul style="list-style-type: none"> <li>■ General conditions</li> </ul>		<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition</b></p> <p><b>Art. 9</b></p> <p>The permits for possessing and carrying arms will be given to individuals and only to:</p> <p><b>(1)</b> People guaranteeing that the arms and ammunition given will not be given out, used for bad activities and sold to third parties.</p> <p><b>(2)</b> Travellers with a statement from their governments that the arms and ammunition in their possession are for their personal use.</p>	
<ul style="list-style-type: none"> <li>■ Age restrictions</li> </ul>			
<ul style="list-style-type: none"> <li>■ Competency test</li> </ul>		<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for the competency testing of prospective small arms owners.</p>	<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p>
Quantity of weapons	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b></p> <p>Requires a restriction on the number of small arms that may be owned.</p>		<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p>
<ul style="list-style-type: none"> <li>■ Licensing required for each arm possessed</li> </ul>			
Quantity of ammunition			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Type of weapon	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ii) and Art. 5 (b) (iii)</b></p> <p>Requires the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 3</b></p> <p>No-one can possess arms belonging to National Army and Police.</p> <p><b>Art. 14</b></p> <p>Nobody shall possess, make, repair put on display, distribute, transport and give out prohibited firearms or even stock them. The importation of such arms is equally forbidden.</p> <p><b>Art. 15</b></p> <p>The prohibited arms are:</p> <p>Silencer guns, folding guns, multi-barreled guns and guns with toxic effects.</p> <p>All engines that if adapted to any gun may give it the attributes of the categories mentioned in the above paragraph are also prohibited in this decree.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 9</b></p> <p>Save for exceptional reasons accepted by the Ministry of Defence, Nobody shall be given permission to import, acquire and possess arms and spare parts like those used by the Armed forces.</p>	<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p> <p>Civilian possession of arms and ammunition like those used by the armed forces is prohibited. However, the legislation does not state that this necessarily and always includes all light weapons and automatic and semi-automatic rifles and machine guns.</p>
Duration of licence and renewal procedure		<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 10</b></p> <p>The permits for possessing and carrying arms are renewable annually. Permits are given out only after the payment of the following taxes.</p> <ul style="list-style-type: none"> <li>■ 1,000 francs per firearm for all types of sophisticated firearms.</li> <li>■ 200 francs for a firearm on display for sale, a firearm with the gun repairers taken for repair.</li> <li>■ 500 francs for a heavy weapon.</li> <li>■ Other than under conditions spelt out under article 12, if the holder of the permit for possessing or carrying a firearm gets permission to sell, give out or abandon his arm, his money shall not be refunded.</li> </ul> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 42</b></p> <p>The arm must be withdrawn by the owner before the expiry date of the renewed licence for possessing or carrying an arm.</p> <p>Following the expiry of the licence as seen above, the arm will be considered as abandoned and will thus become the property of the state.</p> <p>The Ministry of Defense is not under any obligation to dispatch the arm to the address of the owner.</p>	
Withholding information or misrepresentation	<p><b>Protocol for the GLR and HoA Art. 3</b></p> <p>Prohibits the misrepresentation or withholding of any information given with a view to obtaining any licence or permit.</p>		<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p>
Exemptions		<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 22</b></p> <p>It is forbidden for any competent authority to give permission to acquire or receive a firearm or spare parts for the arm, ammunition or spare parts for ammunition except when the authority thinks that the authorization does not at all jeopardise the security of the state and public order.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>The competent authority must ensure that the recipient gives all the guarantee that the arms or spare for arms as well as ammunition as well as spares for ammunition will not be illegally disposed off or handed over to third parties or even abandoned.</p> <p>The individual seeking permission may appeal to the president of the republic in case permission to possess an arm is not given to him at lower levels.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Restrictions on application/use of small arm – when, where, how?</p> <p>Some potential cases include:</p> <ul style="list-style-type: none"> <li>■ resisting arrest</li> <li>■ injure/endanger person or property</li> <li>■ handle small arm under influence of drugs/alcohol</li> <li>■ negligent discharge/use</li> <li>■ point gun without good cause</li> <li>■ restrictions on carriage of small arm (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>Protocol for the GLR and HoA Art. 3</b></p> <p>(a) Requires the establishment as criminal offences the (iii) illicit possession and misuse of small arms and light weapons (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>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 8</b></p> <p>In the event that circumstances require it, the Minister having the National Police in his/her remit determines the territorial areas of the country where carrying, possessing or keeping firearms and their ammunitions is forbidden.</p> <p><b>Art. 17</b></p> <p>Notwithstanding measures that are necessary for shooting exercises which could be carried out by the National Army and Police and maintenance of public order in general, it is prohibited to fire any firearm or carry loaded weapons through or close to towns and other inhabited areas.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Provisions exist to prohibit possession of small arms in certain territorial areas and to prohibit possession, use and carrying through or close to towns.</p>
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>	<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 13</b></p> <p>Firearms, spares for firearms, ammunition and spare for ammunition that are not in use should be well stored. This storage facility will be provided by the department of customs and the item sealed will be stated on the transit permits.</p>	<p>The national legislation conforms in part to the Protocol for the GLR and HoA. Provisions exist in some areas but a number of gaps are evident.</p> <p>Small arms not in use should be stored in a government facility. However, this provision appears to apply to arms in transit and makes no explicit reference to storage conditions for civilian owned small arms.</p>
<p>Restrictions on/ conditions of relinquishing and regaining possession of small arms</p> <ul style="list-style-type: none"> <li>■ to whom (authorised person, dealer, licence holder, relations)</li> <li>■ deposit in and retrieval of arms from warehouses</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires restrictions on owners' rights to relinquish control, use and possession of small arms.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 1</b></p> <p>The following expressions are intended to mean the following respectively:</p> <ul style="list-style-type: none"> <li>■ General Depot: A Central place authorised by administration to act as a depot for all arms and ammunition and in which the Legal traders of arms keep them before taking them to various smaller shops for sale by individuals in possession of permits for their sale.</li> </ul>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Restrictions exist on small arms owners relinquishing small arms to people who will use them for bad activities or sell them to third parties.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>■ General warehouse: A building provided by the Rwandan Government that serves as a depot for all merchandise under the exclusive supervision of customs officials. All individuals whose goods are kept therein must pay demurrage charges to take their goods.</p> <p><b>Art. 2</b> Importing, storing both in the state's arms store and the general stores, withdrawing from those locations, donating, selling firearms and their parts separately, their ammunition or spare parts of the latter, are subject to a prior authorization of the Defence Minister. Notwithstanding provisions of the Government decree no 12/79 of May 7, 1979 as modified to this day, authorization is given by the Minister responsible for the National Police.</p> <p><b>Art. 9</b> The permits for possessing and carrying arms will be given to individuals and only to: <b>(1)</b> People guaranteeing that the arms and ammunition given will not be given out, used for bad activities and sold to third parties.</p> <p><b>Art. 13</b> Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments. The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 20</b> The Ministry of Defence authorises: ■ The acquisition and giving out of improved arms as well as spare parts for these. ■ Their passing on to any other person irrespective of who he is. It gives the same authority as pertains to: ■ Ammunition for improved arms as well as their spare parts. ■ Heavy weapons, spare parts for these, ammunition and spare parts for the same. The request for authorisation following the approval of the prefect and Bougmester is addressed to the Minister of Defence. It is in accordance with the sample annexed here to (annex 11).</p> <p><b>Art. 21</b> <b>(1)</b> In cases of sophisticated arm, spare parts for arms, ammunition for sophisticated arms, the first slip - is given to the person who sells, gives out, hands over the arm, a spare part, ammunition for improved arms or spare parts for improved ammunition. It is evidence for passing on the gun to another person. The second slip is given to the new owner of the gun, it is evidence for the authority for acquisition of a spare part for ammunitions for sophisticated arms or spare parts for ammunition for sophisticated arms. <b>(2)</b> In the case of a Heavy weapon, spare parts for Heavy weapons, or spare parts for ammunition for heavy weapons, the first slip is given to the person who sells, give out or hands over the arm, a spare part for the arm or spare parts for ammunition for Heavy weapons. It is evidence of the authority to dispose off the weapon. The second slip serves as the permit to carry arms only valid for a year after putting a stamp it is evidence of the authority with regard to spare parts of Heavy weapons or spares for ammunition for Heavy weapons.</p>	<p>Administrative procedures for legitimate sale are detailed as area conditions relating to relinquishing small arms on departure from the country if the small arms are not to be exported.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 22</b></p> <p>It is forbidden for any competent authority to give permission to acquire or receive a firearm or spare parts for the arm, ammunition or spare parts for ammunition except when the authority thinks that the authorization does not at all jeopardise the security of the state and public order.</p> <p>The competent authority must ensure that the recipient gives all the guarantee that the arms or spare for arms as well as ammunition as well as spares for ammunition will not be illegally disposed off or handed over to third parties or even abandoned.</p> <p>The individual seeking permission may appeal to the president of the republic in case permission to possess an arm is not given to him at lower levels.</p> <p><b>Art. 41</b></p> <p>Sophisticated arms whose owners do not want to export as they leave the Republic of Rwanda may be left at the depot of the Ministry of Defense under the following conditions:</p> <ol style="list-style-type: none"> <li>1. That the arm is covered with a regular permit.</li> <li>2. That the owner leaves behind the required amount of money for the renewal of the licence for possessing the arm.</li> <li>3. That the owner signs a statement relieving the authorities of any responsibility resulting from the depreciation of the weapon when its in the hands of the Republic of Rwanda.</li> <li>4. That the owner pays a tax spelt out in article 43.</li> </ol> <p><b>Art. 43</b></p> <p>Depositing the arm implies paying a tax of 100 francs. This tax does not take into account the period of time the arm is kept.</p> <p><b>Art. 44</b></p> <p>The Ministry of Defense will indicate on the certificate of registration of the arm that it has been deposited or withdrawn.</p>	
■ leasing/lending			
■ pawning/pledging	<p><b>Protocol for the GLR and HoA</b></p> <p><b>Art. 3 (c) (x)</b></p> <p>Requires provisions prohibiting the pawning and pledging of small arms and light weapons.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
■ inheritance/death			
■ other conditions restrictions on/ conditions of relinquishing and regaining possession of small arms			
Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)			
Other restrictions on possession and use of small arms including: <ul style="list-style-type: none"> <li>■ carry licence while in possession</li> <li>■ civilian maintenance, repair, loading</li> </ul>			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 5 (b) (i)</b></p> <p>Requires the introduction of harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 13</b></p> <p>Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments.</p> <p>The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p> <p><b>Art. 16</b></p> <p>The above ban does not apply to the arms pertaining or meant to be used by the National Army and Police. The infringement of article 14 will be punished by imprisonment for a year or more and by payment of a fine that shall not exceed 15,000 francs or either of the two.</p> <p><b>Art. 18</b></p> <p>The violation of the provisions of Article 17 are punishable by 15 to 30 days of imprisonment and a fine not exceeding 2.500 francs or either of the two.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 45</b></p> <p>The violations of this decree are punishable in accordance with article 13 of decree No 12/79 of May 1979 on firearms and ammunitions.</p>	<p>Implementation of Article 5 (b) (i) of the Protocol for the GLR and HoA will require consultation and agreement on what constitute heavy minimum sentences.</p> <p>The national legislation appears to offer penalties of varying degrees of severity, in some areas very weak sanctions exist while in others the penalties are much harsher.</p>

## Record keeping and marking

### Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
When? (import/export/transit/manufacture etc)	<p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (vi)</b></p> <p>Requires provisions ensuring the standardised marking and identification of small arms and light weapons at the time of manufacture, import or export.</p> <p><b>UN Programme of Action Section II Art. 16</b></p> <p>Requires the marking and registering of all confiscated, seized or collected small arms prior to their destruction or disposal.</p> <p><b>UN Firearms Protocol Art. 9 (c)</b> Requires the marking of deactivated firearms with a clearly visible mark attesting to its deactivation.</p>	<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 15</b></p> <p>Arms transported under a transit permit should not under any circumstances be stamped.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 18</b></p> <p>All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms.</p> <p>The records are done in accordance with the sample in annex 6.</p> <p>For each local government (prefecture) there exists a unique and distinct way of numbering.</p> <p>The registration is done at the Ministry of Defence.</p> <p>Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following:</p> <ol style="list-style-type: none"> <li>1. Letters of recognition meant for the local administration and in line with the prescription of annex 9.</li> <li>2. Registration number.</li> </ol>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>Small arms must be marked at the time of registration, however, there is no requirement for small arms to be marked at the time of manufacture, import or export.</p> <p>The national legislation also states that small arms in transit should not be stamped.</p>
How? ■ stamping/engraving?			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>where on weapon?</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7</b></p> <p>Requires that the marking should be on the barrel, frame and, where applicable, the slide.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
<ul style="list-style-type: none"> <li>with what? (unique alpha-numeric symbol/identifying country and manufacturer?)</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7</b></p> <p><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.</p> <p><b>(b)</b> Requires the marking at the time of import with a simple marking identifying the country an year of import and an individual serial number if it does not have one.</p> <p><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 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>	<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 18</b></p> <p>All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms.</p> <p>The records are done in accordance with the sample in annex 6.</p> <p>For each local government (prefecture) there exists a unique and distinct way of numbering.</p> <p>The registration is done at the Ministry of Defence.</p> <p>Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following:</p> <ol style="list-style-type: none"> <li>Letters of recognition meant for the local administration and in line with the prescription of annex 9.</li> <li>Registration number.</li> </ol>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>Provisions exist to mark small arms with registration numbers and letters for local administration.</p> <p>However, this provision does not appear to allow for identification of the name and place of manufacture, or the place of import or for the placing of a unique mark.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of record keeping specifications:</p> <ul style="list-style-type: none"> <li>what records should be kept?</li> <li>where?</li> <li>how?</li> <li>by whom?</li> <li>for how long?</li> <li>when must authorities be provided with information?</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records of markings for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly manufactured or trafficked arms.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (iii)</b></p> <p>Requires the regulation and centralised registration of all civilian-owned small arms.</p> <p><b>Art. 7 (d)</b></p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p> <p><b>Art. 10</b></p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 5</b></p> <p>The minister responsible for the National Police may, at any time, order an inventory to be made of all firearms and any ammunitions whether they are meant for trade or individually kept, and ask for presentation of justification fulfilling the conditions provided for in article 9 of the Government decree no 12/79 of May 7, 1979.</p> <p>Failure to satisfy the Minister's requirements is punished according to article 13 of the Government decree no. 12/79 of May 7, 1979 concerning firearms and their ammunitions.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 3</b></p> <p>The first slip is given to the post office authorities if the arms, spare parts for arms, ammunition and ammunition spare parts are dispatched by post. In all other cases, it is handed over to the first customs office while entering the Republic of Rwanda.</p> <p><b>Art. 6</b></p> <p>The administrators of local government units are supposed to give authority to collect firearms, their spares, Heavy weapons and their spares from warehouses after the customs procedures have been met. These arms may be collected from the general warehouse, the general depot and the state arms store.</p> <p>The authorisation should conform to the samples annexed to this decree. The receiving customs official keeps the first slip which complements the counterfoil of the entry form. He gives the second slip to the transporter and it will be part of the records of the final importer as is spelt out in article 25.</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>Provisions exist for the central registration of all civilian-owned small arms by the Ministry of Defence and for the maintenance of permanent records by traders of sales and existing stocks.</p> <p>Customs procedures also appear to stipulate some record keeping at the time of import through the retention of a counterfoil slip and an entry form.</p> <p>However, no provisions exist for records to be kept of manufactured or exported small arms.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Art. 17</b> Requires all bodies authorised to hold small arms to ensure standards and procedures are established regarding: inventory management; and accounting control; and accounting of small arms held or transported by operational units or authorized personnel.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>Co-ordinated Agenda for Action Art. 5.3</b> Ensure strict accountability and the effective tracing of all weapons owned by the state</p> <p><b>Art. 5.4</b> Ensure strict accountability and effective control of all weapons owned by private security companies and dealers.</p>	<p><b>Art. 8</b> The permits are issued only to establishments in possession of a trade register. The trade in arms should only be conducted within the confines of the establishment. The total annual number of permits for the sale of arms and ammunition is fixed in accordance with the requirements of the table annexed hereto - (annex 10).</p> <p><b>Art. 11</b> Local government administrators may order for the periodic counting of firearms, spares for firearms ammunition and spare parts for ammunition. Other cases of taking stock of the weaponry may be spelt out by the prefects (local governments administrators).</p> <p><b>Art. 18</b> All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms. The records are done in accordance with the sample in annex 6. For each local government (prefecture) there exists a unique and distinct way of numbering. The registration is done at the Ministry of Defence. Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following: <b>1.</b> Letters of recognition meant for the local administration and in line with the prescription of annex 9. <b>2.</b> Registration number.</p> <p><b>Art. 25</b> The people who trade in arms and spare parts for arms, ammunition and spare parts of ammunition must keep a permanent records register of their arms and ammunition spare parts in the shop, in the general ware house and in the special depot. This records register is required when one is picking his arms from the depot or warehouse in accordance with the provision of article 6 or when authority for acquisition is to be given according to article 20. All types of arms, arms spare parts ammunition as well as ammunition's spare parts must be justified by presenting a licence for acquisition prescribed in article 20.</p> <p><b>Art. 36</b> Traders are under obligation to keep at the depot or counter, a permanent records register as is indicated in article 40. This register should indicate the quantity of arms, arms spares, ammunition and spares for ammunition received, sold or still left on a monthly basis.</p> <p><b>Art. 37</b> The licence to pick, transport and sell arms as well as their spares and the licence to acquire, and buy ammunitions and their spare parts shall be kept alongside this register and may be presented to competent authorities when need arises.</p> <p><b>Art. 39</b> After checking, appended to the register the justifying documents are then destroyed by the officials. The destruction thus goes along with the checking.</p> <p><b>Art. 40</b> The permanent record registers are sold by the administration. A permanent record register is like the sample annexed here to (annex 5). It must first be marked on every page and initialled at the top and bottom by a Customs officer.</p>	

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

Analytical category	International and regional agreements	International and regional agreements	Conformity
		<p><b>Art. 44</b></p> <p>The Ministry of Defense will indicate on the certificate of registration of the arm that it has been deposited or withdrawn.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (c) and Protocol for the GLR and HoA Art. 3 (a) (iv)</b></p> <p>Require provisions that explicitly make it an offence to illegally falsify, obliterate or remove or alter the markings on a firearm.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires provisions relating to interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 5</b></p> <p>The minister responsible for the National Police may, at any time, order an inventory to be made of all firearms and any ammunitions whether they are meant for trade or individually kept, and ask for presentation of justification fulfilling the conditions provided for in article 9 of the Government decree no 12/79 of May 7, 1979.</p> <p>Failure to satisfy the Minister's requirements is punished according to article 13 of the Government decree no. 12/79 of May 7, 1979 concerning firearms and their ammunitions.</p> <p><b>Art. 13</b></p> <p>Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments.</p> <p>The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 45</b></p> <p>The violations of this decree are punishable in accordance with article 13 of decree No. 12/79 of May 1979 on firearms and ammunitions.</p>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>There are no provisions relating to the altering, falsification or removal of markings.</p>

**Import, export and transit****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>■ licensing/ registration of persons and transactions?</li> <li>■ competency test of those licensed to import, export or transit arms?</li> <li>■ duration of licences?</li> <li>■ offence withhold information?</li> <li>■ distinction between civilian and commercial transfers?</li> <li>■ specifications of licence – information to be included on licence?</li> </ul>	<p><b>Nairobi Declaration Art. iv and Coordinated Agenda for Action Preamble</b></p> <p>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.</p> <p><b>Coordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art. 3.1, 3.2.2</b></p> <p>Require regulations and standards to govern the import of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (v)</b></p> <p>Requires standards regarding the import of small arms and light weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 2</b></p> <p>Importing, storing both in the state's arms store and the general stores, withdrawing from those locations, donating, selling firearms and their parts separately, their ammunition or spare parts of the latter, are subject to a prior authorization of the Defence Minister. Notwithstanding provisions of the Government decree no 12/79 of May 7, 1979 as modified to this day, authorization is given by the Minister responsible for the National Police.</p> <p><b>Art. 7</b></p> <p>The transportation of arms and ammunition on the territory of the Republic of Rwanda is subjected to producing a declaration form from the country in which these arms are, to be used, certifying that they are to be used by the state or other individuals indicated on the declaration form. However, the Ministry of Defence may temporarily or on exceptional cases stop the transportation of such arms and ammunition if the transportation is seen to compromise the security of the Republic of Rwanda.</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>Authorisation is required from the Ministry of Defence to import small arms.</p> <p>Verified end-users certificates must be provided for small arms in transit and goods in transit can be inspected. Import licensing procedures allow for the monitoring and verification of licences.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>■ required documentation – end-user certificates etc?)</li> </ul>	<p><b>Art. 10 (a) and (c)</b></p> <p>Requires an effective system of export and import licensing or authorisation and specifies the specific information that must be included on import and export licences and documentation.</p> <p><b>UN Firearms Protocol Art. 5 (1) (b) Art. 10 (1), (2) and (3)</b></p> <p>Requires state parties to adopt legislative measures making the illicit trafficking in firearms illegal.</p> <p>Requires provisions catering for the international transit of firearms.</p> <p>Requires provisions for verifying the issuance of import licences and authority for transit.</p> <p><b>UN Firearms Protocol Art 5 (1) (b) Art 10 (1), (2) and (3) and Protocol for the GLR and HoA Art. 10 (b)</b></p> <p>Require provisions outlining the specific detailed information to be included on export and import licences. These should include a minimum of:</p> <ul style="list-style-type: none"> <li>■ Place and date of issuance</li> <li>■ Date of expiration</li> <li>■ Country of export</li> <li>■ Country of import</li> <li>■ Final recipient</li> <li>■ Description and quantity of goods</li> <li>■ Country of transit, where appropriate.</li> </ul> <p><b>UN Programme of Action Section II Art. 2, Art. 11 and Art. 12</b></p> <p>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.</p> <p><b>Bamako Declaration Art. 3 A (iii) (vii)</b></p> <p>Recommends establishing as a criminal offence the illegal trafficking of small arms and light weapons.</p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents</p>	<p><b>Art. 14</b></p> <p>Nobody shall possess, make, repair put on display, distribute, transport and give out prohibited firearms or even stock them. The importation of such arms is equally forbidden.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 1</b></p> <p>The authority to import firearms, spare parts for the arms, ammunitions and their spare parts is given by the Minister of Defence.</p> <p><b>Art. 2</b></p> <p>The authority to import firearms, must be in agreement with the sample annexed to this Presidential decree.</p> <p>It comprises one counterfoil and two slips.</p> <p>The first slip is meant for customs.</p> <p>The second slip is made if the cargo involves arms, spare parts for arms, ammunitions and spare parts for ammunitions meant for the personal use of the importer and not for sale. It is supposed to be dispatched to the authority that issues the first permit for possessing or carrying firearms in order to justify the possessing of arms, arms' spare parts, ammunition and ammunition spare parts.</p> <p><b>Art. 5</b></p> <p>The authorisation to import firearms and their spare parts is guided by conditions and limitations spelt out in articles 22 and 23 related to conditions of acquiring the arms.</p> <p><b>Art. 6</b></p> <p>The administrators of local government units are supposed to give authority to collect firearms, their spares, Heavy weapons and their spares from warehouses after the customs procedures have been met. These arms may be collected from the general warehouse, the general depot and the state arms store.</p> <p>The authorisation should conform to the samples annexed to this decree. The receiving customs official keeps the first slip which complements the counterfoil of the entry form. He gives the second slip to the transporter and it will be part of the records of the final importer as is spelt out in article 25.</p> <p><b>Art. 9</b></p> <p>Save for exceptional reasons accepted by the Ministry of Defence, Nobody shall be given permission to import, acquire and possess arms and spare parts like those used by the Armed forces.</p> <p><b>Art. 14</b></p> <p>If travellers intend to use their arms in the Republic of Rwanda, they should acquire a permit to possess the arms or a permit to carry arms and later a permit for hunting (shooting licence). These two documents will contain the number, the date, the office that issued the licence, the time limit for the transit permit under which the arms were imported. The date of delivery is also indicated on the transit document.</p> <p><b>Art. 18</b></p> <p>All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms.</p> <p>The records are done in accordance with the sample in annex 6.</p> <p>For each local government (prefecture) there exists a unique and distinct way of numbering.</p> <p>The registration is done at the Ministry of Defence.</p> <p>Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following:</p>	<p>However, there are no specific provisions relating to export of small arms and no requirement that export applications are assessed in a manner consistent with existing responsibilities under international law.</p> <p>Nor are the specific details that must be included on import and export documentation explicitly stated.</p>

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

Analytical category	International and regional agreements	Current national legislative controls
		<p>1. Letters of recognition meant for the local administration and in line with the prescription of annex 9.</p> <p>2. Registration number.</p> <p><b>Art. 19</b></p> <p>The Ministry of Defence issues the permit for possessing or carrying arms in return for the second slip authorising the importation of the gun or on seeing the permit for the previous year.</p> <p>As for arms imported under the regulation of transiting arms, the permit is issued on presentation of the transit permit.</p> <p>For improved arms, it is in accordance with annex 3 and for Heavy weapons.</p> <p>It is in line with annex 1 slip 2.</p>

**Import, export and transit: Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>Protocol for the GLR and HoA Art. 3 (c) (vi) and Art. 7 (b)</b></p> <p>Requires the standardised marking and identification of small arms and light weapons at the time of import, with information that permits the identification of the country and year of import and with an individual serial number if the small arms or light weapon does not bear one at the time of import.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>UN Firearms Protocol Art. 8 and 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>	<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 15</b></p> <p>Arms transported under a transit permit should not under any circumstances be punched.</p> <p><b>Art. 18</b></p> <p>All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms.</p> <p>The records are done in accordance with the sample in annex 6.</p> <p>For each local government (prefecture) there exists a unique and distinct way of numbering.</p> <p>The registration is done at the Ministry of Defence.</p> <p>Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following:</p> <p>1. Letters of recognition meant for the local administration and in line with the prescription of annex 9.</p> <p>2. Registration number.</p>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>No provisions exist for marking small arms with specific details at the time of import.</p>

**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>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition</b></p> <p><b>Art. 7</b></p> <p>The transportation of arms and ammunition on the territory of the Republic of Rwanda is subjected to producing a declaration form from the country in which these arms are, to be used, certifying that they are to be used by the state or other individuals indicated on the declaration form. However, the Ministry of Defence may temporarily or on exceptional cases stop the transportation of such arms and ammunition if the transportation is seen to compromise the security of the Republic of Rwanda.</p> <p><b>Art. 8</b></p> <p>In the event that circumstances require it, the Minister having the National Police in his/her remit determines the territorial areas of the country where carrying, possessing or keeping firearms and their ammunitions is forbidden.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 14</b> Nobody shall possess, make, repair put on display, distribute, transport and give out prohibited firearms or even stock them. The importation of such arms is equally forbidden.</p> <p><b>Art. 15</b> The prohibited arms are: Silencer guns, folding guns, multi-barreled guns and guns with toxic effects. All engines that if adapted to any gun may give it the attributes of the categories mentioned in the above paragraph are also prohibited in this decree.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 9</b> Save for exceptional reasons accepted by the Ministry of Defence, Nobody shall be given permission to import, acquire and possess arms and spare parts like those used by the Armed forces.</p> <p><b>Art. 16</b> The transit form should only contain the following ammunition: <b>(a)</b> 25 bullets for each small rifle (revolver or pistol). <b>(b)</b> 300 bullets for a big rifle. <b>(c)</b> 600 bullets for a non-rifle. In exceptional circumstances the Minister of Defence may go beyond the number of bullets prescribed above.</p> <p><b>Art. 28</b> The spare parts for Heavy weapons declared at the general warehouse are taken to the state gun factory under the surveillance of customs officials. They are stored under the regulations of a special depot spelt out in article 1 of decree No. 12/79 of 7th May, 1979.</p> <p><b>Art. 29</b> The same applies to ammunition for Heavy weapons, declared for use if they are not dispatched to a general depot or to various retail shops.</p> <p><b>Art. 33</b> Traders should not under any circumstances import ammunition which are less or more than those recommended according to the laws.</p> <p><b>Art. 35</b> The Ministry of Defense fixes the maximum amount of Heavy weapons and their ammunition that each depot or agency may stock.</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> 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> Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p>	<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 3</b> The first slip is given to the post office authorities if the arms, spare parts for arms, ammunition and ammunition spare parts are dispatched by post. In all the other cases, it is handed over to the first customs office while entering the Republic of Rwanda.</p> <p><b>Art. 6</b> The administrators of local government units are supposed to give authority to collect firearms, their spares, Heavy weapons and their spares from warehouses after the customs procedures have been met. These arms may be collected from the general warehouse, the general depot and the state arms store.</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>Administrative procedures exist for verifying the importation of small arms and for the holding of permanent records by the final importer.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<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>The authorisation should conform to the samples annexed to this decree. The receiving customs official keeps the first slip which complements the counterfoil of the entry form. He gives the second slip to the transporter and it will be part of the records of the final importer as is spelt out in article 25.</p> <p><b>Art. 18</b></p> <p>All arms whose holders have permits for possessing or carrying the said arms must be registered. This is done by the Ministry of Defence and it keeps records of the registration of firearms.</p> <p>The records are done in accordance with the sample in annex 6.</p> <p>For each local government (prefecture) there exists a unique and distinct way of numbering.</p> <p>The registration is done at the Ministry of Defence.</p> <p>Save for improved arms whose numbers and trade marks may help identify them, firearms are during their registration given marks comprising the following:</p> <ol style="list-style-type: none"> <li>1. Letters of recognition meant for the local administration and in line with the prescription of annex 9.</li> <li>2. Registration number.</li> </ol> <p><b>Art. 25</b></p> <p>The people who trade in arms and spare parts for arms, ammunition and spare parts for ammunition must keep a permanent records register of their arms and ammunition spare parts in the shop, in the general warehouse and in the special depot.</p> <p><b>Art. 37</b></p> <p>The licence to pick, transport and sell arms as well as their spares and the licence to acquire, and buy ammunitions and their spare parts shall be kept alongside this register and may be presented to competent authorities when need arises.</p>	<p>However, no record keeping provisions appear to exist for small arms transiting through, or exported from, Rwanda, nor for existing records to be maintained for not less than ten years.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Authorisation procedures for the possession of small arms by persons travelling with small arms and by tourists importing small arms are stipulated.
<p>Temporary import/export conditions? 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>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 4</b></p> <p>If travellers are travelling with arms, spares for arms, ammunition or spares for ammunition, they must get authorization as soon as they arrive in the country and from customs officials.</p> <p><b>Art. 10</b></p> <p>Without prejudice to article 16, foreign tourists are allowed to import in accordance with article 12, a firearm like those of armed forces as well as spare parts, ammunition and ammunition spares for the above category if arms but this is governed by the following conditions.</p> <p><b>(a)</b> The firearms, their spare parts, ammunition and their spare parts must be well stored as well as bearing the seal by customs department.</p> <p><b>(b)</b> Written document by the tourists intending to re-export these arms, spare parts, ammunition and their spares clarifying that he has no intention to use them on the territory of the Republic of Rwanda.</p> <p><b>Art. 12</b></p> <p>Firearms, spare parts for firearms, ammunition and spare parts for ammunition may be imported by travellers who intend to stay in the Republic of Rwanda for not more than six months and in accordance with the law governing the transiting of arms.</p> <p>In the event of the traveller prolonging his stay, he must inform the Ministry of Defence and the authorisation will be appended on his transit permit.</p>	<p>Authorisation procedures for the possession of small arms by persons travelling with small arms and by tourists importing small arms are stipulated.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 14</b></p> <p>If travellers intend to use their arms in the Republic of Rwanda, they should acquire a permit to possess the arms or a permit to carry arms and later a permit for hunting (shooting licence). These two documents will contain the number, the date, the office that issued the licence, the time limit for the transit permit under which the arms were imported. The date of delivery is also indicated on the transit document.</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>Require the establishment as criminal offences under the national law the illicit trafficking in small arms and light weapons, including home made weapons.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires a provisions relating to the illicit trafficking in firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 13</b></p> <p>Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments.</p> <p>The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 45</b></p> <p>The violations of this decree are punishable in accordance with article 13 of decree No 12/79 of May 1979 on firearms and ammunitions.</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>The illicit importation and transportation of small arms are offences.</p> <p>However, the illicit export of small arms is not explicitly prohibited. Organising, aiding, abetting, facilitating or counselling the commission of offences are not explicitly prohibited.</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>(a) for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p>(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>(c) 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>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>“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> Requires provisions regulating brokering in the individual State Parties.</p> <p><b>Art. 11</b> Requires a national system for regulating dealers and brokers of small arms and light weapons, which includes:</p> <p><b>(ii)</b> registering all brokers operating within their territory;</p> <p><b>(iii)</b> ensuring all registered brokers seek and obtain authorisation for each individual transaction taking place;</p> <p><b>(iv)</b> ensuring that all brokering transactions provide full disclosure on import and export licences or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction;</p> <p><b>(v)</b> licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.</p> <p><b>Bamako Declaration Art. 3 A (vii) B (iv), UN Firearms Protocol Art. 15 and UN Programme of Action Section II Art. 14</b> 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> 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. Requires adequate legislation regulating the activities of those who engage in small arms and light weapons brokering.</p>		

**Brokering: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity

## Manufacture

### Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> <li>■ competency testing of manufacturers?</li> <li>■ duration of licences?</li> <li>■ offence to withhold information?</li> <li>■ specifications of licence – information to be included on licence?</li> <li>■ distinction made between small arm and ammunition manufacturing?</li> <li>■ limits on quantities produced?</li> <li>■ restrictions on types of arms/ ammunition produced?</li> </ul>	<p><b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2, 3.2.3 and Implementation Plan Art. 3.1, 3.2.2, 3.2.3</b></p> <p>Require minimum standards to govern and regulations regarding the manufacture of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p><b>(b)</b> without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p><b>Art. 3 (a) (ii) and (c) (iv)</b></p> <p>Require establishing as a criminal offence illicit manufacturing of small arms and light weapons and establishing controls over the manufacturing of small arms and light weapons.</p> <p><b>Bamako Declaration Art. 3 A</b></p> <p><b>(iii)</b> Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p><b>UN Firearms Protocol Art. 3</b></p> <p><b>(d)</b> “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:</p> <p><b>Art. 5 (1) (a)</b></p> <p>Requires state parties to adopt legislation making the illicit manufacturing of firearms and ammunition a criminal offence.</p> <p><b>UN Programme of Action II Art. 2</b></p> <p>Requires establishing adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms</p> <p><b>Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 14</b></p> <p>Nobody shall possess, make, repair put on display, distribute, transport and give out prohibited firearms or even stock them. The importation of such arms is equally forbidden.</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>The manufacturing of prohibited arms is not allowed.</p> <p>However, no provisions, standards or controls are stipulated for the manufacturing of other small arms.</p>

### Manufacture: Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What conditions pertain?</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>(c)</b> without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

**Manufacture: Marking** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Art. 3 (c) (vi)</b> Requires the standardized marking and identification of small arms and light weapons at the time of manufacture.</p> <p><b>Art. 7 (a)</b> 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> 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> The agreements require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>		

**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> 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> 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>		The national legislation does not conform to the regional and international agreements.

**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> 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> Requires provisions for effective control of small arms and light weapons including storage.</p>		The national legislation does not conform to the regional and international agreements.

**Manufacture: Restrictions on sale/transfer**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>To whom can manufacturer transfer arms?</p> <p>What arms can manufacturer transfer?</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 manufacturers.</p>		<p>The national legislation does not conform to the Bamako Declaration.</p> <p>There are no provisions relating to the control of transfers by manufacturers.</p>

**Manufacture: Quality control/standards**

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

**Manufacture: Gunsmiths**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Conditions/controls relating to repair and modification</p>		<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition</b></p> <p><b>Art. 14</b></p> <p>Nobody shall possess, make, repair put on display, distribute, transport and give out prohibited firearms or even stock them. The importation of such arms is equally forbidden.</p> <p><b>Art. 15</b></p> <p>The prohibited arms are:</p> <p>Silencer guns, folding guns, multi-barreled guns and guns with toxic effects.</p> <p>All engines that if adapted to any gun may give it the attributes of the categories mentioned in the above paragraph are also prohibited in this decree.</p> <p><b>Art. 16</b></p> <p>The above ban does not apply to the arms pertaining or meant to be used by the National Army and Police. The infringement of article 14 will be punished by imprisonment for a year or more and by payment of a fine that shall not exceed 15,000 francs or either of the two.</p>	

**Manufacture: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Stipulates including provisions relating to the illicit manufacturing of firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>"illicit manufacturing" shall mean the manufacturing or assembly of small arms and light weapons:</p> <p><b>(a)</b> from parts and components illicitly trafficked;</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>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition</b></p> <p><b>Art. 16</b></p> <p>The above ban does not apply to the arms pertaining or meant to be used by the National Army and Police. The infringement of article 14 will be punished by imprisonment for a year or more and by payment of a fine that shall not exceed 15,000 francs or either of the two.</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>Penalties for manufacturing prohibited arms exist.</p> <p>However, the legislation does not stipulate as specific offences the organising, aiding, abetting, facilitating, counselling or commissioning of offences.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>(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> Requires establishing as a criminal offence illicit manufacturing of small arms and light weapons.</p>		

**Trade****Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> <li>■ competency testing of those licensed to trade?</li> <li>■ duration of licences?</li> <li>■ offence to withhold information?</li> <li>■ specifications of licence – information to be included on licence?</li> <li>■ limits on quantities traded?</li> </ul>	<p><b>Nairobi Declaration Art. iv</b> Urges states to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities.</p> <p><b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art 3.1, 3.2.3</b> 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> 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> Requires establishing as a criminal offence the illicit trafficking in small arms and light weapons.</p> <p><b>(c) (v)</b> Requires minimum standards regarding the control and transfer of small arms and light weapons.</p> <p><b>Bamako Declaration Art. 3 A (vii)</b> 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> Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 2</b> Importing, storing both in the state's arms store and the general stores, withdrawing from those locations, donating, selling firearms and their parts separately, their ammunition or spare parts of the latter, are subject to a prior authorization of the Defence Minister. Notwithstanding provisions of the Government decree no 12/79 of May 7, 1979 as modified to this day, authorization is given by the Minister responsible for the National Police.</p> <p><b>Art. 11</b> People who, on their own behalf and on behalf of others are authorised to trade in firearms, are supposed to pay a tax that is spelled out in a presidential decree as follows:</p> <ul style="list-style-type: none"> <li>■ Permit to trade in heavy weapons and their ammunition 2,500 to 50,000 francs.</li> <li>■ Permit for selling sophisticated arms and their ammunition. 4,000 to 50,000 francs.</li> </ul> <p>The tax rate is the same whether the trader deals in arms and ammunition or in either of the two. Permits for the sale of arms expire on the 31st day of December of the year in which they were issued. The tax paid for permits issued in the first semester is valid for a whole year. The tax paid for permits issued during the second semester is reduced by a half. In case the beneficiary of the permit for the sale of arms abandons the business before the expiry date of his permit, no reimbursements shall be paid to him.</p> <p><b>Art. 12</b> The permits for possession, carrying and selling of arms and ammunition, are revocable due abuse of the arms and when the state security is in danger. In the latter case, the state reimburses the individual according to when he has ceased to use the arm after which the administration receives the arm and ammunition. The reimbursement is on the basis of the full months remaining before the expiry of the permit.</p> <p>The Minister responsible for National Police has the right to withdraw authorization already given to possess firearms.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions Art. 7</b> The Minister of Defence will issue permits in accordance with article 11 of decree No. 12/79 of May 1979 to individuals who on their own behalf or on behalf of others trade in arms and ammunition. They in return pay some tax as is spelt out in article 11.</p> <p>These permits (annexed as 7 and 8) are issued under conditions prescribed in articles 22 and 23.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>A permit issued by the Minister of Defence is required to sell small arms. Only a fixed number of such permits are issued each year.</p>

**Trade: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 8</b></p> <p>The permits are issued only to establishments in possession of a trade register. The trade in arms should only be conducted within the confines of the establishment.</p> <p>The total annual number of permits for the sale of arms and ammunition is fixed in accordance with the requirements of the table annexed hereto - (annex 10).</p> <p><b>Art. 24</b></p> <p>The Minister of Defence issues a permit for possession of arms as prescribed in article 4 of the decree No. 12/79 of 7 May 1979 to traders of sophisticated arms who have permits for sale of arms as is stated in articles 7 and 8.</p> <p><b>Art. 32</b></p> <p>The authorisation to buy Heavy weapons' spares (annex 4) is only given to holders of a licence to possess or carry these arms and for quantities of 50 grams of powder as well as 25 detonators.</p>	

**Trade: Marking**

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

**Trade: Record keeping**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What records should be kept?</p> <p>What records should be submitted to authorities?</p>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly trafficked arms.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 5</b></p> <p>The minister responsible for the National Police may, at any time, order an inventory to be made of all firearms and any ammunitions whether they are meant for trade or individually kept, and ask for presentation of justification fulfilling the conditions provided for in article 9 of the Government decree no 12/79 of May 7, 1979.</p> <p>Failure to satisfy the Minister's requirements is punished according to article 13 of the Government decree no. 12/79 of May 7, 1979 concerning firearms and their ammunitions.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 8</b></p> <p>The permits are issued only to establishments in possession of a trade register. The trade in arms should only be conducted within the confines of the establishment.</p> <p>The total annual number of permits for the sale of arms and ammunition is fixed in accordance with the requirements of the table annexed hereto-- (annex 10).</p> <p><b>Art. 25</b></p> <p>The people who trade in arms and spare parts for arms, ammunition and spare parts of ammunition must keep a permanent records register of their arms and ammunition spare parts in the shop, in the general ware house and in the special depot.</p> <p>This records register is required when one is picking his arms from the depot or warehouse in accordance with the provision of article 6 or when authority for acquisition is to be given according to article 20.</p> <p>All types of arms, arms spare parts ammunition as well as ammunition's spare parts must be justified by presenting a licence for acquisition prescribed in article 20.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>A permanent record of stocks and transfers must be kept along with justifying documents.</p>

**Trade: Record keeping** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Art. 36</b></p> <p>Traders are under obligation to keep at the depot or counter, a permanent records register as is indicated in article 40. This register should indicate the quantity of arms, arms spares, ammunition and spares for ammunition received, sold or still left on a monthly basis.</p> <p><b>Art. 37</b></p> <p>The licence to pick, transport and sell arms as well as their spares and the licence to acquire, and buy ammunitions and their spare parts shall be kept alongside this register and may be presented to competent authorities when need arises.</p> <p><b>Art. 39</b></p> <p>After checking, appended to the register the justifying documents are then destroyed by the officials. The destruction thus goes along with the checking.</p> <p><b>Art. 40</b></p> <p>The permanent record registers are sold by the administration. A permanent record register is like the sample annexed here to (annex 5). It must first be marked on every page and initialled at the top and bottom by a Customs officer.</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><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 2</b></p> <p>Importing, storing both in the state's arms store and the general stores, withdrawing from those locations, donating, selling firearms and their parts separately, their ammunition or spare parts of the latter, are subject to a prior authorization of the Defence Minister. Notwithstanding provisions of the Government decree no 12/79 of May 7, 1979 as modified to this day, authorization is given by the Minister responsible for the National Police.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 8</b></p> <p>The permits are issued only to establishments in possession of a trade register. The trade in arms should only be conducted within the confines of the establishment.</p> <p>The total annual number of permits for the sale of arms and ammunition is fixed in accordance with the requirements of the table annexed hereto-- (annex 10).</p> <p><b>Art. 13</b></p> <p>Firearms, spare for firearms, ammunition and spare for ammunition that are not in use should be well stored. This storage facility will be provided by the department of customs and the item sealed will be stated on the transit permits.</p> <p><b>Art. 17</b></p> <p>Without prejudice to the provisions of article 26, improved firearms and ammunition for the said arms meant for sale must first be kept in the general warehouse. They can only leave the warehouse after the presentation of an authority letter authorising their removal in accordance with article 6 and only after the payments of the due demurrage costs.</p> <p><b>Art. 26</b></p> <p>The maximum number of improved firearms and ammunition for the arms a trader may stock is: -</p> <ol style="list-style-type: none"> <li>1. One model of each of the different types displayed for sale.</li> <li>2. 2,500 bullets for sophisticated arms for traders who do not have strong rooms with gun pits.</li> </ol>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Trade is to be conducted only within the confines of a trading establishment. A certain number of improved arms may be held in a stipulated armoury and strong room.</p>

**Trade: Premises** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>3.</b> 100,000 bullets for improved arms comprising at least 50,000 bullets for non-rifles, for traders having a strong room with gun pits.</p> <p>In the last case, an assortment of 2,500 bullets may be locked up in the armoury within the shop, the balance must be kept in the strong room.</p> <p><b>Art. 27</b></p> <p>The strong room prescribed in article 26 must have reinforced concrete walls, an armored metallic door with a security and secret lock. It must also have gun pits.</p> <p>Besides, it must provide all the necessary guarantees and be accepted by the Minister of Defence before it is used as a depot of sophisticated arms.</p> <p><b>Art. 30</b></p> <p>After customs procedures have been cleared, heavy weapons that have left the general warehouse as well as ammunition that have left the gun factory can only be taken to the established authorities that may sell them or to depots in accordance with article 31.</p> <p><b>Art. 31</b></p> <p>The general depot authorities may be authorised by the Ministry of Defence to indicate other depots in a given area.</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. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 14</b></p> <p>Nobody shall possess, make, repair put on display, distribute, transport and give out prohibited firearms or even stock them. The importation of such arms is equally forbidden.</p> <p><b>Art. 15</b></p> <p>The prohibited arms are:</p> <p>Silencer guns, folding guns, multi-barreled guns and guns with toxic effects.</p> <p>All engines that if adapted to any gun may give it the attributes of the categories mentioned in the above paragraph are also prohibited in this decree.</p> <p><b>Art. 16</b></p> <p>The above ban does not apply to the arms pertaining or meant to be used by the National Army and Police. The infringement of article 14 will be punished by imprisonment for a year or more and by payment of a fine that shall not exceed 15,000 francs or either of the two.</p>	<p>The national legislation fully conforms to the Bamako Declaration.</p> <p>The sale of prohibited arms is not allowed. This prohibition excludes arms for the National Army and Police.</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
Restrictions/special conditions for traders for business purposes? <ul style="list-style-type: none"> <li>Eg possessing/transferring arms without a licence in the course of business</li> </ul>		<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 24</b></p> <p>The Minister of Defence issues a permit for possession of arms as prescribed in article 4 of the decree No. 12/79 of 7 May 1979 to traders of sophisticated arms who have permits for sale of arms as is stated in articles 7 and 8.</p>	

**Trade: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires provisions relating to the illicit manufacturing and trafficking in or interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition</b></p> <p><b>Art. 5</b></p> <p>The minister responsible for the National Police may, at any time, order an inventory to be made of all firearms and any ammunitions whether they are meant for trade or individually kept, and ask for presentation of justification fulfilling the conditions provided for in article 9 of the Government decree no 12/79 of May 7, 1979.</p> <p>Failure to satisfy the Minister's requirements is punished according to article 13 of the Government decree no. 12/79 of May 7, 1979 concerning firearms and their ammunitions.</p> <p><b>Art. 13</b></p> <p>Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments.</p> <p>The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p> <p><b>Art. 16</b></p> <p>The above ban does not apply to the arms pertaining or meant to be used by the National Army and Police. The infringement of article 14 will be punished by imprisonment for a year or more and by payment of a fine that shall not exceed 15,000 francs or either of the two.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 45</b></p> <p>The violations of this decree are punishable in accordance with article 13 of decree No 12/79 of May 1979 on firearms and ammunitions.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Illicit trafficking 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>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Co-ordinated Agenda for Action Art. 3.2.4 and Implementation Plan Art. 3 and Protocol for the GLR and HoA Art. 3 (c) (vii)</b></p> <p>Require provisions for the seizure, confiscation and forfeiture to the State of all small arms manufactured or conveyed in transit and transport without or in contravention of licences, permits or written authority.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition</b></p> <p><b>Art. 12</b></p> <p>The permits for possession, carrying and selling of arms and ammunition, are revocable due abuse of the arms and when the state security is in danger. In the latter case, the state reimburses the individual according to when he has ceased to use the arm after which the administration receives the arm and ammunition. The reimbursement is on the basis of the full months remaining before the expiry of the permit.</p>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>Provisions exist for abandoned arms to become the property of the state.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 9 (a) and UN Firearms Protocol Art. 6 (1)</b></p> <p>Require measures to enable the confiscation of small arms and light weapons that have been illicitly manufactured or trafficked.</p>	<p>The Minister responsible for National Police has the right to withdraw authorization already given to possess firearms.</p> <p><b>Art. 13</b></p> <p>Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments.</p> <p>The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions.</b></p> <p><b>Art. 42</b></p> <p>The arm must be withdrawn by the owner before the expiry date of the renewed licence for possessing or carrying an arm.</p> <p>Following the expiry of the licence as seen above, the arm will be considered as abandoned and will thus become the property of the state.</p> <p>The Ministry of Defense is not under any obligation to dispatch the arm to the address of the owner.</p>	<p>However, no provisions exist relating to the seizure, confiscation and forfeiture of small arms illicitly manufactured, trafficked or conveyed in transit.</p>

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

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

**Seizure, disposal and enforcement: Deactivation**

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

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b></p> <p>Requires provisions for the monitoring and auditing of licences.</p>	<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 5</b></p> <p>The minister responsible for the National Police may, at any time, order an inventory to be made of all firearms and any ammunitions whether they are meant for trade or individually kept, and ask for presentation of justification fulfilling the conditions provided for in article 9 of the Government decree no 12/79 of May 7, 1979.</p> <p>Failure to satisfy the Minister's requirements is punished according to article 13 of the Government decree no. 12/79 of May 7, 1979 concerning firearms and their ammunitions.</p> <p><b>Art. 6</b></p> <p>The holder of a permit for possessing a firearm or carrying one may at any time be called upon by competent authorities to justify the possession of the arm or arms mentioned on the permit. Failure to comply with this provision is punishable, in accordance with Article 13.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 37</b></p> <p>The licence to pick, transport and sell arms as well as their spares and the licence to acquire, and buy ammunitions and their spare parts shall be kept alongside this register and may be presented to competent authorities when need arises.</p> <p><b>Art. 38</b></p> <p>Customs officials and trade agents under the Ministry of Defense will verify these permanent records registers.</p> <p><b>Art. 39</b></p> <p>After checking, appended to the register the justifying documents are then destroyed by the officials. The destruction thus goes along with the checking.</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Provisions exist to carry out a national inventory and to require small arm owners to justify their possession of an arm. The verification of trade records is also stipulated.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 13</b></p> <p>Whoever imports, transports, possesses, sells gives out and abandons firearms and ammunition in violation of the provisions of this decree shall be imprisoned for 7 days to a year or shall pay a fine of 5,000 to 50,000 francs or face both punishments.</p> <p>The sentence shall be pronounced in court and he may be imprisoned for up to 10 years if he conducted the business in areas where there are military operations. The arms and ammunition could also be confiscated.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 45</b></p> <p>The violations of this decree are punishable in accordance with article 13 of decree No 12/79 of May 1979 on firearms and ammunitions.</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) and UN Programme of Action Section II Art. 15</b></p> <p>Require provisions to prevent the breaching of UN Security Council arms embargoes.</p>		The national legislation does not conform to the regional and international agreements.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 3 (b)</b></p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p>		The national legislation does not conform to the 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>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 3</b></p> <p>No-one can possess arms belonging to National Army and Police.</p> <p><b>Presidential decree No. 111/02 of May 1979 on the ways of executing decree no 12/97 of 7 May 1979 on firearms and ammunitions. Art. 9</b></p> <p>Save for exceptional reasons accepted by the Ministry of Defence, Nobody shall be given permission to import, acquire and possess arms and spare parts like those used by the Armed forces.</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</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><b>Decree No. 12/79 of 7th May 1979 on Firearms and Ammunition Art. 4</b></p> <p>Holding, in any manner, any firearms other than that which belong to the National Army and Police, is subject to authorization supported by firearm keeping permit. No one can keep a firearm, other than that which belongs to the National Army and Police, unless his/her purpose is legitimate and supported by a firearm keeping permit.</p> <p><b>Art. 17</b></p> <p>Notwithstanding measures that are necessary for shooting exercises which could be carried out by the National Army and Police and maintenance of public order in general, it is prohibited to fire any firearm of carry loaded weapons through or close to towns and other inhabited areas.</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>		The national legislation does not conform to the regional and international agreements.

**State-owned small arms: Storage**

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

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Art. 29</b></p> <p>Encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and to implement, regional and subregional mechanisms in this regard.</p> <p><b>Co-ordinated Agenda for Action Art. 5.2 and 5.3</b></p> <p>Requires the safe storage of arms in possession of the state and strict accountability and the effective tracing of all weapons owned by the state.</p>		

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

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

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

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

**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)