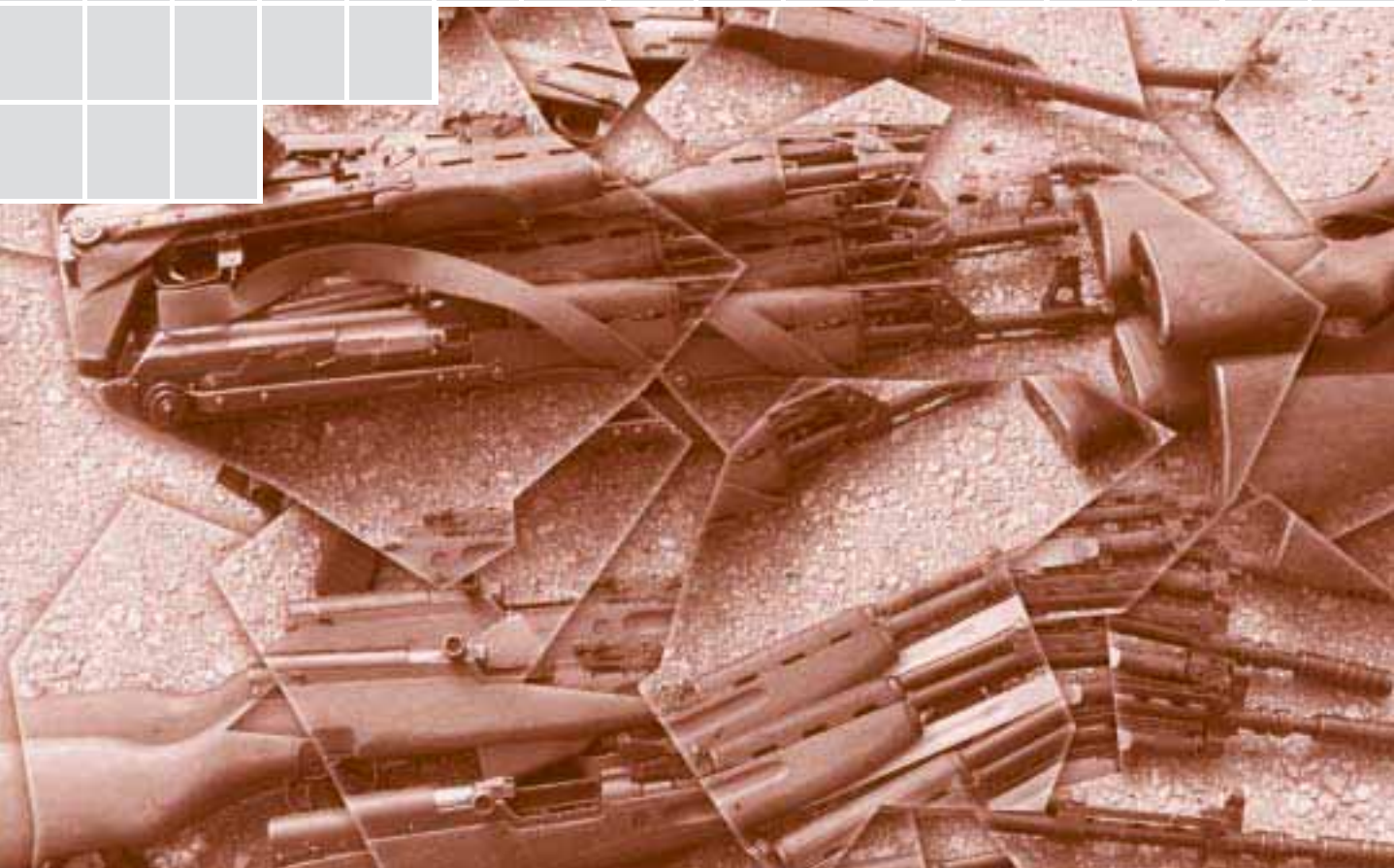




Handbook of Best Practices
on Small Arms and Light Weapons

Best Practice Guide on Marking, Record-keeping and Traceability of Small Arms and Light Weapons



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I. Introduction

Today, a consensus has emerged within the international community on the need to mark Small Arms and Light Weapons (SALW) in order to combat illicit trafficking in all its aspects. SALW marking and record-keeping are basic preventive measures to be adopted and implemented at the national level. However, these measures are not sufficient in themselves and must be supplemented by close co-operation between States to enable the tracing of weapons that have been illegally trafficked or diverted. Preventive measures, including marking and record-keeping, combined with co-operation in tracing, contribute to the implementation of the broader concept of SALW traceability.

No international legally binding document defines prescriptions for a comprehensive SALW marking and record-keeping regime. Consequently, no existing document sets out the global architecture of a traceability mechanism. However, different aspects of this concept have been the subject of recommendations listed in the OSCE Document on Small Arms and Light Weapons (OSCE, 2000) and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNGA, 2001b). These two documents, as well as other existing legally binding international agreements such as the UN Protocol against the

illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (UNGA, 2001a), and the OAS Inter-American Convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials (OAS, 1997), may help States adopt and implement appropriate measures to prevent, combat and eradicate the illicit SALW trade.

The initiative put forward by France and Switzerland to build a mechanism for an effective traceability of Small Arms and Light Weapons has also helped define the main elements of the process.

The UN Programme of Action mentions marking and traceability as key elements for preventing, combating and eradicating the illicit trade in SALW (UNGA, 2001b, Articles II.7, III.6, III.9-12, IV.1). Following this programme, the UN General Assembly (GA), in its fifty-sixth session, requested the Secretary General to undertake a study on the feasibility of an international instrument to enable States to identify and trace illicit SALW in a timely and reliable manner (UNGA, 2001c, para. 10.).

This was to be done with the assistance of governmental experts. It is envisaged that the report produced by this group of experts, which is due to be presented at the fifty-eighth GA session, will be a major contribution to the subject.

Nevertheless, most States apply national laws or regulations with respect to the marking of SALW and record-keeping associated with their manufacture and trade. Little, if any, inter-state harmonization of these marking and record-keeping regimes has taken place to date in most parts of the world. In an effort to remedy that situation, several specialized non-governmental organizations (NGOs) have put forward proposals to improve and harmonize State practices.

A list of references can be found in Annex B.

II. Scope and Objectives

This guide applies to SALW categorized by the OSCE Document when they are manufactured or transferred by States.¹

The adoption and implementation of national measures and co-operative regimes should permit the tracing of SALW from the time of manufacture, in order to detect possible points of diversion. The system should guarantee that, where a weapon has been recovered from illicit channels, the authorities of the country in which it was discovered or authorities mandated by the United Nations are able to:

- Easily determine the basic information enabling identification of the weapon and its origin;
- Obtain from the country of manufacture information that will allow tracking of the weapon from the point of manufacture.

This guide will develop solutions for each of the following aspects relating to traceability:

- Marking;
- Record-keeping;
- Legal basis and penal regime;
- Exchange of information;
- Co-operation.

¹ This guides does not apply to non-military grade weapons and ammunition, which are not covered by the OSCE Document. The OSCE Document itself covers SALW “made or modified to military specifications for use as lethal instruments of war” (OSCE, 2000, Preamble, footnote to paragraph 3). Certain prescriptions contained in this guide, however, can be applied to non-military grade weapons and ammunition by States on their own initiative, with a view to integrating them into a tracing system.

III. Marking

Two types of marking can be distinguished according to the stage of life of a weapon:

- The initial identification marking;
- Additional markings that can help improve the weapon's traceability, including proof marking and marking at import, weapons assignment marking, such as weapons assigned to a country's armed or police forces.

1. Initial identification marks

Identification marking is commonly affixed at the time of manufacture. For the purposes of tracing, States should require, at a minimum, that the following basic information appears on the frame and receiver of the weapon:

- The place and country of the manufacturer;
- The name of the manufacturer;
- A unique serial number.

In addition, the weapon type and/or model should also be marked. The name of the country should be marked in an easily readable way in order to facilitate a request for further information from that country. The appropriate national authorities should be able to ascertain the weapon's year of manufacture and other relevant information.

Unmarked firearms should be regarded as illegal and must therefore be confiscated, seized and destroyed unless otherwise authorized by the appropriate lawful authorities. However, for

regularization purposes, unmarked firearms previously in commission and legal possession may be kept, provided an appropriate marking is applied to them. This marking should correspond to the marking at the time of manufacture in use in that State.

When a weapon acquired abroad is not properly marked, the importing State should ensure that the minimum identification markings are affixed at the time of import, provided that the weapon has not been acquired through illicit trade.

The minimum identification markings should at a minimum, appear on the primary structural component, which is generally the frame or the receiver of the weapons. If possible, the markings should be done in such a way as to prevent their removal or alteration without rendering the weapon permanently inoperable. Parts other than the frame and receiver of the weapon, or their equivalents, can also be marked (barrel, breech, slide rail, certain mobile parts, etc.) but these markings are not so essential for tracing purposes.

Markings on the frame and receiver, or their equivalents, must be in plain view and easy to interpret. However, the serial number and all other information except the country of manufacture may be expressed by a combination of geometric symbols with numeric and/or alphanumeric code.

2. Additional marks

a) Import marking

States should require appropriate markings on imported SALW that permit the identification of the country of import and, if possible, the year of import.

b) Weapons assignment marking

States wishing to improve the traceability of their weapons may consider adopting appropriate provisions markings to further distinguish these weapons according to their use, including:

- Weapons designed for the armed forces;
- Weapons designed for the security forces of public services or agencies;
- Weapons designed for security forces of local authorities.

c) Proof marking

Some national or international documents provide for proof marking. The main international convention on small arms proof marks is the CIP Convention, currently comprising 12 countries (CIP, 1969). However, its provisions do not apply to weapons intended for use by armed forces. Furthermore, proof marks are not a substitute for the minimum marks required at manufacture or import.

3. Marking techniques

A large variety of marking techniques can be used, but markings should be easily identifiable, difficult to alter or remove and, if altered or removed, easily recoverable through technical means. A comparison of the various techniques available requires an analysis based on a number of criteria, such as resistance to erasing (through wear and tear or as the result of deliberate counterfeiting), information accessibility, information storage capability, maintenance, cost, etc. Moreover, the choice of a technique should take into account the material of which the weapon is made (steel, alloys or resins), and the type of weapon to be marked.

The more common traditional processes include those listed below.²

- i) Stamping: Sufficient force is applied to a matrix bearing the information. Under the impact of the force applied, the matrix produces a mark by making an indent in the metal. The depth of the mark depends on the matrix used, the metal to be marked and the degree of force applied.
- ii) Casting.
- iii) Engraving: Removing metal with engraving tools such as hand-held chisels, routers, acid or laser beams.
- iv) Hot marking: Use particularly for resin parts.
- v) Riveting or soldering a plate: Notably for certain thin metal firearms on which other processes would be hard to use.

² It should be mentioned that other processes do exist, and are now used infrequently by certain States. These include chemical processes and painting, the latter of which seems more suitable for resin weapons that are difficult to engrave.

For barrelled weapons, stamping is generally thought to provide the best guarantee in terms of resistance to erasing, accessibility of information and cost. Contrary to other processes, stamping actually substantially alters the molecular structure of the metal, which ensures that the data will remain despite attempts to erase it.

Vastly different techniques may be preferred for some light weapons (mortars, portable rocket launchers, grenade launchers, etc). If possible, the marking should be done in such a way as to prevent the removal or alteration of markings without rendering the weapon permanently inoperable. Research is under way to perfect sophisticated marking systems involving new technologies that still require substantial investment. These technologies include:

- Chemical tracers;
- Radio frequency identification (RFID) systems;
- Electronic chips inserted into weapon structure;
- Adding a metallic element to the steel or aluminium alloy;
- Including coloured particles in the steel or plastic parts;
- Mechanical deformation.³

4. Other provisions for reliable marking

In order to provide maximum guarantees, marking must be included in the manufacturing process and certified by internationally recognized quality standards. *[See BPG on Manufacture]*

The administrative bodies and economic agencies responsible for marking at each stage of a marked weapon's life should be explicitly designated in national legislation and regulations, as should the marking system they should apply.

In any agreement on the transfer of a licence or relocation of production activity, the commercial and industrial clauses governing the operation should provide for the implementation of specific marking provisions, as defined both by this guide and a suitable industrial and commercial monitoring facility. *[See BPG on Manufacture]*

³ This last method consists of making minute holes to mark a code on the weapon's frame. Once the production process is complete, the weapon is polished to render the marking invisible. To recover the marking, a suitable chemical solution is used or the weapon is x-rayed.

IV. Record-keeping and Tracing

Record-keeping involves the collection and maintenance of data in order to facilitate the identification of any weapon, its legal status and the location of its storage, at a given stage of its life.

1. Different registration levels

States should refer to the following record keeping scheme, to be followed in accordance with their own legal system.

- i) At manufacture: A record should be kept by the manufacturer of SALW produced. *[See BPG on Manufacture]*
- ii) At testing: If a State participates in a proof-testing regime for SALW, a record of testing for each individual weapon should be kept by the agency conducting the testing.
- iii) At import: The importer of SALW or other designated body should maintain a record of every weapon imported at the time of entry into the country. *[See BPG on Export Control]*
- iv) At commercial sale: The retailer should keep and maintain a record of every weapon sold from its inventory or submitted to any other operation in its installation.
- v) At possession: A record should be kept of the allocation of SALW to a public department. This record could also be kept by authorities issuing holding authorizations for other persons. *[See BPG on Stockpile Management and Security]*

vi) In case of loss or theft: A record should be kept of lost or stolen weapons to facilitate prompt notification of national competent authorities. *[See BPG on Stockpile Management and Security]*

vii) At destruction: A record should be maintained of weapons destroyed at the direction of competent national authorities by those carrying out the destruction. *[See BPG on Destruction]*

All the above information shall be made available to competent national authorities if requested by national law.

2. Registers

All registers used for record-keeping should be appropriately authenticated. States shall assure the maintenance for as long as possible, and not less than ten years, of the information necessary to trace and identify SALW to enable them to carry out successful tracing.

If entities other than governmental bodies are authorized to maintain certain records, they shall ensure the conservation of the above-mentioned information for as long as they perform this activity. On completion of this function, those entities shall transmit the registers in their possession to the competent governmental authority or to the dealer taking over this activity.

3. Nature of registered information

The information to be recorded at the stages mentioned above should, at a minimum, include for each weapon:

- The identification marking;
- A precise description of the weapon, notably its type and model;
- All additional, possibly coded, information affixed on the weapon.

As appropriate, a record could be kept of the origin and destination of the weapon and, eventually, of the export or import licences.

4. Non-registered SALW

Non-registered SALW, where legally held, should be submitted to official regulation. The competent authority would then be responsible for recording their possession. If those fire-arms weapons are not properly marked, they should be recorded at the time of regularization marking (*see Section III.1 above*).

Illicitly manufactured or trafficked SALW may only be regularized if approved by a competent legal authority, and for a specific purpose, such as for museums or law enforcement training. States shall adopt the necessary measures to ensure that all SALW seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of unauthorized persons or entities (*See Section III.1 above*).

V. Legal basis and penal regime

It is recommended that each State that has not already done so adopt laws and regulations on marking and record-keeping of SALW consistent with their legal systems. The provisions of concern should provide for obligations, prohibitions and punishment of offences. They should cover all aspects that would promote the concept of traceability.

States should consider adopting and implementing legislative and other measures consistent with their constitutional and legal systems, in order to establish as penal offences the following intentionally committed acts:

- Manufacturing of and trade in unmarked SALWs;
- Falsification, illegal removal or alteration of SALW markings that render the weapon unique;
- Failure to register SALWs;
- Any form of falsification of SALW record-keeping.

VI. Information sharing

States should exchange among themselves, in conformity with their respective domestic laws and applicable treaties, relevant information on matters such as:

- i) Authorized producers, dealers, importers, exporters, and, whenever possible, carriers of SALW;
- ii) The means of concealment used in the illicit manufacturing of or trafficking in SALW, and methods to detect them;
- iii) Routes customarily used by organizations engaged in illicit trafficking in SALW;
- iv) Legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in SALW.

States should co-operate in the tracing of SALW that may have been illicitly manufactured or trafficked. Such co-operation shall include accurate and prompt responses to trace requests.

States should undertake to exchange similar information with the United Nations Security Council, within the framework of the embargoes agreed by the Security Council or UN peacekeeping missions.

Subject to the obligations imposed by their constitutions or any international agreements, the States should guarantee the confidentiality of any information they receive, if requested to do so by the State providing the information. If, for legal reasons, such confidentiality cannot be maintained, the State that provided the information should be notified prior to disclosure.

Where required, the States involved in a tracing operation may decide by mutual agreement to communicate the information exchanged with third parties.

VII. Co-operation in tracing

States should co-operate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in SALW. States should further identify a national body or a single point of contact to act as a liaison among States for the purposes of co-operation in information exchange and SALW tracing.

Unless otherwise agreed, information received during a tracing operation should be deemed confidential. The requested State should be empowered to restrict the use of the information it provides. The nature and scope of that restriction should not prevent the requesting State from continuing the tracing operation through other means.

The State requesting co-operation from another State should support its request with all relevant information, such as:

- The type and quantity of the weapons concerned, and the date and place of their confiscation, seizure, collection or recovery;
- Markings and any further information that may help identify them;
- Any further available information to help identify the weapons or ammunition concerned (descriptions, photographs, etc.);
- Any further relevant information, such as where the weapons were found, identities of persons detained with the confiscated weapons, etc.

The State that receives the request for co-operation should undertake to acknowledge receipt thereof, and to provide any information it possesses to the requesting State, as rapidly as possible (a week could be considered as a reference). Such information might include:

- i) Confirmation that the weapons concerned were manufactured in the State from which information has been requested, if this is shown by the marking.
- ii) Any further information on the weapons concerned that is likely to ensure reliable identification, such as, for example: the date of manufacture; relevant information on the manufacturer; hidden or other identification markings; special characteristics; and the date on which technical testing was conducted, and identification of the testing body, and so on.
- iii) If the weapons concerned have been transferred legally out of the requested State, the date of export; the importing State and transit States where relevant; the final consignee, and any additional information to assist the requesting State in tracing the weapons.
- iv) If the weapons concerned have not been transferred legally out of the requested State, confirmation of that fact and communication of any additional information to assist the requesting State in tracing the weapons. The requested State shall also specify whether an investigation has been launched on the apparent loss, theft or diversion of the weapons concerned.

Annex A

Registration Data

No.	Firearm identifier							Proof		
	Type	Model	Calibre	Country of manufacture	Manufacturer	Serial number	Coded information	Designation	Date of exit	Certificate number
1	2	3	4	5	6	7	8	9	10	11

No.	Data on possession			Data on import				Sale or transfer		
	Current holder	Previous holder	Transfer date	Country of import	Importer	Licence number	Transfer date	Purchaser or consignee	Date of operation	Signature
1	2	3	4	5	6	7	8	9	10	11

ANNEX B

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