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**The Arms, Ammunition and Explosives Act, 1986
Art. 8**

In the Act, unless the context otherwise requires:

"Arms", include firearms, ammunition, explosives, as the Arms Corps of the People's Armed Forces may specify;

Strengthening small arms controls:

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

SUDAN

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February 2004

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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

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Introduction

THIS COUNTRY STUDY ON SUDAN 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.¹ 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)

¹ 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.²

² 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.

Sudan

Overview of existing legislation and conformity to regional and international agreements

Definitions

THE PRIMARY PIECES OF NATIONAL LEGISLATION ON SMALL ARMS CONTROL IN SUDAN are the Arms, Ammunition and Explosives Act, 1986 and the Arms, Ammunition and Explosives Regulations, 1993, incorporating Amendment No. 1 of 1997.

The definitions contained in the Act, categorising arms and consequently determining the controls that are applicable to different classes of arms, group all small arms, ammunition and explosives under the title of “arms.” Crucially, a separate definition for light weapons, which would enable the enacting of legal provisions prohibiting their possession and use by civilians, as called for the Protocol for the GLR and HoA, is not included.

Controls on civilian possession and use

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

- A licence is required for the possession, use or carrying of a small arms and the legislation contains extensive details on the process for obtaining licences and specific regulations stating which categories of people are entitled to possess which types of small arm.
- A provision exists for the competency testing of licence applicants.
- With some exceptions, no person is allowed to possess more than two small arms.
- There are detailed restrictions on the quantity of ammunition that is authorised annually to civilians and diplomats.
- Restrictions exist on the relinquishing of small arms.
- Extensive provisions exist relating to the depositing in and withdrawing of small arms from public warehouses.

However, fundamental absences include:

- No total prohibition on the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.
- No provision for the safe storage of civilian owned small arms.
- No explicit prohibition on the pawning and pledging of small arms.

Record keeping and marking

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

- Records are maintained of licences issued for the civilian possession of small arms and also on the deposit in and retrieval of small arms from public warehouses.

- Provisions exist for the marking of small arms at the time of deposit in a public warehouse and the licensing authority will only issue licences for small arms that have identifying marks.

However, fundamental absences include:

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

Import, export and transit

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

- Permits from the licensing authority are required for the import, export and transit of small arms and the Act contains a list of those categories of arms that may be imported – the importation of any other type of arms is prohibited.
- The Act lists the quantities of ammunition that arms dealers are permitted to import.
- Records are to be maintained on those small arms imported for the purpose of trading therein.
- There are limited requirements for the information to be included on import licences, however, these fall short of the requirements laid out in the Protocol for the GLR and HoA and UN Firearms Protocol.

Fundamental absences include:

- No requirement for the use of end-user certificates.
- No system or requirement for the marking of small arms at the time of import.
- No 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:

- Small arms can only be manufactured, assembled or altered in premises specially licensed for such purpose.

However, fundamental absences include:

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

Trade

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

- Trading in small arms requires a licence and the legislation contains details on the licensing procedure.
- Records must be maintained on all small arms imported for the purpose of trading therein and small arms dealers must keep records on those small arms deposited in or withdrawn from public warehouses.
- Small arms dealers may only carry out business in the premises specified in the licence.
- Dealers can only sell small arms and ammunition to those with a permit to receive it, in accordance with the type and number of arms specified in this permit.

However, fundamental absences include:

- No requirement that records be maintained for not less than ten years.
- 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:

- Provisions exist for the state authorities to seize and confiscate those small arms with respect to which a contravention of the provisions of the Act has been committed.
- Premises and possessions used to facilitate the contravention of the Act may also be confiscated.
- The licensing authorities may demand the production of licences for the possession of small arms and may inspect warehouse registers.

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 Regulations contain a detailed list stating which types of small arms may be owned by various groups such as ministers, provincial governors, members of the judicial authority, army officers, police forces and public service and quasi-governmental establishment workers. The Act also contains provisions for the disposal of small arms and ammunition used by the armed forces. However, it does not state the form of disposal that should be used. Further, there is no provision for the rendering of small arms as surplus or obsolete.

Penalties

The penalties to be imposed for various contraventions of the Act are listed. They range from imprisonment for a term not exceeding five years, plus a fine, for the import of small arms without a licence, to death or imprisonment for not less than ten years for the possession, use or carrying of small arms without a licence in certain areas, as specified by the President of the Republic.

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 conformity³ 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).

³ 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 Sudan's small arms legislation⁴

Analytical category	Nairobi Declaration	Protocol for the GLR and HoA	UN Firearms Protocol	National Legislation
Firearms		<p>Article 1</p> <p>"firearms", means</p> <p>(a) any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p> <p>(b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine</p>	<p>Article 3</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>The Arms, Ammunition and Explosives Act, 1986</p> <p>Art. 8</p> <p>In the Act, unless the context otherwise requires:</p> <p>"Arms", include firearms, ammunition, explosives, as the Arms Corps of the People's Armed Forces may specify;</p> <p>Art. 4</p> <p>The provisions of this Act shall not apply to the arms, mentioned hereinafter:</p> <p>(a) the arms specified for the use of the Sudanese Forces, or specified for the use of the forces of other governments present in the Sudan, upon the consent of the Sudan Government</p> <p>(b) the arms present on board a seagoing vessel, inside the territorial waters of the Republic of Sudan, or inside aircraft, in the Sudanese airspace, upon the permission of the Sudan Government, and part of which constitute the armament thereof, or the ordinary accoutrement of the same;</p>
Ammunition		<p>Article 1</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>Article 3</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>	
Light Weapons/Arms of War		<p>Article 1</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>The Arms, Ammunition and Explosives Act, 1986</p> <p>Art. 3</p> <p>In the Act, unless the context otherwise requires:</p> <p>"Arms", include firearms, ammunition, explosives, as the Arms Corps of the People's Armed Forces may specify;</p> <p>Art. 4</p> <p>The provisions of this Act shall not apply to the arms, mentioned hereinafter:</p>

⁴ 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>(a) the arms specified for the use of the Sudanese Forces, or specified for the use of the forces of other governments present in the Sudan, upon the consent of the Sudan Government</p> <p>(b) the arms present on board a seagoing vessel, inside the territorial waters of the Republic of Sudan, or inside aircraft, in the Sudanese airspace, upon the permission of the Sudan Government, and part of which constitute the armament thereof, or the ordinary accoutrement of the same;</p>
Small Arms		<p>Article 1</p> <p>“small arms” are weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.</p> <p>“small arms” shall also include:</p> <p>– “firearms”, “ammunition” and “other related materials”.</p>		
Other Related Materials/Parts and Components		<p>Article 1</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>Article 3</p> <p>(b) “Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;</p>	

Breakdown of Sudan’s small arms legislation

Controls on civilian possession and use⁵

Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of licensing process – how small arms licence is obtained	<p>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 26</p> <p>(1) No person shall possess, use or carry any arms, unless he is in possession of a valid licence, from the licensing authority, empowering him to possess, use or carry such arm, other than the following cases:</p> <p>(a) the arms deposited, in a public, or private warehouse;</p>	The national legislation fully conforms to the regional and international agreements.

⁵ Please refer to the explanation contained under ‘Use of terms’ in the regional and national overview section of this report.

Controls on civilian possession and use: *Licensing* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>Protocol for the GLR and HoA Art. 3</p> <p>(a) Requires the establishment as criminal offences the</p> <p>(iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p>Bamako Declaration Art. 3 A (iii)</p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> <p>UN Programme of Action II Art. 3</p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p>(b) transit arms;</p> <p>(c) such arms, as may have been purchased, for immediate export.</p> <p>(2) Notwithstanding the provisions of subsection (1), the licensing authority may grant a temporary licence, for the period of one month, for possession and use of an arm, for any alien visitor inside the Sudan, in a legitimate way; provided that where the period of residence of such visitor exceeds one month, he shall obtain a licence for possession of an arms, in accordance with the provisions of this Act.</p> <p>Art. 29</p> <p>The regulations and orders shall specify the conditions and safeguards of granting arms licences.</p> <p>Art. 31</p> <p>(5) The person, who presents the report shall not be granted another licence for carrying an arm, unless the licensing authority has ensured that the loss has not been by reason of negligence.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>a) the conditions and safeguards of granting arms licences.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>Possession of Firearms</p> <p>Licence To Possess Firearms & Conditions Thereof</p> <p>Art. 14</p> <p>(1) The licensing authority will issue a certification with a licence to possess firearms as prescribed by law.</p> <p>Application for a Licence To Possess Firearms</p> <p>Art. 15</p> <p>(1) Applications for a licence to possess firearms should be made on Form No. 34.</p> <p>(2) Applications referred to in Section 1 will be subject to examination by the licensing authority to verify that the conditions for granting a licence to possess a firearm have been met and that there are logical reasons for having done so.</p> <p>Inspection of Firearms</p> <p>Art. 16</p> <p>The licensing authority must inspect any firearm before licensing it and ensure that the firearm bears sufficient identifying marks. It must also ensure that the person holding the weapon in his possession has a valid certification.</p> <p>Exchange of Firearms</p> <p>Art. 20</p> <p>In accordance with the provisions of the law, the licensing authority may, after conducting a thorough investigation through the police in the event of loss not due to negligence or misuse on the part of the licensee, may license him with a certification to possess a firearm of the same type and calibre. However, in the event of negligence or misuse, such person may not be granted certification to acquire a firearm (Amendment 97).</p> <p>Concluding Provisions</p> <p>Firearms Licences & Renewal Thereof</p> <p>Art. 23</p> <p>(2) Any person who has been issued with a firearms licence must carry out his importation, transfer or purchase, as the case may be, in accordance with Section 1. In the event that such period expires without the purchase being made, he must obtain a new licence by paying a further fee (Amendment 97).</p>	<p>A licence is required for the possession, use or carrying of any arm.</p> <p>There are detailed regulations stipulating the process by which a licence may be obtained and specific regulations stating which categories of people are entitled to possess which types of arms.</p>

Controls on civilian possession and use: *Licensing* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity						
		<p>General Rules</p> <p>Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(D) No application may be received from any official in public service, a quasi-governmental unit, public authority or establishment or commercial, agricultural or industrial company, unless such application contains a recommendation to that effect from the head of department.</p> <p>(H) Regard should be had in respect of the possession of a firearm by a woman to the fact that it should be confined to instances of official possession in accordance with the regulatory laws in that regard.</p> <p>(I) The licensing of foreigners and diplomats and equivalent members of international organisations will be for the purpose of personal protection only.</p> <p>(L) Recommendations for foreigners, other than diplomats, will be by the General Security Organisation.</p> <p>(M) Recommendations for diplomats will be by the Foreign Affairs Ministry.</p> <p>(O) The licensing authority may grant a temporary certification for a period of not more than a month to members of shooting clubs to use weapons licensed and owned by others (Amendment 97) for the purposes of practice and competition, if they do not own the required calibre type.</p> <p>(P) If the applicant is working abroad, he must attach a certificate legalised by a Sudanese Embassy or Consulate in the country in which he is living, in which his occupation and salary are specified, as well as proof of his payment of the prescribed tax.</p> <p>Schedule II Categories Entitled to the Various Types of Weapon (See Art. 14 (D) (E))</p> <table border="1"> <thead> <tr> <th data-bbox="740 1182 783 1202">SECT.</th> <th data-bbox="799 1182 863 1202">WEAPON</th> <th data-bbox="900 1182 1166 1202">CATEGORIES ENTITLED TO A LICENCE</th> </tr> </thead> <tbody> <tr> <td></td> <td data-bbox="799 1211 847 1256">7.65 pistol</td> <td data-bbox="900 1211 1209 2096"> <p>1) Those occupying constitutional positions</p> <p>A Speaker of the National Assembly</p> <p>B Leaders of the National Assembly & the Secretary-General</p> <p>C Committee chairmen (Minister of State level)</p> <p>D Head of the National Conference Secretariat (Union Minister)</p> <p>E Head of the Provincial Conference Secretariat (Provincial Minister)</p> <p>F Head of the Regional Conference Secretariat (First Group)</p> <p>2) Members of the representative assemblies:</p> <p>– Speaker of the Assembly and his deputy, leader of the Assembly and the Secretary to the Assembly are treated as special first class posts.</p> <p>3) Supreme Court judges and heads of department at the Prosecutor-General's Office.</p> <p>4) Regular forces officers from the rank of Brigadier.</p> <p>5) Public service workers in the first special group and the directors of universities and higher institutions.</p> <p>6) Dealers or businessmen who pay three million pounds in tax on their profits for the year in which their application is submitted, provided they present at the time the application is made a certificate of payment for this amount of tax for the end of the year in which payment is due.</p> </td> </tr> </tbody> </table>	SECT.	WEAPON	CATEGORIES ENTITLED TO A LICENCE		7.65 pistol	<p>1) Those occupying constitutional positions</p> <p>A Speaker of the National Assembly</p> <p>B Leaders of the National Assembly & the Secretary-General</p> <p>C Committee chairmen (Minister of State level)</p> <p>D Head of the National Conference Secretariat (Union Minister)</p> <p>E Head of the Provincial Conference Secretariat (Provincial Minister)</p> <p>F Head of the Regional Conference Secretariat (First Group)</p> <p>2) Members of the representative assemblies:</p> <p>– Speaker of the Assembly and his deputy, leader of the Assembly and the Secretary to the Assembly are treated as special first class posts.</p> <p>3) Supreme Court judges and heads of department at the Prosecutor-General's Office.</p> <p>4) Regular forces officers from the rank of Brigadier.</p> <p>5) Public service workers in the first special group and the directors of universities and higher institutions.</p> <p>6) Dealers or businessmen who pay three million pounds in tax on their profits for the year in which their application is submitted, provided they present at the time the application is made a certificate of payment for this amount of tax for the end of the year in which payment is due.</p>	
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Controls on civilian possession and use: Licensing *continued*

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B	.32 pistols	<p>1 All categories referred to in Section A.</p> <p>2 Members of the judicial authority, other than those mentioned in Section A.</p> <p>3 Legal advisers, other than those mentioned in Section A</p> <p>4 Public service and governmental and quasi-governmental establishment and authority workers at Grade 3 and those whose jobs require them to carry a weapon.</p> <p>5 Employees of commercial, agricultural and industrial banks, companies and establishments on a basic salary of five hundred thousand pounds for the year, provided it is supported by a certificate of tax.</p> <p>6 Dealers who pay tax on their profits of not less than one million pounds for the year when they submit their application, provided they present a certificate of tax paid.</p> <p>7 Farmers or livestock owners whose tithe and weighing charge payments average seven hundred and fifty thousand pounds over the previous three years.</p> <p>8 Lawyers who have been in practice for ten years, provided they submit a letter of registration from the Lawyer's Association to that effect.</p>													

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>SECT. WEAPON CATEGORIES ENTITLED TO A LICENCE</p> <p>C Rifles: 200/275 243/458 006/3 323 270 375 7m 358 443</p> <p>1 All categories referred to in Sections A and B.</p> <p>2 Tribal leaders, [word unclear], mayors and rulers, if the competent authorities in the provinces recommend it.</p> <p>3 Employees of commercial, agricultural and industrial banks and establishments on a minimum basic salary of three hundred and fifty thousand pounds for the year, provided it is supported by a certificate of tax.</p> <p>4 Dealers who pay tax on their profits of seven hundred and fifty thousand pounds for the year in which they submit their application, provided they attach a certificate of tax paid from the Tax Office.</p> <p>5 Farmers and livestock or property owners whose tithe, weighing charge, livestock or revenue payments average five hundred thousand pounds over the previous three years.</p> <p>D Shotguns: 12/16 20/28</p> <p>1 All categories referred to in Sections A, B and C.</p> <p>2 Public service and governmental and quasi-governmental establishments at Grade 4.</p> <p>3 Employees of commercial, agricultural and industrial banks, companies and establishments on a basic salary of four hundred thousand pounds for the year, provided it is supported by a certificate of tax.</p> <p>5 Dealers who pay tax on their profits of five hundred thousand pounds for the year in which they submit their application, provided they attach a certificate of tax paid from the Tax Office.</p> <p>6 Farmers and livestock or property owners whose tithe, weighing charge or livestock payments average two hundred thousand pounds over the previous three years.</p> <p>D Shotguns: 7 Religious leaders and shaikhs of the Sufi orders, on the recommendation of the Supreme Council for Religious Affairs, Awqaf and Public Security.</p> <p>8 Lawyers who have been in practice for seven years, provided they submit a letter from the Lawyer's Association to that effect.</p>	

Controls on civilian possession and use: Restrictions and conditions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Personal suitability to possess arms ■ General conditions		<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Possession of Firearms Licence To Possess Firearms & Conditions Thereof Art. 14</p> <p>(2) The applicant for a firearms licence must meet the following conditions:</p> <p>(A) He is a person of good conduct and behaviour.</p> <p>(C) He has not been convicted of any violent crime or any crime involving a breach of honour or trust.</p> <p>(D) He is not an addict or suffering from any illness specified by the Medical Commission.</p> <p>(E) His professional status or income is not less than that set out in Schedule III attached to these regulations. This provision will apply to those who have retired.</p> <p>(F) He should provide a certificate of his criminal status.</p> <p>General Rules Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(G) The licensing authority may require a person applying to possess a firearm to undergo a medical examination to ascertain</p> <p>Art. 26</p> <p>A competent police officer may seize a firearm and recommend to the licensing authority that it withdraw the licence of any person who is shown to have become unfit to carry a firearm due to insanity, addiction or smuggling to the extent that he constitutes a danger to the public security (Amendment 97).</p>	
■ Age restrictions		<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Possession of Firearms Licence To Possess Firearms & Conditions Thereof Art. 14</p> <p>(2) The applicant for a firearms licence must meet the following conditions:</p> <p>(B) He is not less than 30 years old.</p> <p>Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>his state of health.</p> <p>(N) In addition to the conditions that must be met in order to be fit to possess a firearm, an applicant must not be less than 30 years old for a firearm and 25 years old for an air weapon (Amendment 1997).</p>	
■ Competency test	<p>Protocol for the GLR and HoA Art. 3 (c) (viii) Requires provisions for the competency testing of prospective small arms owners.</p>	<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Possession of Firearms Licence To Possess Firearms & Conditions Thereof Art. 14</p> <p>(2) The applicant for a firearms licence must meet the following conditions:</p> <p>(G) The licensing authority may subject him to tests in order to establish how capable he is of using the firearm for which he is licensed (Amendment 97).</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>The legislation provides for the competency testing of those applying for small arms licences.</p> <p>However, such tests do not appear to be mandatory and the national legislation does not provide uniform criteria by which to judge the competency and capability of prospective small arms owners.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity																												
Quantity of weapons	<p>Protocol for the GLR and HoA Art. 3 (c) (ix)</p> <p>Requires a restriction on the number of small arms that may be owned.</p>	<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>General Rules</p> <p>Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(A) No person may be licensed for more than two firearms.</p> <p>Exemptions from the Provisions of These Regulations</p> <p>Art. 27</p> <p>(2) The exemption licence under Paragraph 27 of these regulations should not be for more than four firearms per person in addition to the two entitled firearms (Amendment 1997).</p> <p>Art. 29</p> <p>Transitional Provision:</p> <p>(A) Pursuant to Paragraphs 27.2 and 27.3, any person possessing more than six firearms and who is from one of the categories referred to must relinquish the extra firearms by transferring them to a licensed person or to a licensed arms dealer.</p> <p>(B) If he is not from one of the groups referred to in Paragraph 27.3, the relinquishment of the firearms in excess of the two entitled firearms will be in accordance with Paragraph 25(A).</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>With some exceptions, no person is allowed to possess more than two small arms.</p>																												
<p>■ Licensing required for each arm possessed</p>																															
Quantity of ammunition		<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>Art. 7</p> <p>No person may have in his possession any ammunition, unless:</p> <p>(A) such ammunition is for importation for a firearm in his possession and he has a valid licence for such [firearm] in accordance with the provisions of the law.</p> <p>Disposal of Ammunition</p> <p>Art. 8</p> <p>No person may dispose of any ammunition in his possession by means of sale, loan, gift or any other process, unless:</p> <p>(A) it is in accordance with a certification and the conditions of the licence to sell such ammunition,</p> <p>(B) it is in a quantity that is approved by the licensing authority, and the person meets the requirements for having such ammunition in his possession.</p> <p>Permissible Quantity for Importation & Expiry of an Import Permit</p> <p>Art. 11</p> <p>(1) The quantity of ammunition that may be imported and held in one's possession will be according to Schedule I attached to these regulations.</p> <p>(2) An import permit will lapse three months after it is issued if no importation has been made in accordance therewith, although it can be renewed during that period.</p> <p>Schedule I</p> <p>(3) Ammunition Authorised Annually to Citizens and Diplomats</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>WEAPON</th> <th>QUANTITY TO DIPLOMATS</th> <th>QUANTITY TO CITIZENS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Pistols</td> <td>25</td> <td>10–15 rounds a year</td> </tr> <tr> <td>2</td> <td>Rifles</td> <td>50</td> <td>20 rounds</td> </tr> <tr> <td>3</td> <td>Magnum rifles</td> <td>50</td> <td>20 rounds</td> </tr> <tr> <td>4</td> <td>Morris rifles</td> <td>200</td> <td>200 rounds</td> </tr> <tr> <td>5</td> <td>Shotguns</td> <td>200</td> <td>300 rounds</td> </tr> <tr> <td>6</td> <td>Air pistols and rifles</td> <td>500</td> <td>500 rounds</td> </tr> </tbody> </table>	NO.	WEAPON	QUANTITY TO DIPLOMATS	QUANTITY TO CITIZENS	1	Pistols	25	10–15 rounds a year	2	Rifles	50	20 rounds	3	Magnum rifles	50	20 rounds	4	Morris rifles	200	200 rounds	5	Shotguns	200	300 rounds	6	Air pistols and rifles	500	500 rounds	
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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>Protocol for the GLR and HoA Art. 3 (c) (ii) and Art. 5 (b) (iii)</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>The national legislation does not conform to the Protocol for the GLR and HoA.</p> <p>Detailed lists of which categories of people may possess which types of weapons are contained in the national legislation.</p> <p>However, there is not a total prohibition on the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.</p>
Duration of licence and renewal procedure		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 27</p> <p>The validity of any arm licence shall terminate, on the thirty first of December of every year, unless renewed on such day, or within 14 days after such date.</p> <p>Art. 31</p> <p>(5) The person, who presents the report shall not be granted another licence for carrying an arm, unless the licensing authority has ensured that the loss has not been by reason of negligence.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(k) specifying the safeguards of the procedure of renewal of arms licences.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Concluding Provisions Firearms Licences & Renewal Thereof Art. 23</p> <p>(1) The duration of a firearms licence is six months.</p> <p>(2) Any person who has been issued with a firearms licence must carry out his importation, transfer or purchase, as the case may be, in accordance with Section 1. In the event that such period expires without the purchase being made, he must obtain a new licence by paying a further fee (Amendment 97).</p>	
Withholding information or misrepresentation	<p>Protocol for the GLR and HoA Art. 3</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>The Arms, Ammunition and Explosives Act, 1986 Art. 10</p> <p>(3) Without prejudice, to the generality of what is set out in sub-section (1) and (2), the Minister may permit to possess any other calibres of the abovementioned arms exceptionally, for such circumstances, as he may appreciate; on condition that the person shall be entitled to possess an arm; provided that such power shall not be delegated.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 General Rules Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>(O) The licensing authority may grant a temporary certification for a period of not more than a month to members of shooting clubs to use weapons licensed and owned by others (Amendment 97) for the purposes of practice and competition, if they do not own the required calibre type.</p> <p>Exemptions from the Provisions of These Regulations Art. 27</p> <p>(1) The Minister may exempt any person from some or all of the conditions appearing in these regulations.</p> <p>(2) The exemption licence under Paragraph 27 of these regulations should not be for more than four firearms per person in addition to the two entitled firearms (Amendment 1997).</p> <p>(3) Exemption licences are for the following groups: (A) Those occupying constitutional positions. (B) Senior regular forces officers. (C) Those occupying leadership positions. (D) Community leaderships (Amendment 1997).</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"> ■ resisting arrest ■ injure/endanger person or property ■ handle small arm under influence of drugs/alcohol ■ negligent discharge/use ■ point gun without good cause ■ restrictions on carriage of small arm (when, where (public place), how (holster, concealed etc)) 	<p>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p>Protocol for the GLR and HoA Art. 3</p> <p>(a) Requires the establishment as criminal offences the (iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p>Bamako Declaration Art. 3 A (iii)</p> <p>Recommends establishing as a criminal offence the illegal possession and use of small arms and light weapons.</p> <p>UN Programme of Action II Art. 3</p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 31</p> <p>(5) The person, who presents the report shall not be granted another licence for carrying an arm, unless the licensing authority has ensured that the loss has not been by reason of negligence.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(f) safeguards of the possession, sale and disposal of arms.</p> <p>Exchange of Firearms Art. 20</p> <p>In accordance with the provisions of the law, the licensing authority may, after conducting a thorough investigation through the police in the event of loss not due to negligence or misuse on the part of the licensee, may license him with a certification to possess a firearm of the same type and calibre. However, in the event of negligence or misuse, such person may not be granted certification to acquire a firearm (Amendment 97).</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>Those guilty of misuse or negligence of small arms will not be issued another licence in the event that they lose their small arm.</p> <p>However, detailed standards for the civilian possession of small arms and detailed restrictions on owners' rights to use and possess arms are not stipulated.</p>
Storage and safekeeping conditions	<p>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires provisions for the effective control of small arms and light weapons including the storage thereof.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
<p>Restrictions on/ conditions of relinquishing and regaining possession of small arms</p> <ul style="list-style-type: none"> ■ to whom (authorised person, dealer, licence holder, relations) ■ deposit in and retrieval of arms from warehouses 	<p>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires restrictions on owners' rights to relinquish control, use and possession of small arms.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 11</p> <p>(1) There shall be registered, in the prescribed manner, any complete arm, or any part, or parts of an incomplete arm, or any ammunition, forthwith deposit thereof, in a public warehouse, in such manner, as the licensing authority may prescribe. Where such arms, or part of an arm, or package of ammunition does not bear a mark, or number, to identify the same, it shall be stamped, marked by a mark, or given such number, as may be sufficient for identification thereof.</p> <p>(2) There shall be registered, in the prescribed manner, all the arms imported, for the purpose of trading therein, to the effect of such purpose, upon depositing</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>Owners cannot relinquish control and possession of small arms without the permission of the licensing authority.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>the same, for the first time, in a public warehouse, and upon every transfer, from such warehouse, to any other public, or private warehouse.</p> <p>(3) A person, who deposits an arm in a warehouse shall furnish the person in charge of such warehouse, with such information necessary for registration, as he may require.</p> <p>Art. 12</p> <p>(1) No arms, deposited in a public warehouse, shall be withdrawn, save upon a permit issued by the licensing authority.</p> <p>(2) No permit, for the withdrawal of any arms, from a public warehouse, shall be issued, save conditions, as the licensing authority may prescribe:</p> <p>(a) for the purpose of transfer thereof, to another public warehouse, or private warehouse; or</p> <p>(b) to any person licensed to carry such arm, for his legitimate personal use; or</p> <p>(c) for export, or disposal thereof, in accordance with the provisions of this Act.</p> <p>(3) There shall be specified, in the withdrawal permit, the place for which arms shall be transferred, after withdrawal thereof, from the warehouse, and the place in which they shall be deposited.</p> <p>(4) The licensing authority, in the discretion thereof, may specify the quantity of the arms permitted to be withdrawn each time.</p> <p>(5) The licensing authority, before granting the permit to withdraw the arms, may require such security, as they may deem appropriate, for compliance with such conditions, as may be set out in the withdrawal permit.</p> <p>Art. 15</p> <p>(1) No arm shall be deposited in, or withdrawn, from a private warehouse, save upon a written request, in the prescribed form, and in accordance with the permit issued by the licensing authority.</p> <p>Art. 16</p> <p>(1) No Permit, for the withdrawal of any arm from the private warehouse, shall be issued, save in the following cases:</p> <p>(a) for the purpose of sale, or transfer of the arm, to any person licensed to carry the type of the arm intended to be withdrawn;</p> <p>(c) for the purpose of transfer of the arms, from a private warehouse, to another private warehouse, or public warehouse;</p> <p>(d) for the purpose of transfer of the arm, in such place, or places, as may be shown in the permit specified thereof;</p> <p>(e) for any other purpose, as the licensing authority may deem fit to issue a permit with respect thereto.</p> <p>(2) The permit, issued under this section, shall include a description of the arms, and the numbers and arks thereof.</p> <p>Art. 18</p> <p>No person shall sell, or transfer, to any person, any arms, or dispose of the same, in any of the forms of disposal, save in accordance with the provisions of this Act.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>Disposal of Ammunition</p> <p>Art. 8</p> <p>No person may dispose of any ammunition in his possession by means of sale, loan, gift or any other process, unless:</p> <p>(A) it is in accordance with a certification and the conditions of the licence to sell such ammunition,</p> <p>(B) it is in a quantity that is approved by the licensing authority, and the person meets the requirements for having such ammunition in his possession.</p>	<p>Further, there are detailed provisions relating to the deposit in and retrieval of small arms from warehouses, both of which require the permission of the licensing authority.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Transfer of Firearms Art. 18</p> <p>(1) No firearm may be transferred by one person to another by any means of disposal.</p> <p>(2) Notwithstanding the provisions of Section 1, a firearm may be transferred with the approval of the licensing authority in the following circumstances:</p> <p>(C) A wish to sell the firearm to another person who fulfils the conditions set out in these regulations for the possession of a firearm, provided the seller does not hand over another firearm of the same type and calibre.</p> <p>(D) The relinquishment of the licensed weapon to the state for the purposes of acquiring a new firearm of the same type and calibre.</p> <p>(E) The licensing authority may approve the exchange of a firearm between one person and another on condition that they are of the same type and calibre (Amendment 97).</p> <p>Exchange of Firearms Art. 19</p> <p>Old firearms may not be exchanged for new firearms of the same type, unless the applicant produces a certificate from the Department to the effect that the old firearm is not fit for use.</p> <p>General Rules Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(O) The licensing authority may grant a temporary certification for a period of not more than a month to members of shooting clubs to use weapons licensed and owned by others (Amendment 97) for the purposes of practice and competition, if they do not own the required calibre type.</p>	
■ leasing/lending			
■ pawning/pledging	<p>Protocol for the GLR and HoA Art. 3 (c) (x)</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		<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Transfer of Firearms Art. 18</p> <p>(1) No firearm may be transferred by one person to another by any means of disposal.</p> <p>(2) Notwithstanding the provisions of Section 1, a firearm may be transferred with the approval of the licensing authority in the following circumstances:</p> <p>(A) The death of the licensed holder and the heirs do not wish to keep it.</p> <p>General Rules Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(B) In the event of death, no firearm may be transferred to any other person by way of inheritance, unless that other person is fit to possess that weapon and after a certificate from the Sharia Court to the effect that the weapon came to him by means of a bequest is produced, provided the rights of the heirs and the social circumstances in the area are safeguarded.</p>	
■ other conditions restrictions on/ conditions of relinquishing and regaining possession of small arms		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 31</p> <p>(5) The person, who presents the report shall not be granted another licence for carrying an arm, unless the licensing authority has ensured that the loss has not been by reason of negligence.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Transfer of Firearms Art. 18</p> <p>(2) Notwithstanding the provisions of Section 1, a firearm may be transferred with the approval of the licensing authority in the following circumstances:</p> <p>(B) Incapacity and failure to meet the necessary requirements to possess a firearm under the provisions of these regulations.</p>	
<p>Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)</p>		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 31</p> <p>(1) A person licensed for an arm shall report the loss of such arm, to the police station, within the limits of jurisdiction of which the loss has occurred, and shall likewise report, to the licensing authority, who have issued the licence.</p> <p>(2) The licensee person shall, upon presenting a report, in accordance with the provisions of subsection (1), present all such particulars, as may be required therefrom, and connected ton such report.</p> <p>(3) The licensing authority, upon receipt of the report, in accordance with the provisions of subsection (1), shall record, on the registers thereof, to the effect of the report of loss.</p> <p>(4) The licensing authority shall issue a circular, to all police units, to notify the same of the loss of the arm reported thereon.</p> <p>(5) The person, who presents the report shall not be granted another licence for carrying an arm, unless the licensing authority has ensured that the loss has not been by reason of negligence.</p> <p>Art. 32</p> <p>(1) A person licensed for an arm shall in case of damage of such arm, present a certificate, from the Arms and Accoutrements Corps of the People's Armed Forces, to the effect that such an arm has become unfit for use, and has been destroyed thereby.</p> <p>(2) The licensing authority, upon receipt thereby; of the certificate, provided for in subsection (1), shall denote the registers thereof, to the effect of damage and destruction of the arm.</p>	
<p>Other restrictions on possession and use of small arms including:</p> <ul style="list-style-type: none"> ■ carry licence while in possession ■ civilian maintenance, repair, loading 		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 9</p> <p>No arms, other than the arms licensed for personal use, shall be loaded, unloaded or conveyed, in any place in the Sudan, or in the territorial waters thereof, from, or to any means of conveyance, without the existence of a permit for such loading, unloading, or carriage, from the competent authority.</p> <p>Art. 33</p> <p>(1) The licensing authority may require any person, in whose possession is an arm, to produce the licence, which empowers him to carry, or possess such arm, and may also require the production of such arm.</p> <p>(2) In case of non-production of the licence, the licensing authority may seize the such arm, and the possessor thereof shall be granted seven days to bring the same, and where he does not produce it, within such period, he shall be deemed to have committed a contravention, under the provisions of this Act.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(d) safeguards of loading, unloading, storage or conveyance of arms.</p>	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>Protocol for the GLR and HoA Art. 5 (b) (i)</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>The Arms, Ammunition and Explosives Act, 1986 Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(j) specifying the penalties inflicted for the contravention of the provisions of the regulations.</p> <p>Art. 45</p> <p>(1) Any person, who commits any of the contraventions, mentioned in Column I, of the Schedule hereto, shall be punished, with the penalty specified for such contravention, Column III of the same Schedule.</p> <p>(2) In case of the conviction of any person, for contravention of the provisions of this Act, the court may, in addition to the prescribed penalty, issue an order to revoke the licence, and confiscate the arms, with respect to which the contravention has been committed, and may, order the confiscation of any means of conveyance, warehouse or house, or any other estate, which has been used for the conveyance, or storage of the arm subject of the contravention.</p> <p>(3) Without prejudice, what is set out in subsection (2), such court, after passing the decision of the court for confiscation of the arms, the subject of trial, shall issue an order to deliver the arms, to the Arms Corps of the a People's Armed Forces.</p> <p>Contraventions</p> <p>No. 2 Loading, unloading or conveyance of arms without a permit (Art. 9) Imprisonment, for a term not exceeding five years, and fine.</p> <p>No. 4 Deposit and withdrawal of arms, from a private warehouse therefore, without permit (Art. 15) Imprisonment, for a term not less than five years, and fine.</p> <p>No. 5 Sale, transfer and disposal of arms, in contravention of this Act (Art. 18) Imprisonment, for a term not less than seven years, and fine.</p> <p>No. 12 Possession, use or carrying arm, without licence (Art. 26) (1) Imprisonment, for a term, not less than two years, and fine; or (2) Death, or imprisonment, or a term, not less than ten years, in such areas, as the President of the Republic, by an order thereof, may specify.</p> <p>No. 15 Any other contravention. Imprisonment, for a term, not less than five years, and fine.</p>	<p>The implementation of Article 5 (b) (i) will require consultation and agreement on what constitute heavy minimum sentences.</p> <p>The national legislation appears to allow for the heavy sentencing of offenders.</p>

Record keeping and marking

Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
When? (import/export/transit/manufacture etc)	<p>Bamako Declaration Art. 3 A (iv)</p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p>Protocol for the GLR and HoA Art. 3 (c) (vi)</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>UN Programme of Action Section II Art. 16</p> <p>Requires the marking and registering of all confiscated, seized or collected small arms prior to their destruction or disposal.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 8</p> <p>The arms, which have been imported, shall be registered, as the regulations may specify the identification thereof, where such arms do not bear such mark, or number, as may be sufficient to identify the same, and there is no need for the deposit thereof, in a public warehouse.</p> <p>Art. 11</p> <p>(1) There shall be registered, in the prescribed manner, any complete arm, or any part, or parts of an incomplete arm, or any ammunition, forthwith deposit thereof, in a public warehouse, in such manner, as the licensing authority may prescribe. Where such arms, or part of an arm, or package of ammunition does not bear a mark, or number, to identify the same, it shall be stamped, marked by a mark, or given such number, as may be sufficient for identification thereof.</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 licensing authority will only licence small arms that have identifying marks.</p>

Record keeping and marking: *Marking* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>UN Firearms Protocol Art. 9</p> <p>(c) Requires the marking of deactivated firearms with a clearly visible mark attesting to its deactivation.</p>	<p>Art. 13</p> <p>The permit to withdraw arms, from the public warehouse, shall include the mark, number and description of the arms intended to be withdrawn, and the purpose of such withdrawal.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Inspection of Firearms Art. 16</p> <p>The licensing authority must inspect any firearm before licensing it and ensure that the firearm bears sufficient identifying marks. It must also ensure that the person holding the weapon in his possession has a valid certification.</p>	<p>However, the national legislation does not contain explicit provisions for the standardised marking of small arms at the time of manufacture, import of export.</p>
How?			
<ul style="list-style-type: none"> ■ stamping/engraving? 			
<ul style="list-style-type: none"> ■ where on weapon? 	<p>Protocol for the GLR and HoA Art. 7</p> <p>Requires that the marking should be on the barrel, frame and, where applicable, the slide.</p>		<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p>
<ul style="list-style-type: none"> ■ with what? (unique alpha-numeric symbol/identifying country and manufacturer?) 	<p>Protocol for the GLR and HoA Art. 7</p> <p>(a) Requires the marking at the time of manufacture with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number.</p> <p>(b) Requires the marking at the time of import with a simple marking identifying the country and year of import and an individual serial number if it does not have one.</p> <p>(c) Requires the marking of small arms and light weapons in possession of the state with a unique mark.</p> <p>UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7</p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 11</p> <p>(1) There shall be registered, in the prescribed manner, any complete arm, or any part, or parts of an incomplete arm, or any ammunition, forthwith deposit thereof, in a public warehouse, in such manner, as the licensing authority may prescribe. Where such arms, or part of an arm, or package of ammunition does not bear a mark, or number, to identify the same, it shall be stamped, marked by a mark, or given such number, as may be sufficient for identification thereof.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Inspection of Firearms Art. 16</p> <p>The licensing authority must inspect any firearm before licensing it and ensure that the firearm bears sufficient identifying marks. It must also ensure that the person holding the weapon in his possession has a valid certification.</p>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>The national legislation states only that a mark sufficient for identification being applied to an arm at the time of licensing. It does not state that this mark be unique or that it be sufficient for the identification of the country of manufacture, name of manufacturer nor information relating to the importation of the small arm.</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"> ■ what records should be kept? ■ where? ■ how? ■ by whom? ■ for how long? ■ when must authorities be provided with information? 	<p>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</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>Protocol for the GLR and HoA Art. 3 (c) (iii)</p> <p>Requires the regulation and centralised registration of all civilian-owned small arms.</p> <p>Art. 7 (d)</p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 11</p> <p>(1) There shall be registered, in the prescribed manner, any complete arm, or any part, or parts of an incomplete arm, or any ammunition, forthwith deposit thereof, in a public warehouse, in such manner, as the licensing authority may prescribe. Where such arms, or part of an arm, or package of ammunition does not bear a mark, or number, to identify the same, it shall be stamped, marked by a mark, or given such number, as may be sufficient for identification thereof.</p> <p>(2) There shall be registered, in the prescribed manner, all the arms imported, for the purpose of trading therein, to the effect of such purpose, upon depositing the same, for the first time, in a public warehouse, and upon every transfer, from such warehouse, to any other public, or private warehouse.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>The licensing authority maintains a record of licences issued for the civilian possession of small arms, and these records are sent to the Head of the Crime Prevention Department.</p>

Record keeping and marking: *Record keeping continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>UN Programme of Action Section II Art. 9 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>Art. 10 Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p>Art. 17 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>Bamako Declaration Art. 3 A (iv) Recommends establishing at the national level the responsible management of licit arms.</p> <p>Co-ordinated Agenda for Action Art. 5.3 Ensure strict accountability and the effective tracing of all weapons owned by the state</p> <p>Art. 5.4 Ensure strict accountability and effective control of all weapons owned by private security companies and dealers.</p>	<p>(3) A person, who deposits an arm in a warehouse shall furnish the person in charge of such warehouse, with such information necessary for registration, as he may require.</p> <p>Art. 14 (2) A person licensed to operate a private warehouse, shall keep a register of the deposited, and withdrawn arms, including the following particulars: (a) the time of deposit, or withdrawal; (b) the date of deposit, or withdrawal; (c) the serial numbers; (d) details, marks and numbers of arms and types and calibres thereof; (e) the number, and date of the withdrawal, or deposit permit, and the issuing body; (f) the name and signature of the person permitted to withdraw; (g) any other details, as the licensing authority may deem fit to add.</p> <p>Art. 15 (2) The register of registering arms in the private warehouse shall be identical to the quantity of the arms deposited in such warehouse, without increase, or decrease, and such register shall, as well, show any deposit, or withdrawal, as may have been made, the numbers and dates of the permits, under which the deposit, or withdrawal has been made.</p> <p>Art. 31 (3) The licensing authority, upon receipt of the report, in accordance with the provisions of subsection (1), shall record, on the registers thereof, to the effect of the report of loss.</p> <p>Art. 32 (2) The licensing authority, upon receipt thereby; of the certificate, provided for in subsection (1), shall denote the registers thereof, to the effect of damage and destruction of the arm.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Art. 5 (5) The dealer must, with regard to the sale of any arms, record the type, calibre, make and number thereof on the permit whereby such disposal is made and retain such permit until it is reviewed by the licensing authority, in the following way: (A) By collecting all permits after they have been endorsed and by signing the incoming/outgoing register, which should include the following information: (1) The date on which each weapon part arrived. (2) The party or person from whom it arrived. (B) In the case of importation, he should record the number and date of the licence issued by the licensing authority and, in the case of a purchase from any other dealer, he should record the number and date of the licence, the party that issued it and the certification number. (C) When selling any weapon part, he must record the name of the purchaser and any supporting document, its date and certification number and the date of sale and he must retain such certification.</p> <p>Licence Register Art. 17 (1) The licensing authority must, when licensing any firearm or renewing a licence, maintain a licence register, in which the following information should be recorded: (A) The serial number. (B) The name, age and address of the licensee. (C) The certification number and date. (D) The certifying authority.</p>	<p>Records are also maintained on the small arm deposited in and retrieved from warehouses and on those small arms which are imported in order to be traded.</p> <p>However, there is no provision for information to be maintained on manufactured small arms.</p> <p>Further, the national legislation does not specify for how long these records should be maintained.</p>

Record keeping and marking: Record keeping *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>(E) The fees paid.</p> <p>(F) The details and description of the weapon, as follows:</p> <p>(1) The number of licensed items, if more than one.</p> <p>(2) The type of item.</p> <p>(3) The calibre.</p> <p>(4) The make of the item.</p> <p>(5) Details of ownership transfers.</p> <p>(6) The number of the weapon.</p> <p>(G) Renewal details.</p> <p>(2) The licensing authority must maintain a register of annual renewals of district licences, which should contain the following information:</p> <p>(A) The district from which the licence was acquired.</p> <p>(B) The licence number.</p> <p>(C) The name and address of the licensee.</p> <p>(D) The fees paid and the date of payment.</p> <p>(3) The provincial police chiefs must send returns to the Head of the Crime Prevention Department every six months giving the number of weapons and ammunition and the names of those who have been granted firearms licences.</p> <p>Confiscated Firearms Handing Over Confiscated Firearms to the Licensing Authority Art. 21</p> <p>(3) The Department must draw up a list of the number of weapons and quantities of ammunition and their various types and calibres that have been confiscated and pass it periodically to the licensing authority.</p>	

Record keeping and marking: Offences/penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>UN Firearms Protocol Art. 5 (1) (c) and Protocol for the GLR and HoA Art. 3 (a) (iv)</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>UN Firearms Protocol Art. 5 (2) (a) and (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>The national legislation does not conform to the regional and international agreements.</p> <p>There are no provisions making it an offence to interfere with 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"> ■ licensing/ registration of persons and transactions? ■ competency test of those licensed to import, export or transit arms? ■ duration of licences? ■ offence withhold information? 	<p>Nairobi Declaration Art. iv and Co-ordinated Agenda for Action Preamble</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>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art. 3.1, 3.2.2</p> <p>Require regulations and standards to govern the import of small arms and light weapons.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 5</p> <p>(1) No arms shall be imported, save under a prior permit, issued by the licensing authority.</p> <p>(2) Any arms imported, without obtaining a permit prior to import, shall be confiscated, even though the permit has been obtained, after import thereof.</p> <p>(3) No permit shall be issued, to any person, to import arms, for the purpose of trade therein, unless the person has, in his possession, a licence to trade in arms.</p> <p>(4) The regulations shall specify the conditions of granting licences, of import of arms.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Permits must be obtained from the licensing authorities in order to import, export or transit arms.</p>

Import, export and transit: *Licensing* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> ■ distinction between civilian and commercial transfers? ■ specifications of licence – information to be included on licence? ■ required documentation – end-user certificates etc?) 	<p>Protocol for the GLR and HoA Art. 3 (c) (v) Requires standards regarding the import of small arms and light weapons.</p> <p>Art. 10 (a) and (c) Requires an effective system of export and import licensing or authorisation and specifies the specific information that must be included on import and export licences and documentation.</p> <p>UN Firearms Protocol Art. 5 (1) (b) Art. 10 (1), (2) and (3) Requires state parties to adopt legislative measures making the illicit trafficking in firearms illegal. Requires provisions catering for the international transit of firearms. Requires provisions for verifying the issuance of import licences and authority for transit.</p> <p>UN Firearms Protocol Art 5 (1) (b) Art 10 (1), (2) and (3) and Protocol for the GLR and HoA Art. 10 (b) Require provisions outlining the specific detailed information to be included on export and import licences. These should include a minimum of:</p> <ul style="list-style-type: none"> ■ Place and date of issuance ■ Date of expiration ■ Country of export ■ Country of import ■ Final recipient ■ Description and quantity of goods ■ Country of transit, where appropriate. <p>UN Programme of Action Section II Art. 2, Art. 11 and Art. 12 Requires provisions catering for the international transit of small arms, including the use of authenticated end-user certificates, and requires that export applications are assessed in a manner consistent with existing responsibilities under international law.</p> <p>Bamako Declaration Art. 3 A (iii) (vii) Recommends establishing as a criminal offence the illegal trafficking of small arms and light weapons. Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents</p>	<p>Art. 12 (2) No permit, for the withdrawal of any arms, from a public warehouse, shall be issued, save conditions, as the licensing authority may prescribe: (c) for export, or disposal thereof, in accordance with the provisions of this Act.</p> <p>Art. 16 (1) No Permit, for the withdrawal of any arm from the private warehouse, shall be issued, save in the following cases: (b) for the purpose of exporting the arm to a country other than Sudan; (2) The permit, issued under this section, shall include a description of the arms, and the numbers and marks thereof.</p> <p>Art. 20 No arm shall be exported, save upon a permit, from the licensing authority, as to such conditions, as they may specify.</p> <p>Art. 22 No arms shall be imported across the Sudan, to any other country, save upon a permit, from the licensing authority, and as to conditions, as they may specify.</p> <p>Art. 23 (1) An importer of transit arms shall present a certificate, written by the state, to which he intends to export the arm, proving the acceptance of such state, to export such type of arm thereto. (2) The licensing authority may issue a permit to a person travelling across the Sudan, to any other country, to carry any arms in his legitimate possession, for his personal use, without the right to use such arms in the Sudan.</p> <p>Art. 26 (1) No person shall possess, use or carry any arms, unless he is in possession of a valid licence, from the licensing authority, empowering him to possess, use or carry such arm, other than the following cases: (b) transit arms; (c) such arms, as may have been purchased, for immediate export.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Purchase or Importation of Arms & Ammunition by Dealers Art. 5 (1) Any dealer wishing to purchase or import arms or ammunition must obtain a licence on the following conditions: (A) He has already obtained a preliminary licence. (B) He submits applications to obtain the preliminary licence as stipulated in Section A of the forms produced for that purpose and attaches thereto a trading licence or commercial registration. (C) The preliminary licence is valid for a year and is renewable, if the dealer has already taken significant steps towards such purchase or importation and it has been delayed for understandable reasons. (D) He obtains the final licence on presentation of the following documentation: (1) Bill of lading (2) Restriction notice (3) Import licence (4) A list of the types and numbers of the weapons, provided the quantity and specifications are in keeping with those appearing in the preliminary licence. (4) No arms, spare parts for such arms or ammunition may be imported or disposed of without first obtaining a licence to that end from the licensing authority.</p>	<p>Some detail is provided regarding the information to be included on import licences. However, the amount of information to be included falls short of the standard contained in the international and regional agreements. Further, there is no requirement for the use of end-user certificates and no requirement that export applications are assessed in a manner consistent with existing responsibilities under international law.</p>

Import, export and transit: Licensing *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Art. 7</p> <p>No person may have in his possession any ammunition, unless:</p> <p>(A) such ammunition is for importation for a firearm in his possession and he has a valid licence for such [firearm] in accordance with the provisions of the law.</p> <p>Importation of Ammunition for Personal Use</p> <p>Art. 9</p> <p>(1) No authorisation may be given under the terms of this section to import any ammunition unless such ammunition is for a firearm in the importer's possession or for his own possession in accordance with a valid import licence, provided such ammunition is not manufactured in Sudan (Amendment 97).</p> <p>(2) The licensing authority will issue permits to import ammunition for the importer's personal use and will be entitled to reject any application for a permit.</p> <p>Application for a Permit To Import Ammunition</p> <p>Art. 10</p> <p>(1) Application for a permit to import ammunition will be in writing and must include the following information:</p> <p>(A) The name of the applicant, his place of residence and address.</p> <p>(B) The occupation and nationality of the applicant.</p> <p>(C) If he is a visitor, the approximate length of his stay.</p> <p>(D) The type of weapons for which he wants to import ammunition.</p> <p>(E) The quantity of ammunition to be imported.</p> <p>(2) The applicant must attach to his application a valid licence or permit to import firearms.</p> <p>Permissible Quantity for Importation & Expiry of an Import Permit</p> <p>Art. 11</p> <p>(1) The quantity of ammunition that may be imported and held in one's possession will be according to Schedule I attached to these regulations.</p> <p>(2) An import permit will lapse three months after it is issued if no importation has been made in accordance therewith, although it can be renewed during that period.</p> <p>Presentation of the Permit to Customs</p> <p>Art. 12</p> <p>Permits issued under the terms of Paragraph 11 will be in duplicate and the permit holder must present it to the competent customs officer at the port of entry. The aforementioned customs officer, after verifying that the imported ammunition is in keeping with the contents of the permit, must give the permit holder the other copy for the licensing authority.</p> <p>Presentation by a Visitor of an Ammunition Quantity List</p> <p>Art. 13</p> <p>Any visitor holding a permit under the terms of this section and who intends to leave Sudan by any border point must present to the licensing authority a list of the quantity of ammunition imported according to his permit and of all the ammunition he holds in Sudan and he must take whatever quantity he does not use out of the country.</p> <p>Concluding Provisions</p> <p>Firearms Licences & Renewal Thereof</p> <p>Art. 23</p> <p>(2) Any person who has been issued with a firearms licence must carry out his importation, transfer or purchase, as the case may be, in accordance with Section 1. In the event that such period expires without the purchase being made, he must obtain a new licence by paying a further fee (Amendment 97).</p>	

Import, export and transit: Licensing *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(F) Any person who imports a firearm licensed to him from abroad must follow the import procedures and clear it through customs in person.</p>	

Import, export and transit: Marking

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p>Protocol for the GLR and HoA Art. 3 (c) (vi) and Art. 7 (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>Bamako Declaration Art. 3 A (iv)</p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p>UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7 and Art. 8</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>The Arms, Ammunition and Explosives Act, 1986 Art. 8</p> <p>The arms, which have been imported, shall be registered, as the regulations may specify the identification thereof, where such arms do not bear such mark, or number, as may be sufficient to identify the same, and there is no need for the deposit thereof, in a public warehouse.</p>	<p>The national legislation does not conform to the regional and international agreements.</p> <p>The national legislation requires a register to be kept of those small arms which are imported and do not bear an identifying mark.</p> <p>However, there is no requirement for the standardised marking of small arms at the time of import and no detail as to the information that the identifying mark should contain.</p>

Import, export and transit: Restrictions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Where can arms be imported/exported (specified points of entry)? How (conditions of carriage)? What arms can be imported/exported/transited?		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 6</p> <p>No arms shall be imported, into the Sudan, save across such customs points, as the Customs authorities may specify.</p> <p>Art. 10</p> <p>(1) No arms, other than the following arms, shall be imported:</p> <p>(a) automatic pistols, of calibre 6.35 of a millimetre; (b) ordinary pistols – calibre .35 of a millimetre; (c) Magnum rifles – 200 – 375 – 4.243 – 458; (d) rifles of calibre 30.06 – 322 – 223 – 270 – 375 – 358 – 443 of an inch; (e) shot guns of calibre – 12 – 16 – 20 – 28, of an inch; (f) Morris rifles, of calibre .22 of a millimetre; (g) air pressure pistols of calibre .8 of a millimetre; (h) air pressure rifles of calibre – 22 – 177.</p> <p>(2) The licensing authority may temporarily permit the import of arms of other calibres, other than the calibres mentioned in paragraphs (c), (d), (e) and (f), for alien tourists, for the period of their sojourn, in the Sudan.</p> <p>(3) Without prejudice, to the generality of what is set out in sub-section (1) and (2), the Minister may permit to possess any other calibres of the abovementioned arms exceptionally, for such circumstances, as he may appreciate; on condition that the person shall be entitled to possess an arm; provided that such power shall not be delegated.</p>	

Import, export and transit: Restrictions *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity																																																
		<p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(e) safeguards of the import, or export of arms.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>Importation of Ammunition for Personal Use</p> <p>Art. 9</p> <p>(1) No authorisation may be given under the terms of this section to import any ammunition unless such ammunition is for a firearm in the importer's possession or for his own possession in accordance with a valid import licence, provided such ammunition is not manufactured in Sudan (Amendment 97).</p> <p>(2) The licensing authority will issue permits to import ammunition for the importer's personal use and will be entitled to reject any application for a permit.</p> <p>Schedule I</p> <p>(1) Quantities of Ammunition Arms Dealers Are Permitted To Import</p> <p>(See Art. 11.1)</p> <p><i>Group A</i></p> <table border="1"> <thead> <tr> <th>NO.</th> <th>TYPE OF WEAPON</th> <th>QUANTITY OF WEAPONS</th> <th>QUANTITY OF AMMUNITION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12 gauge shotgun</td> <td>85</td> <td>Importation banned, except for US</td> </tr> <tr> <td>2</td> <td>6.35 automatic pistol</td> <td>40</td> <td>20,000 rounds</td> </tr> <tr> <td>3</td> <td>32 ordinary pistol</td> <td>30</td> <td>15,000 rounds</td> </tr> <tr> <td>4</td> <td>Rifles</td> <td>20</td> <td>20,000 rounds</td> </tr> <tr> <td>5</td> <td>22mm Morris</td> <td>10</td> <td>20,000 rounds</td> </tr> </tbody> </table> <p><i>Group B</i></p> <table border="1"> <thead> <tr> <th>NO.</th> <th>TYPE OF WEAPON</th> <th>QUANTITY OF WEAPONS</th> <th>QUANTITY OF AMMUNITION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>20 gauge shotgun</td> <td>60</td> <td>Importation banned</td> </tr> <tr> <td>2</td> <td>6.35 automatic pistol</td> <td>20</td> <td>20,000 rounds</td> </tr> <tr> <td>3</td> <td>3.29 ordinary pistol</td> <td>15</td> <td>8,000 rounds</td> </tr> <tr> <td>4</td> <td>Rifles</td> <td>10</td> <td>10,000 rounds</td> </tr> <tr> <td>5</td> <td>22mm Morris</td> <td>10</td> <td>Importation banned</td> </tr> </tbody> </table>	NO.	TYPE OF WEAPON	QUANTITY OF WEAPONS	QUANTITY OF AMMUNITION	1	12 gauge shotgun	85	Importation banned, except for US	2	6.35 automatic pistol	40	20,000 rounds	3	32 ordinary pistol	30	15,000 rounds	4	Rifles	20	20,000 rounds	5	22mm Morris	10	20,000 rounds	NO.	TYPE OF WEAPON	QUANTITY OF WEAPONS	QUANTITY OF AMMUNITION	1	20 gauge shotgun	60	Importation banned	2	6.35 automatic pistol	20	20,000 rounds	3	3.29 ordinary pistol	15	8,000 rounds	4	Rifles	10	10,000 rounds	5	22mm Morris	10	Importation banned	
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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>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</p> <p>Require the maintenance of records of information on small arms and light weapons for not less than ten years necessary to trace illicitly manufactured or trafficked arms.</p> <p>Protocol for the GLR and HoA Art. 7 (d)</p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p>UN Programme of Action Section II Art. 9</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 Arms, Ammunition and Explosives Act, 1986 Art. 11</p> <p>(2) There shall be registered, in the prescribed manner, all the arms imported, for the purpose of trading therein, to the effect of such purpose, upon depositing the same, for the first time, in a public warehouse, and upon every transfer, from such warehouse, to any other public, or private warehouse.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>Purchase or Importation of Arms & Ammunition by Dealers</p> <p>Art. 5</p> <p>(5) The dealer must, with regard to the sale of any arms, record the type, calibre, make and number thereof on the permit whereby such disposal is made and retain such permit until it is reviewed by the licensing authority, in the following way:</p> <p>(B) In the case of importation, he should record the number and date of the licence issued by the licensing authority and, in the case of a purchase from any other dealer, he should record the number and date of the licence, the party that issued it and the certification number.</p>	<p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Records are to be kept relating to those small arms imported for the purpose of trading therein and dealers must keep records relating to small arms which they import or purchase.</p>

Import, export and transit: Record keeping *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Presentation of the Permit to Customs Art. 12</p> <p>Permits issued under the terms of Paragraph 11 will be in duplicate and the permit holder must present it to the competent customs officer at the port of entry. The aforementioned customs officer, after verifying that the imported ammunition is in keeping with the contents of the permit, must give the permit holder the other copy for the licensing authority.</p>	<p>However, there is no record keeping requirement relating to small arms exported from or transiting Sudan and no requirement that records 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	Conformity
<p>Temporary import/export conditions? Conditions for dignitaries, diplomats, tourists or other categories of person?</p>	<p>Protocol for the GLR and HoA Art. 10 (f)</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>The Arms, Ammunition and Explosives Act, 1986 Art. 7</p> <p>(1) No arms, which have been imported, into the Sudan, in accordance with the provisions of this Act, shall be conveyed, save after obtaining the permit of the licensing authority, and as to such safeguards, as may be specified thereby.</p> <p>(2) The provisions set out in sub-section (1) shall not apply to such arms, as individuals may import, for their personal use in hunting or self-defense.</p> <p>Art. 21</p> <p>The licensing authority shall not issue a permit for the export of arms, save in the following two cases:</p> <p>(1) personal use, for the purpose of self-defense, or sports;</p> <p>(2) such arms, as may be purchased, in Sudan, for the purpose of immediate export, to any other country.</p> <p>Art. 23</p> <p>(2) The licensing authority may issue a permit to a person travelling across the Sudan, to any other country, to carry any arms in his legitimate possession, for his personal use, without the right to use such arms in the Sudan.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Importation of Ammunition for Personal Use Art. 9</p> <p>(1) No authorisation may be given under the terms of this section to import any ammunition unless such ammunition is for a firearm in the importer's possession or for his own possession in accordance with a valid import licence, provided such ammunition is not manufactured in Sudan (Amendment 97).</p> <p>(2) The licensing authority will issue permits to import ammunition for the importer's personal use and will be entitled to reject any application for a permit.</p> <p>Presentation by a Visitor of an Ammunition Quantity List Art. 13</p> <p>Any visitor holding a permit under the terms of this section and who intends to leave Sudan by any border point must present to the licensing authority a list of the quantity of ammunition imported according to his permit and of all the ammunition he holds in Sudan and he must take whatever quantity he does not use out of the country.</p> <p>General Rules Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(E) Any member of an official delegation who is provided with a firearm outside Sudan must hand it over to the Customs Police at the port of entry and he should submit an application to the licensing authority to be issued with a licence according to his entitlement under the terms of these regulations (Amendment 97).</p>	<p>The national legislation contains special conditions for the import and export of arms for personal use in hunting or self defence.</p> <p>Also, tourists can receive special permits allowing them to travel across Sudan in possession of arms.</p>

Import, export and transit: *Special conditions* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		(F) Any person who imports a firearm licensed to him from abroad must follow the import procedures and clear it through customs in person.	

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>Co-ordinated Agenda for Action Art. 3.3 and Implementation Plan Art. 3.3</p> <p>Require the establishment as criminal offences under the national law the illicit manufacturing of, trafficking in, and possession and use of small arms and light weapons, including home made weapons.</p> <p>UN Firearms Protocol Art. 5 (2) (a) and (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>Protocol for the GLR and HoA Art. 3 (a) (i)</p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(j) specifying the penalties inflicted for the contravention of the provisions of the regulations.</p> <p>Art. 45</p> <p>(1) Any person, who commits any of the contraventions, mentioned in Column I, of the Schedule hereto, shall be punished, with the penalty specified for such contravention, Column III of the same Schedule.</p> <p>(2) In case of the conviction of any person, for contravention of the provisions of this Act, the court may, in addition to the prescribed penalty, issue an order to revoke the licence, and confiscate the arms, with respect to which the contravention has been committed, and may, order the confiscation of any means of conveyance, warehouse or house, or any other estate, which has been used for the conveyance, or storage of the arm subject of the contravention.</p> <p>(3) Without prejudice, what is set out in subsection (2), such court, after passing the decision of the court for confiscation of the arms, the subject of trial, shall issue an order to deliver the arms, to the Arms Corps of the a People's Armed Forces.</p> <p>Contraventions</p> <p>No. 1 Import of arms without a licence (Art. 5 (1)) Imprisonment, for a term, not exceeding five years and fine.</p> <p>No. 3 Import of prohibited arms (Art. 10 (1)) Imprisonment, for a term not exceeding five years, and fine.</p> <p>No. 7 Import of arms without a permit (Art. 20) Imprisonment, for a term, not less than ten years, and fine.</p> <p>No. 8 Export of arms, otherwise than in the allowed cases (Art. 21) Imprisonment, for a term, not less than ten years, and fine.</p> <p>No. 12 Possession, use or carrying arm, without licence (Art. 26) (1) Imprisonment, for a term, not less than two years, and fine; or (2) Death, or imprisonment, or a term, not less than ten years, in such areas, as the President of the Republic, by an order thereof, may specify.</p> <p>No. 15 Any other contravention. Imprisonment, for a term, not less than five years, and fine.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> <p>It is an offence to import prohibited small arms and to import of export small arms without a licence.</p> <p>However, it does not stipulate as specific offences the organizing, aiding, abetting, facilitating or commissioning of offences.</p>

Brokering

Description of brokering controls

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>Co-ordinated Agenda for Action Art. 3.2.3 and Implementation Plan Art. 3.2.3</p> <p>Require regulations for the effective control of manufacturers, traders, brokers, financiers and transporters of small arms and light weapons.</p> <p>Protocol for the GLR and HoA Art. 1</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>“brokering” means acting:</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) 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>Art. 3 (c) (xii)</p> <p>Requires provisions regulating brokering in the individual State Parties.</p> <p>Art. 11</p> <p>Requires a national system for regulating dealers and brokers of small arms and light weapons, which includes:</p> <p>(ii) registering all brokers operating within their territory;</p> <p>(iii) ensuring all registered brokers seek and obtain authorisation for each individual transaction taking place;</p> <p>(iv) ensuring that all brokering transactions provide full disclosure on import and export licences or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction;</p> <p>(v) licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.</p> <p>Bamako Declaration Art. 3 A (vii) B (iv), UN Firearms Protocol Art. 15 and UN Programme of Action Section II Art. 14</p> <p>Require provisions for the control of brokers, including shipping and transit agents.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

Brokering: Description of brokering controls *continued*

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

Brokering: Offences/penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity

Manufacture**Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> ■ competency testing of manufacturers? ■ duration of licences? ■ offence to withhold information? ■ specifications of licence – information to be included on licence? ■ distinction made between small arm and ammunition manufacturing? ■ limits on quantities produced? ■ restrictions on types of arms/ ammunition produced? 	<p>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</p> <p>Require minimum standards to govern and regulations regarding the manufacture of small arms and light weapons.</p> <p>Protocol for the GLR and HoA Art. 1</p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(b) without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p>Art. 3 (a) (ii) and (c) (iv)</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>Bamako Declaration Art. 3 A</p> <p>(iii) Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p>UN Firearms Protocol Art. 3</p> <p>(d) “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:</p> <p>Art. 5 (1) (a)</p> <p>Requires state parties to adopt legislation making the illicit manufacturing of firearms and ammunition a criminal offence.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 24</p> <p>No person shall manufacture, assemble or amend, in the Sudan, any arms, or perform any part of such manufacture, assembly or amendment, save at such place, as the Council of Ministers may specify for such purpose.</p> <p>Art. 39</p> <p>No licensed person shall enter, without permission, into any:</p> <p>(b) a workshop licensed for any work, relating to explosives, or any of the annexes of the same;</p> <p>(c) a factory, arsenal or public building, used for the manufacture, or storage of explosives, or any of the annexes thereof.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>No licence is required for the manufacture of small arms. However, manufacture can only occur at arsenals specified for the purpose by the Council of Ministers.</p>

Manufacture: Licensing *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>UN Programme of Action II Art. 2</p> <p>Requires establishing adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms</p> <p>Art. 3</p> <p>Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p>		

Manufacture: Marking

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

Manufacture: Record keeping

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What records should be kept? What records should be submitted to authorities, and when?	<p>Protocol for the GLR and HoA Art. 7 (d)</p> <p>Requires the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured and to prevent and detect such activities.</p>		The national legislation does not conform to the regional and international agreements.

Manufacture: Record keeping *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>UN Programme of Action Section II Art. 9</p> <p>Requires ensuring that accurate records are kept for as long as possible on the manufacture of small arms and light weapons. Records should be maintained and organised to ensure accurate and prompt retrieval of information.</p>		

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>UN Firearms Protocol Art. 11</p> <p>Requires state parties to take appropriate measures to ensure the security of firearms, their parts and components and ammunition to prevent theft, loss and diversion.</p> <p>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 24</p> <p>No person shall manufacture, assemble or amend, in the Sudan, any arms, or perform any part of such manufacture, assembly or amendment, save at such place, as the Council of Ministers may specify for such purpose.</p> <p>Art. 39</p> <p>No licensed person shall enter, without permission, into any:</p> <p>(b) a workshop licensed for any work, relating to explosives, or any of the annexes of the same;</p> <p>(c) a factory, arsenal or public building, used for the manufacture, or storage of explosives, or any of the annexes thereof.</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>Small arms may only be manufactured in premises that are specifically licensed for that purpose.</p> <p>However, the national legislation does not provide further detail on measures to ensure the safe and secure storage of small arms, their parts and ammunition.</p>

Manufacture: Restrictions on sale/transfer

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>To whom can manufacturer transfer arms?</p> <p>What arms can manufacturer transfer?</p> <p>Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p>	<p>Bamako Declaration Art. 3 A. (vii)</p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 18</p> <p>No person shall sell, or transfer, to any person, any arms, or dispose of the same, in any of the forms of disposal, save in accordance with the provisions of this Act.</p> <p>Art. 19</p> <p>(1) No person shall work in arms trade, or operate a private warehouse for arms, without a permit from the licensing authority.</p> <p>(2) The holder of a permit shall comply with the conditions shown therein, and by any other conditions, as the licensing authority may prescribe.</p> <p>(3) No procedure of sale of arms, and no disposal thereof, shall be conducted, save by the owner of the permit, and the place specified therein.</p>	<p>The national legislation broadly conforms to the Bamako Declaration but falls short in a few key areas.</p> <p>The national legislation contains regulations relating to small arms transfers, which apply to everyone.</p> <p>However, there are no provisions relating specifically to arms transfers by manufacturers, for example relating to what types of arms a manufacturer may transfer and to whom.</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
Conditions/controls relating to repair and modification		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 24</p> <p>No person shall manufacture, assemble or amend, in the Sudan, any arms, or perform any part of such manufacture, assembly or amendment, save at such place, as the Council of Ministers may specify for such purpose.</p> <p>Art. 25</p> <p>(1) No person shall alter any arms, or part thereof, or repair the same, save in such place, as the Council of Ministers may specify, or the place licensed for such purpose.</p> <p>(2) No person shall carry on the trade of gunsmith, save upon the written approval of the licensing authority, an as to such conditions, as they may specify.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(d) safeguards of loading, unloading, storage or conveyance of arms;</p> <p>(g) specifications of the private warehouses and workshops, and the safeguards of using the same.</p>	

Manufacture: Offences/penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>UN Firearms Protocol Art. 5 (2) (a) and (b)</p> <p>Stipulates including provisions relating to the illicit of firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p>Protocol for the GLR and HoA Art. 1</p> <p><i>Definitions</i></p> <p>"illicit manufacturing" shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(a) from parts and components illicitly trafficked;</p> <p>(b) without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p>(c) without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p> <p>Art. 3 (a) (ii)</p> <p>Requires establishing as a criminal offence illicit manufacturing of small arms and light weapons.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 45</p> <p>(1) Any person, who commits any of the contraventions, mentioned in Column I, of the Schedule hereto, shall be punished, with the penalty specified for such contravention, Column III of the same Schedule.</p> <p>(2) In case of the conviction of any person, for contravention of the provisions of this Act, the court may, in addition to the prescribed penalty, issue an order to revoke the licence, and confiscate the arms, with respect to which the contravention has been committed, and may, order the confiscation of any means of conveyance, warehouse or house, or any other estate, which has been used for the conveyance, or storage of the arm subject of the contravention.</p> <p>Contraventions</p> <p>No. 10 Manufacture, assembly or amending arms, otherwise than in the place specified therefore (Art. 24) Imprisonment, for a term, not less than ten years, and fine.</p> <p>No. 11 Repair, and altering arms, otherwise than in the place specified and for licensed for such purpose (Art. 25) Imprisonment, for a term, not less than two years, and fine.</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>It is an offence to manufacture small arms in a premises not licensed for that purpose.</p> <p>However, no licensing system for persons who manufacture small arms, as opposed to a system for licensing the premises on which manufacture takes place, exists. There are no provisions relating to the marking of small arms at the time of manufacture.</p> <p>Furthermore, the legislation does not stipulate as specific offences the organising, aiding, abetting, facilitating, counselling or commissioning of offences.</p>

Trade

Licensing

Analytical category

Description of licensing process:

- competency testing of those licensed to trade?
- duration of licences?
- offence to withhold information?
- specifications of licence – information to be included on licence?
- limits on quantities traded?

International and regional agreements

Nairobi Declaration Art. iv

Urges states to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities.

Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art 3.1, 3.2.3

Promote minimum standards and regulations for the governing and control of the transfer of small arms and light weapons.

Co-ordinated Agenda for Action 3.2.3

Requires regulations for the effective control of traders of small arms and light weapons.

Protocol for the GLR and HoA Art. 3 (a) (i)

Requires establishing as a criminal offence the illicit trafficking in small arms and light weapons.

(c) (v) Requires minimum standards regarding the control and transfer of small arms and light weapons.

Bamako Declaration Art. 3 A (vii)

Recommends that Member States should take appropriate measures to control arms transfers by traders.

UN Programme of Action II Art. 3

Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.

Current national legislative controls

The Arms, Ammunition and Explosives Act, 1986 Art. 5

(3) No permit shall be issued, to any person, to import arms, for the purpose of trade therein, unless the person has, in his possession, a licence to trade in arms.

Art. 19

(1) No person shall work in arms trade, or operate a private warehouse for arms, without a permit from the licensing authority.

(2) The holder of a permit shall comply with the conditions shown therein, and by any other conditions, as the licensing authority may prescribe.

(3) No procedure of sale of arms, and no disposal thereof, shall be conducted, save by the owner of the permit, and the place specified therein.

Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Importation, Export & Trading of Arms & Ammunition, Licences for the Trading of Arms & Ammunition Art. 4

Any person wishing to trade in arms and ammunition must:

(1) submit an application to the licensing authority on the forms produced for that purpose, provided that person is fit to carry a weapon.

(2) The applicant may be issued with its preliminary licence to trade in arms and ammunition or in ammunition only, provided a copy of it is sent to the Department.

(3) The applicant may be issued with the final licence once the conditions for the sale of arms and ammunition or of ammunition only have been met according to his specifications and after he has provided permits for the storage of such items from the Department and a trading licence.

Purchase of Importation of Arms & Ammunition by Dealers Art. 5

(1) Any dealer wishing to purchase or import arms or ammunition must obtain a licence on the following conditions:

(A) He has already obtained a preliminary licence.

(B) He submits applications to obtain the preliminary licence as stipulated in Section A of the forms produced for that purpose and attaches thereto a trading licence or commercial registration.

(C) The preliminary licence is valid for a year and is renewable, if the dealer has already taken significant steps towards such purchase or importation and it has been delayed for understandable reasons.

(D) He obtains the final licence on presentation of the following documentation:

(1) Bill of lading

(2) Restriction notice

(3) Import licence

(4) A list of the types and numbers of the weapons, provided the quantity and specifications are in keeping with those appearing in the preliminary licence.

(2) A licence to trade in arms and ammunition or in ammunition only is personal and cannot be assigned or transferred to another person by means of a gift, bequest, sale or partnership.

Revocation of a Licence to Trade in Arms Art. 6

The licensing authority may revoke a licence to trade in arms and ammunition or a licence to trade in ammunition only if:

(A) its holder does not renew it within six months after the date set for its annual renewal (Amendment 97).

Conformity

The national legislation fully conforms to the regional and international agreements.

A licence is required to trade in small arms and ammunition and the national legislation contains details of the licensing process.

Trade: Licensing *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>(B) he breaches any of the conditions for the issue of the certification or the rules set out in these regulations.</p> <p>(C) he is no longer fit to trade in arms and ammunition.</p> <p>Concluding Provisions Firearms Licences & Renewal Thereof Art. 23</p> <p>(2) Any person who has been issued with a firearms licence must carry out his importation, transfer or purchase, as the case may be, in accordance with Section 1. In the event that such period expires without the purchase being made, he must obtain a new licence by paying a further fee (Amendment 97).</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>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</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>The Arms, Ammunition and Explosives Act, 1986 Art. 11</p> <p>(2) There shall be registered, in the prescribed manner, all the arms imported, for the purpose of trading therein, to the effect of such purpose, upon depositing the same, for the first time, in a public warehouse, and upon every transfer, from such warehouse, to any other public, or private warehouse.</p> <p>Art. 14</p> <p>(2) A person licensed to operate a private warehouse, shall keep a register of the deposited, and withdrawn arms, including the following particulars:</p> <p>(a) the time of deposit, or withdrawal;</p> <p>(b) the date of deposit, or withdrawal;</p> <p>(c) the serial numbers;</p> <p>(d) details, marks and numbers of arms and types and calibres thereof;</p> <p>(e) the number, and date of the withdrawal, or deposit permit, and the issuing body;</p> <p>(f) the name and signature of the person permitted to withdraw;</p> <p>(g) any other details, as the licensing authority may deem fit to add.</p> <p>Art. 15</p> <p>(2) The register of registering arms in the private warehouse shall be identical to the quantity of the arms deposited in such warehouse, without increase, or decrease, and such register shall, as well, show any deposit, or withdrawal, as may have been made, the numbers and dates of the permits, under which the deposit, or withdrawal has been made.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(h) keeping and examining the registers, relating to private warehouses.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Purchase or Importation of Arms & Ammunition by Dealers Art. 5</p> <p>(5) The dealer must, with regard to the sale of any arms, record the type, calibre, make and number thereof on the permit whereby such disposal is made and retain such permit until it is reviewed by the licensing authority, in the following way:</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> <p>Records must be maintained on all arms imported for the purpose of trade and dealers must keep records on those weapons deposited in or withdrawn from private warehouses.</p> <p>However, the national legislation does not specify that these records must be kept for not less than ten years.</p>

Trade: Record keeping *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>(A) By collecting all permits after they have been endorsed and by signing the incoming/outgoing register, which should include the following information:</p> <p>(1) The date on which each weapon part arrived.</p> <p>(2) The party or person from whom it arrived.</p> <p>(B) In the case of importation, he should record the number and date of the licence issued by the licensing authority and, in the case of a purchase from any other dealer, he should record the number and date of the licence, the party that issued it and the certification number.</p> <p>(C) When selling any weapon part, he must record the name of the purchaser and any supporting document, its date and certification number and the date of sale and he must retain such certification.</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>Protocol for the GLR and HoA Art. 3 (c) (viii)</p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 14</p> <p>(1) A person licensed to operate a private warehouse shall be responsible for all the arms deposited in, and withdrawn, from such warehouse.</p> <p>Art. 39</p> <p>No unlicensed person shall enter, without permission, into any:</p> <p>(a) private warehouse, licensed for keeping explosives, or trespass upon such warehouse, or any of the annexes of thereof.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(g) specifications of the private warehouses and workshops, and the safeguards of using the same.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Purchase or Importation of Arms & Ammunition by Dealers Art. 5</p> <p>(3) The dealer must retain at his authorised trading premises only such arms and ammunition as are approved in that respect.</p> <p>(8) No arms dealer may carry on his business from any location other than that specified in the licence.</p>	<p>The national legislation broadly conforms to the Protocol for the GLR and HoA but falls short in one key area.</p> <p>Only those people possessing a licence to trade in arms may operate or enter private warehouses and small arms dealers must not operate from any premises other than that specified in the licence.</p> <p>However, the national legislation does not contain explicit provisions to the storage of small arms and ammunition.</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>Bamako Declaration Art. 3 A. (vii)</p> <p>Requires that states take appropriate measures to control arms transfers by traders.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 9</p> <p>No arms, other than the arms licensed for personal use, shall be loaded, unloaded or conveyed, in any place in the Sudan, or in the territorial waters thereof, from, or to any means of conveyance, without the existence of a permit for such loading, unloading, or carriage, from the competent authority.</p> <p>Art. 18</p> <p>No person shall sell, or transfer, to any person, any arms, or dispose of the same, in any of the forms of disposal, save in accordance with the provisions of this Act.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p>	<p>The national legislation fully conforms to the Bamako Declaration.</p> <p>Arms dealers must keep records of all sales and can only sell to those licensed to purchase arms, in accordance with the type and number of weapons specified in the purchasing licence.</p>

Trade: Restrictions on sale/transfer *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>(d) safeguards of loading, unloading, storage or conveyance of arms;</p> <p>(f) safeguards of the possession, sale and disposal of arms.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Purchase or Importation of Arms & Ammunition by Dealers Art. 5</p> <p>(5) The dealer must, with regard to the sale of any arms, record the type, calibre, make and number thereof on the permit whereby such disposal is made and retain such permit until it is reviewed by the licensing authority, in the following way:</p> <p>(C) When selling any weapon part, he must record the name of the purchaser and any supporting document, its date and certification number and the date of sale and he must retain such certification.</p> <p>(7) No arms dealer may sell any quantity of arms or ammunition to any other arms dealer unless the latter produces a permit from the licensing authority or its deputy to purchase such arms or ammunition, in which the numbers and types thereof are given. The selling dealer must record the quantity from the incoming/ outgoing register in accordance with the provisions of Section 5 and retain such authorisation for inspection.</p> <p>(8) No arms dealer may carry on his business from any location other than that specified in the licence.</p> <p>Disposal of Ammunition Art. 8</p> <p>No person may dispose of any ammunition in his possession by means of sale, loan, gift or any other process, unless:</p> <p>(A) it is in accordance with a certification and the conditions of the licence to sell such ammunition,</p> <p>(B) it is in a quantity that is approved by the licensing authority,</p> <p>and the person meets the requirements for having such ammunition in his possession.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Transfer of Firearms Art. 18</p> <p>(1) No firearm may be transferred by one person to another by any means of disposal.</p>	

Trade: Quality control/standards

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

Trade: Pawning/pledging restrictions

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

Trade: Transfer and possession restrictions

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Restrictions/special conditions for traders for business purposes? <ul style="list-style-type: none"> Eg possessing/transferring arms without a licence in the course of business 		Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Purchase or Importation of Arms & Ammunition by Dealers Art. 5 (6) No licence holder may use any firearm either himself or through any other person nor may such weapons be transported anywhere without the written authorisation of the licensing authority. Art. 22 The disposal of all confiscated arms and ammunition will be carried out in the following way: (C) All other arms and ammunition that are fit for use and are allowed to be held by entities other than those referred to in Sections A and B may be sold with the approval of the licensing authority once they have been identified by the Department in accordance with the provisions of the law and these regulations.	

Trade: Offences/penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	UN Firearms Protocol Art. 5 (2) (a) and (b) Requires provisions relating to the illicit trafficking in firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences. Protocol for the GLR and HoA Art. 3 (a) (i) Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.	The Arms, Ammunition and Explosives Act, 1986 Art. 44 The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include: (j) specifying the penalties inflicted for the contravention of the provisions of the regulations. Art. 45 (1) Any person, who commits any of the contraventions, mentioned in Column I, of the Schedule hereto, shall be punished, with the penalty specified for such contravention, Column III of the same Schedule. (2) In case of the conviction of any person, for contravention of the provisions of this Act, the court may, in addition to the prescribed penalty, issue an order to revoke the licence, and confiscate the arms, with respect to which the contravention has been committed, and may, order the confiscation of any means of conveyance, warehouse or house, or any other estate, which has been used for the conveyance, or storage of the arm subject of the contravention. (3) Without prejudice, what is set out in subsection (2), such court, after passing the decision of the court for confiscation of the arms, the subject of trial, shall issue an order to deliver the arms, to the Arms Corps of the People's Armed Forces. Contraventions No. 4 Deposit and withdrawal of arms, from a private warehouse therefore, without permit (Art. 15) Imprisonment, for a term not less than five years, and fine. No. 5 Sale, transfer and disposal of arms, in contravention of this Act (Art. 18) Imprisonment, for a term not less than seven years, and fine. No. 6 Trading in arms, or operation of a private warehouse therefore, without permit (Art. 19 (1)) (1) Imprisonment, for a term, not less than ten years, and fine; or (2) Death, or imprisonment, for a term, not less than ten years, in such places, as the President of the Republic, by an order therefore, may specify.	The national legislation broadly conforms to the regional and international agreements but falls short in one key area. The sale, transfer or trading of small arms without authorisation is an offence. However, the legislation does not stipulate as specific offences the organising, aiding, abetting, facilitating, counselling or commissioning of offences.

Seizure, disposal and enforcement

Seizure, confiscation, forfeiture

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p>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)</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>Protocol for the GLR and HoA Art. 9 (a) and UN Firearms Protocol Art. 6 (1)</p> <p>Require measures to enable the confiscation of small arms and light weapons that have been illicitly manufactured or trafficked.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 42</p> <p>Any policeman, soldier of the People's Armed Forces, any member of the Game Rangers Forces or Customs officer may seize any arms, or ammunition, with respect to which a contravention of the provisions of this Act has been committed, or there is reasonable suspicion that a contravention has been committed, with respect thereto, and any of those mentioned shall notify the competent magistrate.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Confiscated Firearms Handing Over Confiscated Firearms to the Licensing Authority Art. 26</p> <p>A competent police officer may seize a firearm and recommend to the licensing authority that it withdraw the licence of any person who is shown to have become unfit to carry a firearm due to insanity, addiction or smuggling to the extent that he constitutes a danger to the public security (Amendment 97).</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>The state authorities may seize any arms or ammunition with respect to which a contravention of the provisions of the Act has been committed. This provides scope for the seizure of small arms for which licences have not been obtained and of those small arms that have been illicitly trafficked.</p> <p>However, since the provisions of the national legislation with regard to illicit manufacturing are weak, the scope of the state authorities to seize weapons that have been illicitly manufactured is limited.</p>

Seizure, disposal and enforcement: *Disposal/destruction*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p>Protocol for the GLR and HoA Art. 8</p> <p>(a) 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) 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>UN Programme of Action Section II Art. 16 and UN Firearms Protocol Art. 6 (2)</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>Bamako Declaration Art. 3 A (iv)</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 Arms, Ammunition and Explosives Act, 1986 Art. 45</p> <p>(1) Any person, who commits any of the contraventions, mentioned in Column I, of the Schedule hereto, shall be punished, with the penalty specified for such contravention, Column III of the same Schedule.</p> <p>(2) In case of the conviction of any person, for contravention of the provisions of this Act, the court may, in addition to the prescribed penalty, issue an order to revoke the licence, and confiscate the arms, with respect to which the contravention has been committed, and may, order the confiscation of any means of conveyance, warehouse or house, or any other estate, which has been used for the conveyance, or storage of the arm subject of the contravention.</p> <p>(3) Without prejudice, what is set out in subsection (2), such court, after passing the decision of the court for confiscation of the arms, the subject of trial, shall issue an order to deliver the arms, to the Arms Corps of the a People's Armed Forces.</p> <p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997 Purchase or Importation of Arms & Ammunition by Dealers Art. 21</p> <p>(1) The competent court must order any weapons that have been confiscated to be handed over to the Department via the court.</p> <p>(2) The Customs Police must hand over all weapons it has confiscated to the Department as soon as they are confiscated.</p> <p>(3) The Department must draw up a list of the number of weapons and quantities of ammunition and their various types and calibres that have been confiscated and pass it periodically to the licensing authority.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> <p>Confiscated arms must be handed over to the licensing authority, Commander in Chief of the Armed Forces or Director General of the Police and records are to be maintained on the confiscation of arms. Depending on the type of arm confiscated different procedures for their disposal are stipulated, although destruction is not one of those procedures.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>Disposal of Confiscated Arms Art. 22</p> <p>The disposal of all confiscated arms and ammunition will be carried out in the following way:</p> <p>(A) Confiscated arms and ammunition that are used exclusively by the armed forces will be handed over to the Commander-in-Chief of the Armed Forces and will be disposed of by him.</p> <p>(B) Arms and ammunition that are used by the police forces will be handed over to the Director-General of the Police Forces and will be disposed of with the approval of the Director-General.</p> <p>(C) All other arms and ammunition that are fit for use and are allowed to be held by entities other than those referred to in Sections A and B may be sold with the approval of the licensing authority once they have been identified by the Department in accordance with the provisions of the law and these regulations.</p>	

Seizure, disposal and enforcement: *Deactivation*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p>UN Firearms Protocol Art. 9</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 stamps 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>Protocol for the GLR and HoA Art. 3 (c) (ix)</p> <p>Requires provisions for the monitoring and auditing of licences.</p>	<p>The Arms, Ammunition and Explosives Act, 1986 Art. 17</p> <p>The licensing authority, at any time, may conduct inspection of any private warehouse, for the purpose of ensuring compliance with the provisions of this Act.</p> <p>Art. 33</p> <p>(1) The licensing authority may require any person, in whose possession is an arm, to produce the licence, which empowers him to carry, or possess such arm, and may also require the production of such arm.</p> <p>(2) In case of non-production of the licence, the licensing authority may seize the such arm, and the possessor thereof shall be granted seven days to bring the same, and where he does not produce it, within such period, he shall be deemed to have committed a contravention, under the provisions of this Act.</p> <p>Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(h) keeping and examining the registers, relating to private warehouses.</p> <p>Inspection of Firearms Art. 16</p> <p>The licensing authority must inspect any firearm before licensing it and ensure that the firearm bears sufficient identifying marks. It must also ensure that the person holding the weapon in his possession has a valid certification.</p>	<p>The national legislation fully conforms to the Protocol for the GLR and HoA.</p> <p>The licensing authorities may require the production of licences which permit the possession or carriage of arms and may examine the registers of warehouses.</p>

Seizure, disposal and enforcement: Offences/penalties

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(j) specifying the penalties inflicted for the contravention of the provisions of the regulations.</p> <p>Art. 45</p> <p>(1) Any person, who commits any of the contraventions, mentioned in Column I, of the Schedule hereto, shall be punished, with the penalty specified for such contravention, Column III of the same Schedule.</p> <p>(2) In case of the conviction of any person, for contravention of the provisions of this Act, the court may, in addition to the prescribed penalty, issue an order to revoke the licence, and confiscate the arms, with respect to which the contravention has been committed, and may, order the confiscation of any means of conveyance, warehouse or house, or any other estate, which has been used for the conveyance, or storage of the arm subject of the contravention.</p> <p>(3) Without prejudice, what is set out in subsection (2), such court, after passing the decision of the court for confiscation of the arms, the subject of trial, shall issue an order to deliver the arms, to the Arms Corps of the a People's Armed Forces.</p> <p>Contraventions</p> <p>No. 15 Any other contravention. Imprisonment, for a term, not less than five years, and fine.</p>	

Arms embargoes**Overview**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Relevant provisions	<p>Co-ordinated Agenda for Action Art. 3.4 and Implementation Plan Art. 3.4</p> <p>Require measures to enforce adherence to international sanctions that prohibit the export of weapons to conflict zones and/or countries.</p> <p>Protocol for the GLR and HoA Art. 3 (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>Bamako Declaration Art. 3 A (vi) and UN Programme of Action Section II Art. 15</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>Protocol for the GLR and HoA Art. 3 (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			

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>Protocol for the GLR and HoA Art. 3</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>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>General Rules</p> <p>Art. 25</p> <p>When considering an application for a firearm or ammunition licence, regard must be had to the following rules:</p> <p>(D) No application may be received from any official in public service, a quasi-governmental unit, public authority or establishment or commercial, agricultural or industrial company, unless such application contains a recommendation to that effect from the head of department.</p> <p>(H) Regard should be had in respect of the possession of a firearm by a woman to the fact that it should be confined to instances of official possession in accordance with the regulatory laws in that regard.</p> <p>(J) Recommendations for members of the police service will be by the chief of the unit while recommendations for retired personnel will be by the Police Security Department.</p> <p>(K) Recommendations for in-service members of the people's forces will be by the Military Intelligence Department and for retired members by the Military Intelligence Department and the General Security Organisation.</p> <p>Exemptions from the Provisions of These Regulations</p> <p>Art. 27</p> <p>(B) Exemption licences are for the following groups:</p> <p>(A) Those occupying constitutional positions.</p> <p>(B) Senior regular forces officers.</p> <p>(C) Those occupying leadership positions.</p> <p>(D) Community leaderships (Amendment 1997).</p> <p>Art. 29</p> <p>Transitional Provision:</p> <p>(A) Pursuant to Paragraphs 27.2 and 27.3, any person possessing more than six firearms and who is from one of the categories referred to must relinquish the extra firearms by transferring them to a licensed person or to a licensed arms dealer.</p> <p>(B) If he is not from one of the groups referred to in Paragraph 27.3, the relinquishment of the firearms in excess of the two entitled firearms will be in accordance with Paragraph 25(A).</p> <p>(C) Relinquishment according to the circumstances [should be recorded] within a maximum period of six months from the issuance of these regulations (Amendment 97).</p> <p>Schedule II</p> <p>Categories Entitled to the Various Types of Weapon</p> <p>(See Art. 14 (D) (E))</p> <table border="1"> <thead> <tr> <th>SECT.</th> <th>WEAPON</th> <th>CATEGORIES ENTITLED TO A LICENCE</th> </tr> </thead> <tbody> <tr> <td></td> <td>7.65 pistol</td> <td> <p>1) Those occupying constitutional positions</p> <p>A Speaker of the National Assembly</p> <p>B Leaders of the National Assembly & the Secretary-General</p> <p>C Committee chairmen (Minister of State level)</p> <p>D Head of the National Conference Secretariat (Union Minister)</p> <p>E Head of the Provincial Conference Secretariat (Provincial Minister)</p> <p>F Head of the Regional Conference Secretariat (First Group)</p> </td> </tr> </tbody> </table>	SECT.	WEAPON	CATEGORIES ENTITLED TO A LICENCE		7.65 pistol	<p>1) Those occupying constitutional positions</p> <p>A Speaker of the National Assembly</p> <p>B Leaders of the National Assembly & the Secretary-General</p> <p>C Committee chairmen (Minister of State level)</p> <p>D Head of the National Conference Secretariat (Union Minister)</p> <p>E Head of the Provincial Conference Secretariat (Provincial Minister)</p> <p>F Head of the Regional Conference Secretariat (First Group)</p>	The national legislation fully conforms to the Protocol for the GLR and HoA.
SECT.	WEAPON	CATEGORIES ENTITLED TO A LICENCE							
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State-owned small arms: *Possession and use by state employees* continued

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>SECT. WEAPON</p> <p>CATEGORIES ENTITLED TO A LICENCE</p> <p>2) Members of the representative assemblies:</p> <ul style="list-style-type: none"> – Speaker of the Assembly and his deputy, leader of the Assembly and the Secretary to the Assembly are treated as special first class posts. <p>3) Supreme Court judges and heads of department at the Prosecutor-General's Office.</p> <p>4) Regular forces officers from the rank of Brigadier.</p> <p>5) Public service workers in the first special group and the directors of universities and higher institutions.</p> <p>Schedule III Categories Entitled to the Various Types of Weapon (See Art. 14 (2) (E))</p> <p>SECT. WEAPON</p> <p>CATEGORIES ENTITLED TO A LICENCE</p> <p>1 6.35 automatic pistol</p> <p>1 Central ministers, government ministers in the provinces, of state, provincial governors and their deputies and those occupying leadership positions in the country.</p> <p>2 Members of the judicial authority from the rank of Chief Judge upwards.</p> <p>4 Officers of the armed forces and the police forces from the rank of Lieutenant.</p> <p>5 Ministry of Foreign Affairs staff from the rank of Counsellor.</p> <p>6 Public service and governmental and quasi-governmental establishment and authority workers from Grade 2 upwards.</p> <p>B .32 pistols</p> <p>2 Members of the judicial authority, other than those mentioned in Section A.</p> <p>4 Public service and governmental and quasi-governmental establishment and authority workers at Grade 3 and those whose jobs require them to carry a weapon.</p> <p>C Rifles: 200/275 243/458 006/3 323 270 375 7m 358 443</p> <p>1 All categories referred to in Sections A and B.</p> <p>2 Tribal leaders, mayors and rulers, if the competent authorities in the provinces recommend it.</p> <p>D Shotguns: 12/16 20/28</p> <p>1 All categories referred to in Sections A, B and C.</p> <p>2 Public service and governmental and quasi-governmental establishments at Grade 4.</p> <p>4 Regular forces from the rank of Sergeant to Sergeant Major, who hold the outstanding long service medal.</p>	

State-owned small arms: Record keeping

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>Protocol for the GLR and HoA Art. 6 (a) and (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>UN Programme of Action Section II Art. 10</p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p>Protocol for the GLR and HoA Art. 7 (a)</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>Protocol for the GLR and HoA Art. 6</p> <p>Stipulates that States Parties must maintain secure storage of state-owned small arms and light weapons.</p> <p>UN Programme of Action Section II Art. 17 and 18</p> <p>Requires controls relating to the management and security of state stocks including:</p> <ul style="list-style-type: none"> ■ Appropriate locations for stockpiles ■ Physical security measures ■ Control of access to stocks ■ Inventory management and accounting control ■ Staff training ■ Security accounting and control of firearms relating to operation units ■ Controls on theft and loss <p>Art. 29</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>Co-ordinated Agenda for Action Art. 5.2 and 5.3</p> <p>Requires the safe storage of arms in possession of the state and strict accountability and the effective tracing of all weapons owned by the state.</p>		The national legislation does not conform to the regional and international agreements.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Documentation required? Licensing/authorisation?	<p>UN Firearms Protocol Art. 8 (c)</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>Protocol for the GLR and HoA Art. 8</p> <p>(a) 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) 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>UN Programme of Action Section II Art. 16 and 18</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>	<p>Arms, Ammunition & Explosives Regulations 1993, incorporating Amendment No. 1 of 1997</p> <p>Disposal of Confiscated Arms Art. 22</p> <p>The disposal of all confiscated arms and ammunition will be carried out in the following way:</p> <p>(A) Confiscated arms and ammunition that are used exclusively by the armed forces will be handed over to the Commander-in-Chief of the Armed Forces and will be disposed of by him.</p> <p>(B) Arms and ammunition that are used by the police forces will be handed over to the Director-General of the Police Forces and will be disposed of with the approval of the Director-General.</p> <p>(C) All other arms and ammunition that are fit for use and are allowed to be held by entities other than those referred to in Sections A and B may be sold with the approval of the licensing authority once they have been identified by the Department in accordance with the provisions of the law and these regulations.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Confiscated arms are handed to, and disposed of by, the Commander-in-Chief of the Armed Forces or the Director-General of the Police but the national legislation does not specify the form of disposal to be used.</p> <p>Further, there is no provision for the rendering of weapons as surplus or obsolete.</p>

State-owned small arms: *Offences/penalties*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
		<p>The Arms, Ammunition and Explosives Act, 1986 Art. 44</p> <p>The Minister shall make such regulations, as may be necessary, for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include:</p> <p>(j) specifying the penalties inflicted for the contravention of the provisions of the regulations.</p> <p>Contraventions</p> <p>No. 15 Any other contravention. Imprisonment, for a term, not less than five years, and fine.</p>	

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