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Government Consulting Services

Services conseils du gouvernement

MARKING OF FIREARMS

Report no. 1 – Library & Internet Research Report

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GLOSSARY

ATF: United-States of America, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

CIFTA: Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related materials

DFAIT: Government of Canada, Department of Foreign Affairs & International Trade

GCS: Government Consulting Services, Public Works and Government Services Canada - Government of Canada,

International Tracing Instrument: International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

MANPADS: Man-portable air-defence systems

NGO: Non-Governmental Organizations

SALW: Small Arms and Light Weapons

UN: United Nations

UN Firearms Protocol: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

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1 CONTEXT OF THE MARKING OF FIREARMS STUDY

In November 2004, the *Firearms Markings Regulations* SOR 2004-275[1] were approved by the Governor-in-Council. The Regulations establish the requirements for the marking of newly manufactured firearms in Canada by individuals and businesses, and for the marking of all firearms permanently imported in Canada.

The markings consist of the following:

- Adding the country code (Canada or CA), the name of manufacturer and a serial number to a domestically manufactured firearms; and
- Adding the country code (Canada or CA) and last 2 digits of year of importation for imported firearms.

Initially, the implementation of the Regulations was planned for April 1, 2006. However, there was a first Deferral of the implementation to December 1, 2007, followed by a second Deferral to December 1, 2009.

At the second Deferral, the Minister of Public Safety Canada committed to conducting an independent study to evaluate the potential impact of the new Regulation on Canadian, firearms businesses and law enforcement. This study would examine how other countries are meeting the requirements set out in the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, (CIFTA - See Annex C) and in the UN Firearms Protocol (Annex B - R/55/255)

Government Consulting Services (GCS) conducted the independent study. The findings are presented in the following four reports:

1. Library and Internet Research Report;
2. Marking and Tracing Firearms;
3. Examination of International Practice; and
4. Summary of Meetings (*with key Canadian sectors regarding marking of firearms).*

This report constitutes report number "1" listed above. The purpose of the report is to summarize the findings from the internet and library research. Some of these ideas will be expanded in subsequent reports.

[1] Refer to Annex A – Firearms Marking Regulations for the complete Regulation Text.

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2 INTRODUCTION

Firearms have received considerable attention in recent years both in Canada and internationally. In response to increasing violence in some Canadian cities and the influence of gangs, organized crime and firearms, the Government of Canada has affirmed that the security of its citizens is a priority.

In the Speech from the Throne in November 2008, the federal government indicated that "gun laws will be focused on ending smuggling and stronger penalties for gun crimes". Such priorities were affirmed in the most recent Speech from the Throne in January 2009 in which the Government stated: " In pursuing measures to support the economy, our Government will also attend to the other important priorities that it set out in the Speech from the Throne to open the 40th Parliament".

This research report is the first part of a larger study on the marking of firearms. The objective of the research is to gather, record and analyze data and information about the marking of firearms.

The objective of this particular report is to provide information gathered through literature review about the marking of firearms. The following list captures the key themes of this study that was searched:

- International practice about marking firearms;
- Advantages, disadvantages and best practices;
- Background Information;
- List of Issues about marking the firearms;
- Marking technologies;
- Key resources in marking firearms;
- Ministerial correspondence;
- Key organizations that support or do not support the marking of firearms;
- Firearms importers; and
- Law Enforcement.

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3 METHODOLOGY

Given the broad scope of the subject of firearms, the research review was primarily focused on the marking of firearms, including the themes indicated in Section 2. The research took into account the Canadian and the international context. The research was restricted to the small arms category of firearms. The library and internet searches focused on documents published since the year 2000. However, material published prior to 2000 was not deliberately omitted if it was found in the course of the review.

3.1 Library Search

The PWGSC librarian was asked to conduct a journal search for relevant articles on the subject of the marking of firearms. Selected articles and books were ordered via Interlibrary loan. The objective of the library research was to identify key authors on the subject and obtain documentation relevant to the study. The complete list of documents is shown in section 5.

3.2 Government Publications

Several online Canadian and international government sources were reviewed because of their involvement in the area of firearms. The websites were accessed between September 15, 2008 and December 23, 2008. The following websites were included in the research:

- Industry Canada
  www.ic.gc.ca
- Statistics Canada
  www.statcan.ca
- Canada Gazette
  gazetteducanada.gc.ca
- Department of Justice
  justice.gc.ca
- Canadian Firearms Program
  www.cfc-cafc.gc.ca
- Public Safety Canada
  www.publicsafety.gc.ca
- G8
  www.g8.gc.ca
- Royal Canadian Mounted Police
  www.rcmp-grc.gc.ca
- DFAIT
  www.dfait-maeci.gc.ca
- Royal Military College of Canada
  http://www.rmcc.forces.gc.ca/index-eng.asp
- Department for International Development (UK)
  www.dfid.gov.uk/pubs/default.asp
- Australian Institute of Criminology
  www.aic.gov.au/
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
  www.atf.gov
- European Union
  europa.eu/index_en.html

The relevant documents are listed in section 5.

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3.3 Non-Governmental Organizations (NGOs)

The online search yielded relevant reports and publications from non-governmental organizations, as well as domestic and international groups involved in the marking of firearms. Each organization's website is listed below. The websites were reviewed between September 15, 2008 and April 16, 2009. The relevant documents are listed in section 5.

- Arms Control Association
  www.armscontrol.org
- Canadian Historical Arms Society
  www.chas.ab.ca/index.html
- Canadian Shooting Sports
  www.cdnshootingsports.org
- Canadian Sporting Arms and Ammunition Association
  www.csaaa.org/index.html
- CIA – The world factbook
  www.cia.gov
- Ducks Unlimited Canada
  www.ducks.ca/aboutduc/index.html
- GRIP – Groupe de recherché sur la sécurité et la paix
  www.grip.org/
- Gunpolicy.org
  www.gunpolicy.org
- International Action Network on Small Arms (IANSA).
  http://www.iansa.org/issues/marking_tracing.htm
- National Firearms Association
  www.nfa.ca
- National Riffle Association
  www.nra.org
- NISAT - Norwegian Initiative on Small Arms Transfers.
  www.nisat.org
- United Nations – Program of Action
  www.poa-iss.org
- Organization of American States
  www.oas.org
- SAMMI - The Sporting Arms and Ammunition Manufacturers' Institute
  www.saami.org
- Small Arms Survey
  www.smallarmssurvey.org/files/sas/about/mission.html
- UNIDIR – United Nations Institute for Disarmament Research
  www.unidir.ch
- UNO – United Nations Organisation
  www.un.org
- UNODC – United Nations Office of Drugs and Crime
  http://www.unodc.org/
- World Forum on the Future of Sport Shooting
  www.wfsa.net
- World Legal Information Institute
  www.worldlii.org

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3.4 OnLine Search Engines

Online searches were conducted between September 15, 2008 and December 23, 2008. The following keywords and keyword combinations were searched on Google.ca:

- Armes petit calibre
- Association + Firearms
- ATF
- Canada – firearms importers
- CIFTA
- Comité de sécurité ONU
- Die marking
- Die marking + firearms
- Die marking + manufacturer
- Die stamping
- Die stamping + firearms
- Die stamping + manufacturer
- Engraving
- Engraving + firearms
- Engraving + manufacturer
- Firearm(s)
- Firearms importers
- Firearms marking technology
- Firearms marking method
- Firearms protocol
- G8 + Canada
- Illicit trafficking + firearms
- Import + firearms
- Laser marking
- Laser marking + firearms
- Laser marking + manufacturers
- Marking firearms
- Marking firearm cost
- Marking regulation
- Marking – Australia
- Marking – US
- Marking – UK
- Marquage
- Modern marking and serial numbering method
- National Riffle Association
- SALW
- Small arms
- Traçage
- Tracing
- United Nation
- United Nation – marking
- YAG laser marking
- Corrosion + firearms
- Bluening
- Pakerizing

The relevant documents are listed in section 5.

3.5 Ministerial Correspondence

Ministerial correspondence provided by Public Safety Canada were reviewed.

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4 REVIEW OF THE LITERATURE - KEY FINDINGS

Library and internet research showed that the marking of firearms is well documented. Much of the literature is prepared by the academic community, as well as by NGOs and government organizations. There was not a great deal of literature found concerning the disadvantages of the marking of firearms. Other than the communications sent to federal Government Cabinet Ministers, and some articles in Canadians newspapers, the voices opposing marking of the firearms are almost non-existent.

The following section presents the key findings of this literature research. Certain aspects of the findings are more extensively developed in subsequent reports.

4.1 Definition of firearms

The term Small Arms and Light Weapons (SALW) is usually used in international firearms control protocols dealing with small arms. Although there is no internationally agreed definition of SALW, they are generally considered to be weapons that are probable and can be used by one or two persons. Small arms are designed for individual use and include handguns, sub-machine guns, assault rifles and light machine guns. Light weapons are designed to be deployed and used by a small crew, such as Man-portable Air-Defence Systems (MANPADS), recoilless rifles, and mortars of less than 100mm calibre.

United Nations Organization (UN) definition

The closest the United Nations has come to an official definition of firearms is contained in the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88), adopted by the United Nations General Assembly on December 8, 2005. This document states:

> *"small arms and light weapons will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:*
>
> *(a)* ***Small arms*** *are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;*
>
> *(b)* ***Light weapons*** *are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres weapons"*

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Canadian *Criminal Code*

Within the Canadian *Criminal Code*, there is no definition for SALW. The Canadian Regulations refer to the term "firearms". The *Criminal Code* (C-46, section 2) defines firearms as:

> *"'Firearm' means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm."*

4.2 United Nations Convention against Transnational Organized Crime[2]

The UN Convention against Transnational Organized Crime was adopted by the United Nations General Assembly in November 2000. This UN treaty is supplemented by the following protocols, of which the third one relates to firearms marking:

1. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, *(Adopted in 2003/11 - Entry into force in 2003/12)*
2. Protocol against the Smuggling of Migrants by Land, Air and Sea *(Adopted in 2000 - Entry into force in 2004)*
3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. *(Adopted in 2001/05 – Entry into force 2005/07)*

The UN Convention against Transnational Organized Crime is a legally-binding instrument committing States which ratify the convention to take a series of measures against transnational organized crime. These include the creation of domestic offenses to combat the problem, the adoption of frameworks for mutual legal assistance, extradition, law enforcement cooperation and technical assistance and training.

This study will focus on the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (UN Firearms Protocol), and more specifically on the marking aspect of this protocol.

[2] http://www.unodc.org/unodc/en/treaties/index.html

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4.3 UN Firearms Protocol

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition *(UN Firearms Protocol - Protocol R 55/255)*[3], supplementing the United Nations Convention against Transnational Organized Crime, was adopted in May 2001.[4] The Protocol is a legal multi-lateral treaty that aims to eradicate the proliferation of illicit small arms and light weapons. As of March 2009, 78 countries have ratified the Protocol and 24 countries have signed it. Thus far, Canada has signed but not ratified the UN Firearms Protocol. Canada does not ratify treaties until necessary measures are in place. Only after the implementation of the Canadian *Firearms Marking Regulations*, Canada will be in a position to ratify the UN Firearms Protocol should the government wish to do so.

As stated in *Article 2* of the UN Firearms Protocol,

> *"The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition".*

The Protocol provides for a series of control measures covering multiple aspects of the firearms issue, such as the criminalization of the illicit trafficking and the marking of firearms.

This Protocol specifically addresses the marking of firearms. The states ratifying the Protocol agreed to support *Article 8 – Markings* which requires a unique, appropriate, and reliable marking of firearms. On newly manufactured firearms, this requires the name of the manufacturer, the country or place of manufacture, and the serial number. On imported firearms, this requires the country importing and year of import.

Box no 1 – Article 8 Marking of firearms from R 55/255

Article 8
Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(*a*) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(*b*) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(*c*) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

[3] Refer to Annex B – United Nations Protocol R 55/255 for the complete text
[4] For status of the signed/ratified countries list, refer to the International Report section 3.1.3

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It also important to note that three other articles of this Protocol refer to the marking of firearms:

1. ***Article 5 – Criminalization***

[...] Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol [...]

2. ***Article 6 – Confiscation, seizure and disposal***

[...] States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded [...]

3. ***Article 9 – Deactivation of firearms***

[...] (c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm [...]

4.4 *Inter-American Convention Against the illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials*

CIFTA is the acronym in Spanish for "Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials"[5]. CIFTA was adopted in 1997 at the 24th special session of the General Assembly of the Organization of American States (OAS). This multilateral treaty was the first legally binding international convention focusing on the control of firearms and related materials. The OAS includes the following countries:

- Antigua & Barbuda
- Argentina
- Bahamas
- Barbados
- Belize
- Bolivia
- Brazil
- Canada
- Chile
- Colombia
- Costa Rica
- Dominica
- Dominican Republic
- Ecuador
- El Salvador
- Grenada
- Guatemala
- Guyana
- Haiti
- Honduras
- Jamaica
- Mexico
- Nicaragua
- Panama
- Paraguay
- Peru
- St. Kitts & Nevis
- St. Lucia
- St. Vincent & Grenadines
- Suriname
- Trinidad & Tobago
- United States
- Uruguay
- Venezuela

[5] Refer to Annex C for the integral text of the CIFTA.

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The purpose of CIFTA is to end the illicit manufacture and trafficking of firearms, ammunition, explosives, and other related materials. In general, the Convention establishes the procedures for the import, export and tracing of firearms, ammunition, explosives, and other related materials, as well as the mechanisms for dealing with those countries which do not follow the Convention. The Convention is also designed to improve cooperation among the members on the exchange of information, experience, technical assistance, and training.

Canada has signed the CIFTA, but has not yet ratified it. This is a reflection of the fact that the Canadian *Firearms Marking Regulations* were approved in 2004, but have not yet come into force. As well, adjustments to regulations made under the *Explosives Act* have not yet been implemented. After measures are in place, Canada will be in a position to ratify the CIFTA should the government wish to do so.

Canada, Jamaica, St-Vincent & Grenadines and the United States have signed but not ratified the Convention. In April 2009, the President of United States asked the U.S. Senate to ratify CIFTA. The Senate has not yet done so. For the list of the countries which have signed and ratified the CIFTA, refer to the International Report in section 3.1.1.

In the CIFTA Convention, Article VI (see box no 2 for text of Article VI) takes legislative action about the marking of firearms.

Box no 2 – Article VI Marking of firearms from CIFTA

Article VI
Marking of Firearms

1. For the purposes of identification and tracing of the firearms referred to in Article I.3.a, States Parties shall:

a. require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;

b. require appropriate markings on imported firearms permitting the identification of the importer's name and address; and

c. require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

2. The firearms referred to in Article I.3.b should be marked appropriately at the time of manufacture, if possible.

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4.5 The International Tracing Instrument[6]

Recognizing that the tracing of illicit small arms and light weapons (SALW) is key to the effectiveness of national, international and regional efforts to prevent, combat and eradicate the illicit trade in SALW, the General Assembly, on December 8, 2005, adopted the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons[7].

In the International Tracing Instrument, States make a commitment to undertake a number of measures to ensure the adequate marking of, and record-keeping for, SALW and to strengthen cooperation in tracing illicit SALW. In particular, as stated in paragraph 14, States are to ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of the Instrument.

Note that while the Tracing Instrument is not a legally binding document, it represents the consensus views of States that participated in its negotiations.

During GCS discussions with representatives at the Canadian Department of Foreign Affairs & International Trade (DFAIT), it has been highlighted that Canada played an important supportive role in the negotiation of the International Tracing Instrument in UN working groups. Also, the International Tracing Instrument is largely inspired by the UN Firearms Protocol and is consistent with the current Canadian *Firearms Act* and the *Firearms Marking Regulations* not yet into force.

[6] http://disarmament.un.org/cab/Markingandtracing/markingandtracingindex.html, December 05, 2008
[7] Refer to Annex D for the entire text

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4.6 Firearms Marking Regulations in Canada

In response to obligations undertaken by Canada as a signatory to the UN Firearms Protocol and CIFTA, requirements for the marking of firearms were established. In November 2004, *the Firearms Marking Regulations* (SOR 2004-275)[8] were approved by the Governor-in-Council following passage of amendments to the *Firearms Act.* The Regulations set out the requirements for marking all firearms newly manufactured and/or imported into Canada. In response to requests by businesses for preparatory time, the coming into force date of the Regulations was amended to April 1, 2006.

Subsequently, a first deferral rescheduled implementation to December 1, 2007 and a second deferral to December 1, 2009. The rationale behind the deferrals was to allow Canadian firearms importers additional time to comply with the *Firearms Marking Regulations*.

Unique identification

The *Firearms Marking Regulations* are the first to be introduced in Canada. At the moment, firearms are uniquely identified for the purposes of registration by the Canadian Firearms Program. Modern firearms can generally be uniquely identified for record keeping purposes without further marking. The *Firearms Registration Certificates Regulations* provide for the possibility of marking firearms that cannot be uniquely identified based on existing marks. The *Firearm Act* does not mandate the marking of firearms. As per the Firearm Act:

> A registration certificate may be issued only for a firearm
>
> (a) that bears a serial number sufficient to distinguish it from other firearms; or
>
> (b) that is described in the prescribed manner.

Manner of marking

The Regulations, as adopted in 2004, require that firearms (as defined by the *Criminal Code*) be marked by permanently stamping or engraving on the firearm's frame or receiver. In the case of a manufactured firearm, "Canada" or the letters "CA", the name of the manufacturer and the firearm's serial number and, in the case of an imported firearm, the last two digits of the year of importation and the word "Canada" or the letters "CA".

Technically, the markings must:

1. be legible;
2. have a depth of at least 0.076 mm;
3. have a height of at least 1.58 mm; and
4. be visible without the need to disassemble (subject to subsection (3)).

[8] Refer to Annex A – *Firearms Marking Regulations* for the complete text.

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The Regulations define some exemptions to the application. In the case of an imported firearm, the Registrar, on application by the individual, business or public service agency that is importing it, shall grant the applicant an exemption from the requirement set out in paragraph (2)(c) if:

1. marking the firearm in a place that is visible only by disassembling the firearm is consistent with the current practices of the manufacturer of that model of firearm;
2. the firearm does not provide a visible space suitable to stamp or engrave the markings;
3. the firearm is rare;
4. the firearm is of a value that is unusually high for that type of firearm and that value would be significantly reduced if the markings were visible without disassembly
5. the firearm is imported by a business that holds a licence for the purpose of using the firearm in respect of motion picture, television, video or theatrical productions or in publishing activities.

Re-importation

Under the Regulations, only firearms that are permanently imported into Canada must be marked. Firearms that are temporarily imported into Canada by non-residents or firearms that are temporarily exported by residents and subsequently returned to Canada do not require marking.

Finally, the Regulations do not impose any restrictions on the right to re-import firearms in the case of Canadian firearms that were permanently exported to a foreign country and then re-imported in Canada.

Tampering

Article 5 from UN Firearms Protocol R55/55 requires that countries adopt legislative or other measures to establish a criminal offence when markings are intentionally falsified or illicitly obliterated, removed or altered. Article 5 of the Canadian *Firearms Marking Regulations* addresses the issue of tampering with the markings.

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4.7 View points on the Canadian Firearms Marking Regulations

It is clear from reviewing the literature that Canadians have been voicing their concerns regarding the absence of regulations for the marking of firearms, as well as the possible ramifications of implementing regulations. A number of aspects have been raised both in newspaper articles and in letters sent to the Minister of Public Safety Canada covering:

1. Impact on the importing industry;
2. Cost of the marking tools;
3. Time consuming process to apply Post-Manufacturing markings;
4. Expertise needed to mark firearms;
5. Physical damage to the firearms;
6. Overall importance and necessity of the markings;
7. Shortening tracing time by law enforcement;
8. Impact on the historical accuracy of the firearm (by adding markings);
9. Re-importation limitations; and
10. Marking accuracy for imports manufactured at year-end and shipped at the beginning of the new year.

4.8 Marking techniques

The marking techniques will be extensively addressed in Report no 2. of this study.

4.9 International Practices

The international commerce and practices regarding firearms, and more specifically the marking of firearms, are well documented in the literature. This aspect will be addressed in Report no. 3 of this study.

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5 SOURCES

5.1 International Practice

Council of the European Union (2006) EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition. Brussels.
http://register.consilium.eu.int/pdf/en/06/st05/st05319.en06.pdf

United Nations Development Programme, Bureau for Crisis Prevention and Recovery. How to Guide Small Arms and Light Weapons Legislation. July 2008.
http://www.undp.org/cpr/documents/sa_control/SALWGuide_Legislation.pdf

Maze, K., Parker, S. (2006). International Assistance for Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects - Findings of a Global Survey. UNIDIR, United Nations Institute for Disarmament Research.
http://www.unidir.org/pdf/ouvrages/pdf-1-92-9045-006-B-en.pdf

Federation of American Scientists. OAS Firearms Convention
http://www.fas.org/programs/ssp/asmp/issueareas/oas_convention.html

European Communities (2001). Small arms and light weapons : the response of the European Union European Commission: 2001
http://ec.europa.eu/external_relations/cfsp/doc/small_arms_en.pdf

Hayes, J., Hitchens, T., Lewis, M., Stohl, R.. (2001). Evolution of U.S. Policy on Small Arms, Center for Defense Information.
http://www.fas.org/asmp/campaigns/smallarms/Ev_of_US_Policy.htm

Killicoat, P. (2007). Weaponomics: the global market for assault rifles. Department of Economics, Oxford University World Bank Policy Research Working Paper 4202.
http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2007/04/13/000016406_20070413145045/Rendered/PDF/wps4202.pdf

What's the point of arms transfer controls? Neil Cooper, International Relations and Security, Department of Peace Studies, University of Bradford, UK. Contemporary Security Policy, Volume 27 (1), April 2006, pages 118-137.
http://www.informaworld.com/smpp/ftinterface~content=a745976218~fulltext=713240930

Brauer, J. (Augusta State University, Augusta, USA), Muggah, R. (Small Arms Survey, Geneva, Switzerland). (2006) Completing the circle: Building a theory of small arms demand. Contemporary Security Policy, Volume 27, Issue 1, April 2006, pages 138 – 154.
http://www.informaworld.com/smpp/ftinterface~content=a745976224~fulltext=713240928

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

McCarthy, P. (2006) Scratching the surface of a global scourge: the first five years of the UN Program of Action on Small Arms. Disarmament Forum: Taking Action on Small Arms, no. 1, 2006, pages 5-16. http://www.unidir.ch/pdf/articles/pdf-art2426.pdf

Pisik, B.. (2001). "NRA, gun-control groups agree on marking country of origin." The Washington Times. (March 1, 2000): 13.

Key provisions of the Inter-American Convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials." Ploughshares Monitor. 19.2 (June 1998): 12.

"ATF Sets New Standards For Marking Firearms." Shooting Industry. 46.10 (October 2001): 8.

"Small Arms in to Get Security Marks." Africa News Service. (April 22, 2008): NA. General Reference Center Gold. Gale. OTTAWA PUBLIC LIBRARY SOLS (CELPLO).

Development-Africa:Small Arms That Do Big Damage." Africa News Service. (June 9, 2005): NA. General Reference Center Gold. Gale. OTTAWA PUBLIC LIBRARY SOLS (CELPLO).

Free movement of goods: no imminent change in firearms regulations" European Report. (January 13, 2001): 492. General Reference Center Gold. Gale. OTTAWA PUBLIC LIBRARY SOLS (CELPLO).

Small Arms Survey (2006) Small arms survey 2006- Chapitre 4: Point par point : l'Instrument international de traçage, Small arms survey. http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2006/CH4%20translations/CH4%20Measures%20Fr.pdf

Gabelnick, Tamar (Director, Arms Sales Monitoring Project, Federation of American Scientists) (2002). Presentation to the Consultative Committee on the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials , Washington, May 3, 2002. http://www.fas.org/asmp/campaigns/smallarms/oasPresentation.htm

Criminal Intelligence Service Canada (2007) 2007 National Strategic Firearms Threat Assessment, Her Majesty the Queen in Right of Canada, 2007.

South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). (2006) Marking and Tracing of SALW. 4th edition. SEESAC, UNDP Belgrade. http://www.seesac.org/resources/RMDS%2003.40%20Marking%20and%20Tracing%20(Edition%204).pdf

Stott, Noel (Senior researcher with the Institute Security Studies), Meek, S. (Head of the Arms Management Program at the Institute Security Studies) (2003) READY, SET, TRACE: Making Progress in Tracking Illegal Arms. Published in African Security Review Vol 12 No 2, 2003. http://www.iss.co.za/pubs/ASR/12No2/F3.html

United Nations Disarmament Commission (2008) Talks conclude on marking, tracing illegal small arms, light weapons, as biennial meeting of states seeks to strengthen politically-binding global instrument. Published on Relief Web. July 17, 2008. http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7GN38Q?OpenDocument

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

Trafficking in Small Arms Destabilizing, Official Says. Organization of American States making progress on controlling arms spread. 14 April 2005.
http://www.fas.org/asmp/campaigns/smallarms/StateOAS14apr05.htm

Anders, H. (2007). The UN Process on Small Arms : All is not lost. March 2007.
http://www.armscontrol.org/act/2007_03/Anders

Department for International Development (2004) UK Policy and Strategic Priorities on Small Arms and Light Weapons, 2004-2006.
http://www.dfid.gov.uk/pubs/files/smallarmslightweapons04-06.pdf

Canada-U.S. Firearms trafficking Group (2006), Combatting illicit firearms – A 2006 Canada and United States Overview, Her Majesty the Queen in Right of Canada, CAT. No. PS64-29/2006E-pdf, ISBN 0-662-44401-9, 2006.

5.2 Background Information

Canada Gazette, SOR/98-203 Public Agent Firearms regulation. SOR/2004-265
http://gazette.gc.ca/archives/p2/2006/2006-11-15/pdf/g2-14023.pdf

Criminal Intelligence Service Canada (2007). 2007 Annual Report on Organized Crime in Canada. Her Majesty the Queen in Right of Canada.
www.cisc.gc.ca/annual_reports/annual_report_2007/document/annual_report_2007_e.pdf

Provincial Weapons Unit Enforcement (2007,) Investigating the Gun, Provincial Weapons Unit Enforcement.

Kraft, M. (2002). Firearms trafficking 101 or Where do crime guns come from? Journal: USA Bulletin, Volume 50 (1) January 2002. Pages 6-10.
www.usdoj.gov/usao/eousa/foia_reading_room/usab5001

United Nations (2005). A/60/88 Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. United Nations.
www.un.org/events/smallarms2006/pdf/N0540059.pdf

Department of Justice Canada (1995) *Firearms Act* (1995, c. 39).
laws.justice.gc.ca/en/showdoc/cs/F-11.6///en?page=1

Department of Justice Canada (1985) *Criminal Code* C-45 – section 2).
http://laws.justice.gc.ca/en/showdoc/cs/C-46//20081023/en?command=searchadvanced&caller=AD&fragment=firearm&search_type=bool&day=23&month=10&year=2008&search_domain=cs&showall=L&statuteyear=all&lengthannual=50&length=50

Webster, Daniel, The importance of Crime Gun Trace Data to Studying and Reducing Illegal Trafficking, Johns Hopkins University (Center for Gun Policy and Research).

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

Small Arms Survey (2006): Chapter 3 Summary An Uphill Battle UNDERSTANDING SMALL ARMS TRANSFERS.
http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2006/2006SASCh3_summary_en.pdf

Small Arms Survey (2004): Chapter 4 - INTERNATIONAL SMALL ARMS TRANSFERS.
http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2004/2004SASCh4_summary_en.pdf

Small Arms Survey 2004 Chapiter 4: Retour aux sources: LES TRANSFERTS INTERNATIONAUX D'ARMES LÉGÈRES.
www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2004/2004SASCh4_full_fr.pdf

Dauvergne, M., De Socio, L.- Statistique Canada (2008). Firearms and Violent Crime. Statistique Canada – no 85-002 au catalogue, vol. 28, no. 2.

Geoffrey, Li - Statistique Canada (2007). Homicide in Canada, 2006. Statistics Canada – Catalogue no. 85-002-XIE, Vol. 27, no. 8.
www.statcan.gc.ca/bsolc/olc-cel/olc-cel?lang=eng&catno=85-002-X200700810358

US Dept of Justice (2000). Reducing illegal firearms trafficking: promising practices and lessons learned. US Dept of Justice. July 2000.
http://www.ncjrs.gov/pdffiles1/bja/180752.pdf

Dube, G, D. (2008) Current trends in marking & tracing. Arms control Africa Publisher/Organization: Institute for Security Studies. Vol 1 (3), 2008 Pages 5-7 .

United Nations Small Arms Review Conference 2006
Note: document pertaining to International Instrument on Tracing
Also: documents of the conference.
http://www.un.org/events/smallarms2006/documents.html
http://www.un.org/events/smallarms2006/report-meeting.html

Amnesty International (2004). Tracking Lethal Tools : marking and tracing weapons: a central piece of the arms control puzzle. Amnesty International. December 1, 2004.
http://www.amnesty.org/en/library/info/ACT30/022/2004

Abramson, J. (2008) Small Arms Conference Nets Agreement, Arms Control Association.
http://www.armscontrol.org/act/2008_09/SmallArms

Laurance, E., Stohl, R. (2002) Making Global Public Policy: The Case of Small Arms and Light Weapons Small Arms Survey: Occasional Paper no.7. December 2002.
http://www.fas.org/asmp/campaigns/smallarms/SAS-OP7-UNConference.pdf

Berkol, I., Shutz, F., Wéry, M., (2001) Marking, Record-Keeping, and Tracing of Small Arms and Light Weapons : Contribution to the Third Session of the Preparatory Committee to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, 19-30 March 2001). Special Issue, March 2001. Document no. g1882.
http://grip.org/bdg/pdf/g1882.pdf

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

Berkol, I. (2008) Vers un instrument juridique sur le contrôle des armes légères et de petit calibre en Afrique centrale. Groupe de recherche et d'information sur la paix et la sécurité. Document no. g0914.
www.grip.org/bdg/pdf/g0914.pdf

Berkol, I. (2006) politique de l'Union Européenne en matière d'armes légères. Groupe de recherche et d'information sur la paix et la sécurité. Document no. g1061.
http://www.grip.org/bdg/g1061.html

Berghezan, G. (2007). Exportations d'armes : Le problème de la destination finale. Groupe de recherche et d'information sur la paix et la sécurité. Document no. g1070.
http://www.grip.org/bdg/g1070.html

United Nations Development Programme, Bureau for Crisis Prevention and Recovery. (2008) How to Guide Small Arms and Light Weapons Legislation. UNDP.
http://www.undp.org/cpr/documents/sa_control/SALWGuide_Legislation.pdf

International Firearm Violence and Policy Information (Various news items).
http://www.gunpolicy.org/Topics/Firearm_Marking_And_Tracing.html

SAAMI , SAAMI White Paper. "The Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) appreciates the opportunity to comment on the implementation of the Canadian regulations for marking on import."

Canadian Association of Police Boards. Letter to Stockwell Day, November 23, 2007.

Canadian Sporting Arms and Ammunition Association. July 12, 2007 Bill C-10A Firearms Marking Implementation.

Enhancing traceability of small arms and light weapons flows: developing an international marking and tracing regime. Owen Greene. Saferworld.

Comprehensive Firearms Tracing: Strategic and Investigative Uses of New Data on Firearms Markets Published April 2001 Author Philip J. Cook, Anthony A. Braga Source Wiener Center for Social Policy, John F. Kennedy School of Government.
http://www.innovations.harvard.edu/showdoc.html?id=2565

Wendy Cukier (Professor, Justice Studies, Ryerson Polytechnic University), (2001). Combating the Illicit Trafficking and Misuse of Firearms. Coalition forGun Control.
http://www.guncontrol.ca/Content/Temp/UN0100.final.PDF

Malone, J (2002) USA Department of Justice. Firearms tracing. Pages 48-49. January 2002.
http://www.usdoj.gov/usao/eousa/foia_reading_room/usab5001.pdf

Naumetz, T. (2007). Tories assailed over delay in marking imported guns; Has Police Support:[All But Toronto Edition]. National Post. Don Mills, Ontario: December 5, 2007. p. A11.

Naumetz, T. (2007).Tories assailed over delay in marking imported guns; Cabinet Order:[National Edition] National Post. Don Mills, Ontario: December 5, 2007. p. A8.

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

The Gazette (2007). Gun importing measures delayed:[Final Edition]. The Gazette. Montreal, Quebec: December 5, 2007. p. A16.

Naumetz, T. (2007).Federal cabinet delays measure to have imported guns marked:[Final Edition]. The Ottawa Citizen. Ottawa, Ontario: December 5, 2007. p. A6.

Naumetz, T. (2007). Day quietly delays plan to stamp imported guns:[Final Edition] The Province. Vancouver, British Columbia: December 5, 2007. p. A27.

Brethour, P. (2007) Police ask Day to resist gun lobby on import policy. The Globe and Mail. Toronto, Ontario: November 27, 2007. p. A.11.

Gobin, M. (2007). Legislation unfairly targets hunters' firearms:[Final Edition]. The Windsor Star. Windsor, Ontario: November 19, 2007. p. A6.

Elliott, R. (2007) Another futile gun law. The Globe and Mail. Toronto, Ontario: November 12, 2007. p. A.14.

Ward, O. (2006) Battle lines are drawn over illegal gun trade; UN forum discusses halt to commerce Groups for and against apply pressure:[Ontario Edition]. Toronto Star. Toronto, Ontario: June 26, 2006. p. A01.

Kingston Whig - Standard (2005). Gun regulations for Canadian police put off:[Final Edition]. Kingston Whig – Standard. Kingston, Ontario: September 8, 2005. p. 12.

Sudbury Star (2005). Gun registry regulations delayed:[Final Edition]. Sudbury Star. Sudbury, Ontario: Septenber 8, 2005. p. A8.

The Globe and Mail (2005) Gun regulations delayed for second time. The Globe and Mail. Toronto, Ontario: September 8, 2005. p. A.8.

Edward, S. (2005). Global gun control under fire at UN conference:[Final Edition] Kingston Whig - Standard. Kingston, Ontario: July 12, 2005. p. 22.

Edward, S. (2005). Canadian firearms laws trigger UN debate: Sides trade shots over foreign arms:[Final Edition]. Edmonton Journal. Edmonton, Alberta: July 11, 2005. p. A7.

Edward, S. (2005).Gun owners take fight against Ottawa to UN: Firearm markings:[Toronto Edition 1] National Post. Don Mills, Ontario: July 11, 2005. p. A8.

Edward, S. (2005). Gun owners take fight against Ottawa to UN: Firearm markings:[All But Toronto Edition] National Post. Don Mills, Ontario: Jul 11, 2005. p. A7.

Edward, S. (2005). Canadian gun control foes take fight to UN conference::[Final Edition]. The Gazette. Montreal, Quebec: July 11, 2005. p. A13.

Edward, S. (2005). Gun owners seek UN members' aid to fight new rules::[Final Edition]. The Ottawa Citizen. Ottawa, Ontario: July 11, 2005. p. A8.

Edward, S. (2005). Canadian gun owners fight new regulations: UN meeting used to protest latest government rule:[Final Edition]. The Windsor Star. Windsor, Ontario: July 11, 2005. p. C7.

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

Ruby, C. (2004) Canada's gun control is on target. The Globe and Mail. Toronto, Ontario: July 27, 2004. p. A.15.

Cukier, W. (2001) Guns:[National Edition]. National Post. Don Mills, Ontario: July 25, 2001. p. A15.

Naumetz, T. (2007). Harper government delays measure to mark gun imports. CanWest News. Don Mills, Ontario: December 5, 2007. p. 1.

Brethour, P. (2007) Police ask Day to resist gun lobby on import policy. The Globe and Mail (Index-only). Toronto, Ontario: November 27, 2007. p. A.11é

CCNMatthews Newswire (2006) Canada and the United States Sign an Agreement to Tackle Gun Violence. CCNMatthews Newswire. Toronto: November 16, 2006. p. 1.

Lemieux, P. (2006) Sticking to their guns: Not all gun owners are celebrating the government's changes to its firearm laws:[Final Edition] Western Standard. Vancouver: June 19, 2006. p. 19.

Edwards, S. (2005) Global gun control under fire at UN conference. CanWest News. Don Mills, Ontario: July 12, 2005. p. 1.

5.3 Marking technologies

Schutz, F.(2002). The Automatic Identification: an Alternative to the Marking of Firearms? A Preliminary Study, REVUE INTERNATIONALE DE CRIMINOLOGIE ET DE POLICE TECHNIQUE ET SCIENTIFIQUE Publication :, 55, Part 2: 232-243. http://www.polymedia.ch/htdocs/Files/Criminologie/CR-archives/RICPTS_2002-02.pdf

Warlow, T. Firearms, the Law and Forensic Ballistics, CRC Press, p. 99-101.

Schutz, F.(2001).Les numéros de séries, leur rôle en criminalistique et dans le processus de traçage des armes à feu. La société canadienne des sciences judiciaires. Volume 34 no. 3 p: 117-134.

Mozayani, A., Noziglia, C. (2006)The Forensic Laboratory Handbook – Procedures and Practice, Chapter 7 : Firearms and Tool Marks, Humana Press, 300 p.

Garcia D. (2006), Small Arms and Security – New emerging international norms, Chapter 5 :Marking, Tracing, and Record-Keeping, Routledge, 266 p.

Berkol, I. (2004) Les systèmes de marquage des armes légères et de petit calibre : Évaluation du coût du marquage. Groupe de recherche et d'information sur la paix et la sécurité. http://www.grip.org/fr/siteweb/dev.asp?N=simple&O=447&titre_page=NA_2004-06_FR_I-BERKOL

Berkol, I. (20013) Marquage et traçage des armes légères. Groupe de recherche et d'information sur la paix et la sécurité. Document no. g1767 mod. www.grip.org/bdg/g1767.html

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information
Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

Berkol, I. (2001) Les aspects pratiques du marquage et du traçage des armes légères en vue d'un modèle de convention. Groupe de recherche et d'information sur la paix et la sécurité. Document no. g1867.
www.grip.org/bdg/g1867.html

Berkol, I., Wéry, M. (2002) Les aspects techniques et institutionnels d'un instrument international de traçage des ALPC. Groupe de recherche et d'information sur la paix et la sécurité (GRIP).

Le Monde Diplomatique, Comment limiter la prolifération, Janvier 2001.
http://www.monde-diplomatique.fr/2001/01/RIVIERE/14743

Organization for Security and Co-operation in Europe –OSCE (2003). Handbook of Best Practices on Small Arms and Light Weapons, 2003: Chapter 2: Marking, Record-keeping and Traceability of Small Arms and Light Weapons.. Organization for Security and Co-operation, Vienna.
http://www.osce.org/item/13550.html

Coflin, James. (1999) Marking small arms : an examination of methodologies - Ottawa : Government of Canada, 1999. vii, 29 p. AMICUS No. 20672288.

Collins, J. (1999) Modern Marking and Serial Numbering Methods. AFTE Journals. Vol. 31. no. 3, Summer 1999.

5.4 Ministerial Correspondence

Correspondence to the Minister of Public Safety Canada from individuals and associations from across the country were reviewed.

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information
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ANNEX A – FIREARMS MARKING REGULATIONS

000026

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ANNEX B – UN FIREARMS PROTOCOL R 55/255

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ANNEX C – CIFTA

Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials

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ANNEX D – INTERNATIONAL TRACING INSTRUMENT

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

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Registration
SOR/2007-266 November 22, 2007

FIREARMS ACT

Regulations Amending the Firearms Marking Regulations

P.C. 2007-1773 November 22, 2007

Whereas the Minister of Public Safety and Emergency Preparedness is of the opinion that the change made to the *Firearms Marking Regulations*[a] by the annexed *Regulations Amending the Firearms Marking Regulations* is so immaterial and insubstantial that section 118 of the *Firearms Act*[b] should not be applicable in the circumstances;

And whereas the Minister of Public Safety and Emergency Preparedness will, in accordance with subsection 119(4) of the *Firearms Act*[b], have a statement of the reasons why he formed that opinion laid before each House of Parliament;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to section 117[c] of the *Firearms Act*[b], hereby makes the annexed *Regulations Amending the Firearms Marking Regulations*.

REGULATIONS AMENDING THE FIREARMS MARKING REGULATIONS

AMENDMENT

1. Section 6 of the *Firearms Marking Regulations*[1] is replaced by the following:

6. These Regulations come into force on December 1, 2009.

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(*This statement is not part of the Regulations.*)

Description

The Regulations amend the coming into force date of the *Firearms Marking Regulations*, SOR/2004-275, from December 1, 2007 to December 1, 2009.

The *Firearms Marking Regulations* establish requirements for the marking of firearms being imported to Canada by individuals and businesses and for marking of all firearms manufactured in Canada. These requirements were established in response to

[a] SOR/2004-275
[b] S.C. 1995, c. 39
[c] S.C. 2003, c. 22, par. 224(*c.38*)
[1] SOR/2004-275

Enregistrement
DORS/2007-266 Le 22 novembre 2007

LOI SUR LES ARMES À FEU

Règlement modifiant le Règlement sur le marquage des armes à feu

C.P. 2007-1773 Le 22 novembre 2007

Attendu que le ministre de la Sécurité publique et de la Protection civile estime que l'obligation de dépôt prévue à l'article 118 de la *Loi sur les armes à feu*[a] ne s'applique pas au *Règlement modifiant le Règlement sur le marquage des armes à feu*, ci-après, parce qu'il n'apporte pas de modification de fond notable au *Règlement sur le marquage des armes à feu*[b];

Attendu que, aux termes du paragraphe 119(4) de cette loi, le ministre de la Sécurité publique et de la Protection civile fera déposer devant chaque chambre du Parlement une déclaration énonçant les justificatifs sur lesquels il se fonde,

À ces causes, sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu de l'article 117[c] de la *Loi sur les armes à feu*[a], Son Excellence la Gouverneure générale en conseil prend le *Règlement modifiant le Règlement sur le marquage des armes à feu*, ci-après.

RÈGLEMENT MODIFIANT LE RÈGLEMENT SUR LE MARQUAGE DES ARMES À FEU

MODIFICATION

1. L'article 6 du *Règlement sur le marquage des armes à feu*[1] est remplacé par ce qui suit :

6. Le présent règlement entre en vigueur le 1er décembre 2009.

ENTRÉE EN VIGUEUR

2. Le présent règlement entre en vigueur à la date de son enregistrement.

RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION

(*Ce résumé ne fait pas partie du Règlement.*)

Description

Le Règlement modifie la date d'entrée en vigueur du *Règlement sur le marquage des armes à feu*, DORS/2004-275, fixée au 1er décembre 2007, pour la reporter au 1er décembre 2009.

Le *Règlement sur le marquage des armes à feu* fixe des exigences relatives au marquage des armes à feu qui sont importées au Canada par des personnes ou des entreprises et de toutes les armes à feu fabriquées au Canada. Ces exigences sont fixées en

[a] L.C. 1995, ch. 39
[b] DORS/2004-275
[c] L.C. 2003, ch. 22, al. 224(*c.38*)
[1] DORS/2004-275

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obligations undertaken by Canada as a signatory to the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA) and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime* (UN Firearms Protocol).

The markings would consist of a country code, "CA" or "Canada," and either, in the case of newly manufactured firearms, the name of the manufacturer and serial number, or with respect to imported firearms, the last two digits of the year of importation. The Regulations also provide specifications with respect to the depth and size of the markings. Markings are, subject to certain exceptions, to be put on the receiver and to be visible without the need to disassemble the firearm.

Implementation of the *Firearms Marking Regulations* was initially set for April 1, 2006. Following representations from firearms associations and of firearms businesses, especially firearms importers, implementation was deferred until December 1, 2007.

Firearms industry and association representatives have indicated that Canadian firearms importers will not be in a position to meet the December 1, 2007 implementation date.

Deferral to December 1, 2009, will provide Canadian firearms importers with additional time to be able to comply with the requirement. During the deferral period, the Government would conduct an independent study of the implementation of the *Firearms Marking Regulations*, their potential impact on Canadian firearms businesses and Canadian and international law enforcement. The study would also look at whether and how other countries are meeting the requirements set out in CIFTA and the UN Firearms Protocol.

Alternatives

No other alternatives to deferral have been considered.

Industry and association representatives have indicated that Canadian firearms importers will be unable to meet the firearm import marking requirement on December 1, 2007. Unable to comply with that requirement, these importers could not lawfully import firearms into Canada after that date and would be unable to continue in that business.

Benefits and costs

The deferral of the coming into force of the *Firearms Marking Regulations* is cost neutral. However, businesses and individuals who manufacture or import firearms will likely benefit from the delay since they will have a longer period in which to adjust business practices.

Consultation

There has been an ongoing dialogue with concerned stakeholders, including law enforcement officials, provincial Chief Firearms Officers, firearms businesses, associations and other

réponse aux obligations contractées par le Canada à titre de signataire de la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, munitions, explosifs et autres matériels connexes* et du *Protocole des Nations Unies contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions, de la Convention des Nations Unies sur la criminalité transnationale organisée* (Protocole des Nations Unies sur les armes à feu).

Le marquage serait constitué d'un code de pays, « CA » ou « Canada » et, dans le cas des armes à feu nouvellement fabriquées, du nom du fabricant et du numéro de série ou, dans le cas des armes à feu importées, des deux derniers chiffres de l'année d'importation. Le Règlement prévoit également des précisions relativement à la profondeur et à la taille des marques. Sous réserve de certaines exceptions, la marque devrait être mise sur la boîte de culasse et être visible sans qu'il soit nécessaire de démonter l'arme.

La date d'entrée en vigueur du *Règlement sur le marquage des armes à feu* était fixée au 1er avril 2006. On a reporté la date au 1er décembre 2007 à la suite des observations des associations de propriétaires et des entreprises d'armes à feu, et tout particulièrement des importateurs.

Des représentants des entreprises et des associations de propriétaires d'armes à feu ont laissé savoir qu'ils ne seront pas en mesure de se conformer au Règlement d'ici le 1er décembre 2007.

Le report de l'entrée en vigueur au 1er décembre 2009 permettra aux importateurs canadiens d'armes à feu de se conformer au Règlement. Durant le délai imparti, le gouvernement mènera une étude indépendante sur l'entrée en vigueur du *Règlement sur le marquage des armes à feu* et son incidence possible sur les entreprises canadiennes d'armes à feu et les organismes nationaux et internationaux d'application de la loi. L'étude permettra également de déterminer si d'autres pays se conforment aux exigences énoncées dans la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, munitions, explosifs et autres matériels connexes* et le Protocole des Nations Unies sur les armes à feu et quelles méthodes ces pays utilisent pour s'y conformer.

Solutions envisagées

Le report de l'entrée en vigueur du Règlement est la seule solution envisagée.

Des représentants d'entreprises et d'associations ont indiqué que les importateurs canadiens d'armes à feu ne seront pas en mesure de se conformer à l'exigence relative au marquage des armes à feu importées d'ici le 1er décembre 2007. Si les importateurs d'armes à feu ne sont pas en mesure de se conformer à cette exigence, ils ne pourront pas importer légalement d'armes au Canada après cette date et devront mettre fin à leurs activités.

Avantages et coûts

Le report de l'entrée en vigueur du *Règlement sur les armes à feu* n'entraîne pas de coûts. Toutefois, les entreprises et les personnes qui fabriquent et qui importent des armes à feu sont susceptibles de retirer un avantage du report puisqu'ils auront plus de temps pour modifier leurs pratiques commerciales.

Consultations

Il y a eu un dialogue constant avec les intervenants concernés, y compris des agents d'application de la loi, des contrôleurs d'armes à feu provinciaux, des représentants d'entreprises et d'associations

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stakeholders. While there was nearly complete agreement on the necessity to defer the requirement, the reasons stakeholders support deferral ranged from the need to give businesses more time to become compliant with the requirement to the view that deferral could present the Government with an opportunity to repeal the *Firearms Marking Regulations*. Some stakeholders, however, noted that it is important for Canada to meet international commitments targeting the illicit and criminal movement of firearms.

To ensure that all stakeholders and interested parties are informed of the amendment to the Regulations, affected client groups will be advised through bulletins from the Canada Firearms Centre immediately upon a decision. Updated Website materials and information for distribution through the 1-800 public inquiry line will also be prepared. Other media relations will be handled on a response basis.

Compliance and enforcement

As the amendment defers the coming into force of a measure that is not yet in force, deferral of the requirement does not present direct compliance or enforcement issues.

When the Regulations come into force, it would be an offence, pursuant to section 103 and 104 of the *Criminal Code* to import a firearm other than under the authority of the *Firearms Act* or of any regulation made under that Act. It would also be an offence, pursuant to the *Firearms Marking Regulations*, to remove, alter, deface or obliterate a marking.

Contact

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Canada Firearms Centre
3000 Merivale Road
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de propriétaires d'armes à feu et d'autres intervenants. Bien que l'on se soit presque entendu sur la nécessité de reporter l'application de cette exigence, les intervenants appuient le report, citant toute une gamme de raisons, allant du fait que les entreprises ont besoin de plus de temps pour se conformer à cette exigence avançant même la possibilité que le report pourrait donner l'occasion au gouvernement d'abroger le *Règlement sur le marquage des armes à feu*. Certains intervenants font toutefois remarquer l'importance pour le Canada, de respecter ses engagements internationaux visant à lutter contre le trafic illicite et criminel des armes à feu.

Le Centre des armes à feu Canada fera parvenir un bulletin aux groupes clients touchés dès qu'une décision sera prise afin de veiller à ce que tous les intervenants et toutes les parties intéressées soient informés des modifications au Règlement. On mettra également à jour les renseignements figurant dans le site Web et on préparera des renseignements qui seront fournis par l'entremise de la ligne d'information sans frais. Les autres communications avec les médias se feront de façon ponctuelle.

Respect et exécution

Le report de l'entrée en vigueur du Règlement ne présente aucun problème direct lié à la conformité ou à l'application de la loi étant donné que des mesures réglementaires visées ne sont pas encore en vigueur.

Lorsque le Règlement entrera en vigueur, quiconque importera une arme à feu autrement que sous le régime de la *Loi sur les armes à feu* ou tout autre règlement pris aux termes de la Loi, commettra une infraction aux articles 103 et 104 du *Code criminel*. Par ailleurs, quiconque enlèvera, modifiera, oblitérera ou maquillera toute marque d'arme à feu commettra également une infraction en vertu du *Règlement sur le marquage des armes à feu*.

Personne-ressource

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Vol. 138, No. 25

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Canada Gazette

Gazette du Canada

Part II

Partie II

OTTAWA, WEDNESDAY, DECEMBER 15, 2004

OTTAWA, LE MERCREDI 15 DÉCEMBRE 2004

Statutory Instruments 2004

Textes réglementaires 2004

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Pages 1840 à 2025

NOTICE TO READERS

The *Canada Gazette* Part II is published under authority of the *Statutory Instruments Act* on January 14, 2004, and at least every second Wednesday thereafter.

Part II of the *Canada Gazette* contains all "regulations" as defined in the *Statutory Instruments Act* and certain other classes of statutory instruments and documents required to be published therein. However, certain regulations and classes of regulations are exempted from publication by section 15 of the *Statutory Instruments Regulations* made pursuant to section 20 of the *Statutory Instruments Act*.

Each regulation or statutory instrument published in this number may be obtained as a separate reprint from Government of Canada Publications, Public Works and Government Services Canada. Rates will be quoted on request.

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AVIS AU LECTEUR

La *Gazette du Canada* Partie II est publiée en vertu de la *Loi sur les textes réglementaires* le 14 janvier 2004, et au moins tous les deux mercredis par la suite.

La Partie II de la *Gazette du Canada* est le recueil des « règlements » définis comme tels dans la loi précitée et de certaines autres catégories de textes réglementaires et de documents qu'il est prescrit d'y publier. Cependant, certains règlements et catégories de règlements sont soustraits à la publication par l'article 15 du *Règlement sur les textes réglementaires*, établi en vertu de l'article 20 de la *Loi sur les textes réglementaires*.

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Des exemplaires des textes réglementaires enregistrés par le greffier du Conseil privé sont à la disposition du public, dans les deux langues officielles, pour examen et vente à la Pièce 418, Édifice Blackburn, 85, rue Sparks, Ottawa, Canada.

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Registration
SOR/2004-275 29 November, 2004

FIREARMS ACT

Firearms Marking Regulations

P.C. 2004-1435 29 November, 2004

Whereas, pursuant to section 118 of the *Firearms Act*[a], the Solicitor General of Canada had the proposed *Firearms Marking Regulations* laid before each House of Parliament on June 13, 2003, which date is at least 30 sitting days before the date of this Order;

And whereas subsection 119(1) of the *Firearms Act*[a] provides that no proposed regulation that has been laid pursuant to section 118 of that Act need again be laid, whether or not it has been altered;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Solicitor General of Canada, pursuant to section 117[b] of the *Firearms Act*[a], hereby makes the annexed *Firearms Marking Regulations*.

FIREARMS MARKING REGULATIONS

INTERPRETATION

1. (1) The following definitions apply in these Regulations.

"Act" means the *Firearms Act*. (*Loi*)

"specially imported firearm" means a firearm imported on a temporary basis by a business that holds a firearms licence, as a good under tariff item No. 9993.00.00 of the List of Tariff Provisions set out in the schedule to the *Customs Tariff*. (*arme à feu d'importation spéciale*)

(2) In these Regulations, "agency firearm", "protected firearm", "public agent" and "public service agency" have the same meaning as in section 1 of the *Public Agents Firearms Regulations*.

(3) For greater certainty, in these Regulations, "transfer" means transfer as defined in subsection 84(1) of the *Criminal Code*.

MARKING OF MANUFACTURED FIREARMS

2. Every individual or business that manufactures a firearm shall ensure that the firearm is marked, at the time of manufacture, in accordance with section 4.

MARKING OF IMPORTED FIREARMS

3. (1) Every individual, business or public service agency that imports a firearm shall ensure that the firearm is marked in accordance with section 4 before the 60th day after its release as defined in subsection 2(1) of the *Customs Act* or before transferring the firearm, whichever occurs first.

[a] S.C. 1995, c. 39
[b] S.C. 2003, c. 8, s. 54

Enregistrement
DORS/2004-275 29 novembre 2004

LOI SUR LES ARMES À FEU

Règlement sur le marquage des armes à feu

C.P. 2004-1435 29 novembre 2004

Attendu que, conformément à l'article 118 de la *Loi sur les armes à feu*[a], le solliciteur général du Canada a fait déposer le projet de règlement intitulé *Règlement sur le marquage des armes à feu* devant chaque chambre du Parlement le 13 juin 2003, laquelle date est antérieure d'au moins trente jours de séance à la date du présent décret;

Attendu que le paragraphe 119(1) de cette loi prévoit qu'il n'est pas nécessaire de déposer de nouveau le projet de règlement devant le Parlement même s'il a subi des modifications,

À ces causes, sur recommandation de la solliciteure générale du Canada et en vertu de l'article 117[b] de la *Loi sur les armes à feu*[a], Son Excellence la Gouverneure générale en conseil prend le *Règlement sur le marquage des armes à feu*, ci-après.

RÈGLEMENT SUR LE MARQUAGE DES ARMES À FEU

DÉFINITIONS

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

« arme à feu d'importation spéciale » Arme à feu qui est importée pour une période temporaire par une entreprise titulaire d'un permis d'armes à feu, à titre de marchandise du n° tarifaire 9993.00.00 de la liste des dispositions tarifaires de l'annexe du *Tarif des douanes*. (*specially imported firearm*)

« Loi » La *Loi sur les armes à feu*. (*Act*)

(2) Dans le présent règlement, « agence de services publics », « agent public », « arme à feu d'agence » et « arme à feu protégée » s'entendent au sens de l'article 1 du *Règlement sur les armes à feu des agents publics*.

(3) Il est entendu que, dans le présent règlement, « cession » s'entend au sens du paragraphe 84(1) du *Code criminel*.

MARQUAGE D'ARMES À FEU FABRIQUÉES

2. Le particulier ou l'entreprise qui fabrique une arme à feu veille à ce qu'en soit effectué le marquage au moment de sa fabrication, conformément à l'article 4.

MARQUAGE D'ARMES À FEU IMPORTÉES

3. (1) Le particulier, l'entreprise ou l'agence de services publics qui importe une arme à feu veille à ce qu'en soit effectué le marquage conformément à l'article 4, soit avant le soixantième jour suivant son dédouanement au sens du paragraphe 2(1) de la *Loi sur les douanes*, soit avant sa cession, si celle-ci est antérieure.

[a] L.C. 1995, ch. 39
[b] L.C. 2003, ch. 8, art. 54

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(2) Subsection (1) does not apply to

(*a*) a firearm imported by an individual under section 35 or 35.1 of the Act;

(*b*) a specially imported firearm;

(*c*) a protected firearm;

(*d*) a firearm that was initially exported from Canada by an individual or business if the individual or business retained ownership of the firearm while the firearm was outside Canada; or

(*e*) a firearm that was initially exported from Canada by a public service agency and that was retained by that agency as an agency firearm while the firearm was outside Canada.

MANNER OF MARKING

4. (1) The firearm shall be marked by permanently stamping or engraving on the firearm's frame or receiver the word "Canada" or the letters "CA" and

(*a*) in the case of a manufactured firearm, the name of the manufacturer and the firearm's serial number; and

(*b*) in the case of an imported firearm, the last two digits of the year of the importation.

(2) The markings shall

(*a*) be legible;

(*b*) have a depth of at least 0.076 mm and a height of at least 1.58 mm; and

(*c*) subject to subsection (3), be visible without the need to disassemble the firearm.

(3) In the case of an imported firearm, the Registrar, on application by the individual, business or public service agency that is importing it, shall grant the applicant an exemption from the requirement set out in paragraph (2)(*c*) if

(*a*) marking the firearm in a place that is visible only by disassembling the firearm is consistent with the current practices of the manufacturer of that model of firearm;

(*b*) the firearm does not provide a visible space suitable to stamp or engrave the markings;

(*c*) the firearm is rare;

(*d*) the firearm is of a value that is unusually high for that type of firearm and that value would be significantly reduced if the markings were visible without disassembly; or

(*e*) the firearm is imported by a business that holds a licence for the purpose of using the firearm in respect of motion picture, television, video or theatrical productions or in publishing activities.

TAMPERING WITH MARKINGS

5. (1) No person shall knowingly remove, alter, obliterate or deface a marking on a firearm.

(2) Subsection (1) does not apply to a public agent acting in the course of their duties or for the purposes of their employment.

COMING INTO FORCE

6. These Regulations come into force on April 1, 2006.

(2) Le paragraphe (1) ne s'applique pas à l'arme à feu qui, selon le cas :

a) est importée par un particulier aux termes des articles 35 ou 35.1 de la Loi;

b) est une arme à feu d'importation spéciale;

c) est une arme à feu protégée;

d) a été initialement exportée du Canada par le particulier ou l'entreprise, selon le cas, qui en a conservé la propriété pendant qu'elle se trouvait à l'extérieur du Canada;

e) a été initialement exportée du Canada par l'agence de services publics, si cette dernière l'a conservée en tant qu'arme à feu d'agence pendant qu'elle se trouvait à l'extérieur du Canada.

MÉTHODE DE MARQUAGE

4. (1) Le marquage s'effectue par l'estampage ou la gravure de façon indélébile, sur la carcasse ou la boîte de culasse de l'arme à feu, du mot « Canada » ou des lettres « CA » ainsi que des renseignements suivants :

a) s'agissant d'une arme à feu fabriquée, le nom de son fabricant et son numéro de série;

b) s'agissant d'une arme à feu importée, les deux derniers chiffres de l'année de son importation.

(2) Les marques doivent :

a) être lisibles;

b) avoir une profondeur d'au moins 0,076 mm et une hauteur d'au moins 1,58 mm;

c) sous réserve du paragraphe (3), être visibles sans qu'il soit nécessaire de démonter l'arme à feu.

(3) S'il s'agit d'une arme à feu importée, le directeur dispense sur demande le particulier, l'entreprise ou l'agence de services publics qui l'importe de l'exigence prévue à l'alinéa (2)*c*), dans l'un ou l'autre des cas suivants :

a) le marquage de l'arme à feu à un endroit qui n'est visible qu'au démontage est conforme aux pratiques établies du fabricant de ce modèle d'arme à feu;

b) il n'y a pas sur l'arme à feu d'endroit visible qui convienne;

c) l'arme à feu est rare;

d) elle a une valeur exceptionnellement élevée pour ce type d'arme à feu, laquelle valeur serait sérieusement réduite si les marques étaient visibles sans démontage;

e) elle est importée par une entreprise titulaire d'un permis délivré à des fins d'usage dans le cadre de productions cinématographiques, télévisuelles, vidéo ou théâtrales ou d'activités d'édition.

ALTÉRATION DES MARQUES

5. (1) Il est interdit de sciemment enlever, modifier, oblitérer ou maquiller toute marque d'une arme à feu.

(2) Le paragraphe (1) ne s'applique pas à l'agent public agissant dans le cadre de ses fonctions.

ENTRÉE EN VIGUEUR

6. Le présent règlement entre en vigueur le 1er avril 2006.

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REGULATORY IMPACT ANALYSIS STATEMENT

(*This statement is not part of the Regulations.*)

Description

The Regulations establish requirements for the marking of firearms being imported to Canada by individuals and businesses and for marking of all firearms manufactured in Canada. These requirements are being established in response to obligations undertaken by Canada as a signatory to the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.*

The Regulations will come into effect on April 1, 2006.

The markings would consist of a country code, "CA" or "Canada", and either, in the case of newly manufactured firearms, the name of manufacturer and serial number, or with respect to imported firearms, the last two digits of the year of importation. The Regulations also provide specifications with respect to the depth and size of the markings. Markings are, subject to certain exceptions, to be put on the receiver, and to be visible without the need to disassemble the firearm.

Alternatives

These Regulations are the best means available to require marking of firearms and to allow Canada to meet its international obligations.

Benefits and Costs

Canada will now be able to meet the international commitments to which it is a signatory, including the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.* The marking requirements have been kept simple so that compliance can be relatively easy and at low cost.

These marking requirements also lend support to firearms tracing when firearms are recovered at crime scenes, found or seized. Tracing is important in the investigation of criminal activity, most notably cross-border and international trafficking and smuggling of firearms. Country marking provides law enforcement officials with essential information to help identify the sources of crime guns.

It is not expected that the marking regulations will increase program costs. Some costs will also be borne by firearms businesses that import and manufacture firearms to obtain the equipment necessary to comply with the marking requirements. Since Canadian manufacturers already stamp or engrave serial numbers and their own branding on firearms, it is anticipated that their costs would not increase substantially.

RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION

(*Ce résumé ne fait pas partie du règlement.*)

Description

Le règlement fixe des exigences relatives au marquage des armes à feu qui sont importées au Canada par des particuliers ou des entreprises et de toutes les armes à feu fabriquées au Canada. Ces exigences sont fixées en réponse aux obligations contractées par le Canada à titre de signataire de la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, munitions, explosifs et autres matériels connexes* et le *Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions, additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée.*

Le règlement entrera en vigueur le 1er avril 2006.

Le marquage serait constitué d'un code de pays (« CA » ou « Canada ») et, dans le cas des armes à feu nouvellement fabriquées, du nom du fabricant et d'un numéro de série ou, dans le cas des armes à feu importées, des deux derniers chiffres de l'année d'importation. Le règlement prévoit également des précisions relativement à la profondeur et à la taille des marques. Sous réserve de certaines exceptions, la marque devrait être mise sur la boîte de culasse et être visible sans qu'il soit nécessaire de démonter l'arme à feu.

Solutions envisagées

Le règlement constitue la meilleure façon d'exiger le marquage des armes à feu et de permettre au Canada de respecter ses obligations internationales.

Avantages et coûts

Le Canada sera maintenant en mesure de respecter ses engagements internationaux auquel il est signataire, notamment de la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, munitions, explosifs et autres matériels connexes* et du *Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions, additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée.* Les exigences de marquage ont été gardées les plus simples possible pour qu'il soit relativement facile et peu coûteux de les respecter.

Ces exigences de marquage facilitent également le dépistage lorsque des armes à feu sont saisies d'un lieu de crime, sont trouvées ou sont saisies. Le dépistage est un aspect important des enquêtes portant sur les activités criminelles, surtout dans le cas de trafic et de contrebande d'armes à feu. Le marquage du pays fournit aux agents d'exécution de la Loi des renseignements cruciaux pour les aider à identifier les sources des armes à feu utilisées pour commettre des actes criminels.

On ne s'attend pas à ce que le règlement sur le marquage fasse augmenter les coûts du programme. Certains coûts seront également imputés aux entreprises d'armes à feu qui importent ou fabriquent des armes à feu et qui devront se procurer l'équipement nécessaire pour respecter les exigences de marquage. Étant donné que les fabricants canadiens d'armes à feu y apposent ou gravent déjà des numéros de série ainsi que leur propre marque distinctive, on ne prévoit aucune augmentation importante de leurs coûts.

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Consultation

The proposed Regulations were pre-published in the *Canada Gazette*, Part I, on June 21, 2003. Consultations on proposals for the Regulations were undertaken with provincial authorities, in particular Chief Firearms Officers; federal departments involved in the implementation of the new law, in particular the Royal Canadian Mounted Police and the Canada Border Services Agency; representatives of other police agencies and police associations; representatives from public health and safety groups and individuals representing firearm associations, wildlife associations and firearms businesses.

The Regulations as tabled in Parliament and published in the *Canada Gazette*, Part I have been amended to provide greater specificity with respect to the marking requirements, particularly with respect to the depth and size of the markings, as a result of requests for specificity and clarity that were made during the consultations. In addition, requests were made by businesses that they be provided with a period of time to prepare for the coming into force of the Regulations. In response, the coming into force date has been amended to April 1, 2006.

To ensure that all stakeholders and interested parties are advised of the amendments to the Regulations, immediately upon a decision, affected client groups will be advised through bulletins from the Canada Firearms Centre. Updated Web site materials, information for distribution through the 1-800 public inquiry line and other targeted campaigns will also be prepared. A news release and backgrounder will be sent to major media outlets. Other media relations will be handled on a response basis.

Compliance and Enforcement

It is an offence, pursuant to section 103 and 104 of the *Criminal Code* to import a firearm other than under the authority of the *Firearms Act* or of any regulation made under that Act. It is an offence, pursuant to the *Firearms Marking Regulations*, to remove, alter, deface or obliterate a marking.

Contact

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Consultations

Le projet de règlement a été publié au préalable le 21 juin 2003 dans la *Gazette du Canada* Partie I. Des consultations sur les propositions réglementaires ont été menées auprès : des autorités provinciales, plus particulièrement les contrôleurs des armes à feu; des ministères fédéraux participant à la mise en application de la nouvelle Loi, notamment la Gendarmerie royale du Canada et l'Agence des services frontaliers du Canada; des représentants d'autres services de police et des associations de policiers; des représentants de groupes œuvrant dans le domaine de la santé et de la sécurité publiques et des particuliers qui représentent les associations de propriétaires d'armes à feu et de conservation de la faune ainsi que les entreprises d'armes à feu.

Le règlement, déposé au Parlement et publié au préalable dans la *Gazette du Canada* Partie I, a été modifié de façon à mieux préciser les exigences en matière de marquage, plus particulièrement en ce qui a trait à la profondeur et à la taille des marques par suite de demandes présentées lors des consultations quant à la précision et la clarté. De plus, les entreprises ont demandé de retarder l'entrée en vigueur du règlement afin qu'elles puissent s'y préparer. Pour cette raison, la date d'entrée en vigueur a été reportée au 1er avril 2006.

Le Centre des armes à feu Canada fera parvenir un bulletin aux groupes clients touchés dès qu'une décision sera prise afin de s'assurer que tous les intervenants et toutes les parties intéressées sont informés des modifications au règlement. On mettra également à jour les renseignements figurant dans le site Web et ceux fournis par l'entremise de la ligne d'information sans frais, et on préparera des campagnes ciblées. On fera parvenir aux principaux médias un communiqué de presse et de la documentation. Les autres communications avec les médias se feront de façon ponctuelle.

Respect et exécution

En vertu des articles 103 et 104 du *Code criminel*, quiconque importe une arme à feu autrement que sous le régime de la *Loi sur les armes à feu* ou de tout règlement pris en vertu de cette loi commet une infraction. Commet une infraction en vertu du *Règlement sur le marquage des armes à feu* quiconque enlève, modifie, oblitère ou maquille toute marque d'arme à feu.

Personne-ressource

Services juridiques
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General Assembly

Distr.: General
8 June 2001

Fifty-fifth session
Agenda item 105

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/55/383/Add.2)*]

55/255. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify that work in order to complete it in 2000,

Recalling further its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves, as well as the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of that right,

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1. *Takes note* of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its twelfth session,[1] and commends the Ad Hoc Committee for its work;

2. *Adopts* the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, annexed to the present resolution, and opens it for signature at United Nations Headquarters in New York;

3. *Urges* all States and regional economic organizations to sign and ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto as soon as possible in order to ensure the speedy entry into force of the Convention and the protocols thereto.

101st plenary meeting
31 May 2001

Annex

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

Preamble

The States Parties to this Protocol,

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

Convinced, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Bearing in mind the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

[1] A/55/383/Add.2.
[2] Resolution 2625 (XXV), annex.

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Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

Have agreed as follows:

I. General provisions

Article 1
Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2
Statement of purpose

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Article 3
Use of terms

For the purposes of this Protocol:

(*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;

(*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;

(*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;

(*d*) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

(i) From parts and components illicitly trafficked;

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(ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or

(iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;

(*e*) "Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

(*f*) "Tracing" shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

Article 4
Scope of application

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Article 5
Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

(*a*) Illicit manufacturing of firearms, their parts and components and ammunition;

(*b*) Illicit trafficking in firearms, their parts and components and ammunition;

(*c*) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:

(*a*) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

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(*b*) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

Article 6
Confiscation, seizure and disposal

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

II. Prevention

Article 7
Record-keeping

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(*a*) The appropriate markings required by article 8 of this Protocol;

(*b*) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

Article 8
Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(*a*) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(*b*) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and

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enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(*c*) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

Article 9
Deactivation of firearms

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(*a*) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(*b*) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(*c*) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

Article 10
General requirements for export, import and transit licensing or authorization systems

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(*a*) That the importing States have issued import licences or authorizations; and

(*b*) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the

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countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

Article 11
Security and preventive measures

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(*a*) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(*b*) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

Article 12
Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(*a*) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(*b*) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(*c*) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

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(*d*) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

Article 13
Cooperation

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

Article 14
Training and technical assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

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Article 15
Brokers and brokering

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

(*a*) Requiring registration of brokers operating within their territory;

(*b*) Requiring licensing or authorization of brokering; or

(*c*) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

III. Final provisions

Article 16
Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 17
Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

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2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 18
Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

Article 19
Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of

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votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 20
Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 21
Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

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INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS [1]

THE STATES PARTIES,

AWARE of the urgent need to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, due to the harmful effects of these activities on the security of each state and the region as a whole, endangering the well-being of peoples, their social and economic development, and their right to live in peace;

CONCERNED by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and by the serious problems resulting therefrom;

REAFFIRMING that States Parties give priority to preventing, combating, and eradicating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials because of the links of such activities with drug trafficking, terrorism, transnational organized crime, and mercenary and other criminal activities;

CONCERNED about the illicit manufacture of explosives from substances and articles that in and of themselves are not explosives--and that are not addressed by this Convention due to their other lawful uses--for activities related to drug trafficking, terrorism, transnational organized crime and mercenary and other criminal activities;

CONSIDERING the urgent need for all states, and especially those states that produce, export, and import arms, to take the necessary measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

CONVINCED that combating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials calls for international cooperation, exchange of information, and other appropriate measures at the national, regional, and international levels, and desiring to set a precedent for the international community in this regard;

STRESSING the need, in peace processes and post-conflict situations, to achieve effective control of firearms, ammunition, explosives, and other related materials in order to prevent their entry into the illicit market;

MINDFUL of the pertinent resolutions of the United Nations General Assembly on measures to eradicate the illicit transfer of conventional weapons and on the need for all states to guarantee their security, and of the efforts carried out in the framework of the Inter-American Drug Abuse Control Commission (CICAD);

RECOGNIZING the importance of strengthening existing international law enforcement support mechanisms such as the International Weapons and Explosives Tracking System (IWETS) of the International Criminal Police Organization (INTERPOL), to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

RECOGNIZING that international trade in firearms is particularly vulnerable to abuses by criminal elements and that a "know-your-customer" policy for dealers in, and producers, exporters, and importers of, firearms, ammunition, explosives, and other related materials is crucial for combating this scourge;

RECOGNIZING that states have developed different cultural and historical uses for

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[1] Extracted from OAS website (www.oas.org) on October 10, 2008

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firearms, and that the purpose of enhancing international cooperation to eradicate illicit transnational trafficking in firearms is not intended to discourage or diminish lawful leisure or recreational activities such as travel or tourism for sport shooting, hunting, and other forms of lawful ownership and use recognized by the States Parties;

RECALLING that States Parties have their respective domestic laws and regulations in the areas of firearms, ammunition, explosives, and other related materials, and recognizing that this Convention does not commit States Parties to enact legislation or regulations pertaining to firearms ownership, possession, or trade of a wholly domestic character, and recognizing that States Parties will apply their respective laws and regulations in a manner consistent with this Convention;

REAFFIRMING the principles of sovereignty, nonintervention, and the juridical equality of states,

HAVE DECIDED TO ADOPT THIS INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS:

Article I
Definitions

For the purposes of this Convention, the following definitions shall apply:

1. "Illicit manufacturing": the manufacture or assembly of firearms, ammunition, explosives, and other related materials:

   a. from components or parts illicitly trafficked; or

   b. without a license from a competent governmental authority of the State Party where the manufacture or assembly takes place; or

   c. without marking the firearms that require marking at the time of manufacturing.

2. "Illicit trafficking": the import, export, acquisition, sale, delivery, movement, or transfer of firearms, ammunition, explosives, and other related materials from or across the territory of one State Party to that of another State Party, if any one of the States Parties concerned does not authorize it.

3. "Firearms":

   a. any barreled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or

   b. any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine.

4. "Ammunition": the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in any firearm.

5. "Explosives": any substance or article that is made, manufactured, or used to produce an explosion, detonation, or propulsive or pyrotechnic effect, except:

   a. substances and articles that are not in and of themselves explosive; or

   b. substances and articles listed in the Annex to this Convention.

6. "Other related materials": any component, part, or replacement part of a firearm, or an accessory which can be attached to a firearm.

7. "Controlled delivery": the technique of allowing illicit or suspect consignments of firearms, ammunition, explosives, and other related materials to pass out of, through, or into the territory of one or more states, with the knowledge and under the supervision of

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their competent authorities, with a view to identifying persons involved in the commission of offenses referred to in Article IV of this Convention.

Article II
Purpose

The purpose of this Convention is:

to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

to promote and facilitate cooperation and exchange of information and experience among States Parties to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

Article III
Sovereignty

1. States Parties shall carry out the obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of states and that of nonintervention in the domestic affairs of other states.

2. A State Party shall not undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved to the authorities of that other State Party by its domestic law.

Article IV
Legislative Measures

1. States Parties that have not yet done so shall adopt the necessary legislative or other measures to establish as criminal offenses under their domestic law the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. Subject to the respective constitutional principles and basic concepts of the legal systems of the States Parties, the criminal offenses established pursuant to the foregoing paragraph shall include participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counseling the commission of said offenses.

Article V
Jurisdiction

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense in question is committed in its territory.

2. Each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense is committed by one of its nationals or by a person who habitually resides in its territory.

3. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the alleged criminal is present in its territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal.

4. This Convention does not preclude the application of any other rule of criminal jurisdiction established by a State Party under its domestic law.

Article VI
Marking of Firearms

1. For the purposes of identification and tracing of the firearms referred to in Article I.3.a,

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States Parties shall:

a. require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;

b. require appropriate markings on imported firearms permitting the identification of the importer's name and address; and

c. require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

2. The firearms referred to in Article I.3.b should be marked appropriately at the time of manufacture, if possible.

Article VII
Confiscation or Forfeiture

1. States Parties undertake to confiscate or forfeit firearms, ammunition, explosives, and other related materials that have been illicitly manufactured or trafficked.

2. States Parties shall adopt the necessary measures to ensure that all firearms, ammunition, explosives, and other related materials seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of private individuals or businesses through auction, sale, or other disposal.

Article VIII
Security Measures

States Parties, in an effort to eliminate loss or diversion, undertake to adopt the necessary measures to ensure the security of firearms, ammunition, explosives, and other related materials imported into, exported from, or in transit through their respective territories.

Article IX
Export, Import, and Transit Licenses or Authorizations

1. States Parties shall establish or maintain an effective system of export, import, and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials.

2. States Parties shall not permit the transit of firearms, ammunition, explosives, and other related materials until the receiving State Party issues the corresponding license or authorization.

3. States Parties, before releasing shipments of firearms, ammunition, explosives, and other related materials for export, shall ensure that the importing and in-transit countries have issued the necessary licenses or authorizations.

4. The importing State Party shall inform the exporting State Party, upon request, of the receipt of dispatched shipments of firearms, ammunition, explosives, and other related materials.

Article X
Strengthening of Controls at Export Points

Each State Party shall adopt such measures as may be necessary to detect and prevent illicit trafficking in firearms, ammunition, explosives, and other related materials between its territory and that of other States Parties, by strengthening controls at export points.

Article XI
Recordkeeping

States Parties shall assure the maintenance for a reasonable time of the information necessary to trace and identify illicitly manufactured and illicitly trafficked firearms to

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enable them to comply with their obligations under Articles XIII and XVII.

Article XII
Confidentiality

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

Article XIII
Exchange of Information

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

   a. authorized producers, dealers, importers, exporters, and, whenever possible, carriers of firearms, ammunition, explosives, and other related materials;

   b. the means of concealment used in the illicit manufacturing of or trafficking in firearms, ammunition, explosives, and other related materials, and ways of detecting them;

   c. routes customarily used by criminal organizations engaged in illicit trafficking in firearms, ammunition, explosives, and other related materials;

   d. legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

   e. techniques, practices, and legislation to combat money laundering related to illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall provide to and share with each other, as appropriate, relevant scientific and technological information useful to law enforcement, so as to enhance one another's ability to prevent, detect, and investigate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and prosecute those involved therein.

3. States Parties shall cooperate in the tracing of firearms, ammunition, explosives, and other related materials which may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests.

Article XIV
Cooperation

1. States Parties shall cooperate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall identify a national body or a single point of contact to act as liaison among States Parties, as well as between them and the Consultative Committee established in Article XX, for purposes of cooperation and information exchange.

Article XV
Exchange of Experience and Training

1. States Parties shall cooperate in formulating programs for the exchange of experience and training among competent officials, and shall provide each other assistance that would facilitate their respective access to equipment or technology proven to be effective

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for the implementation of this Convention.

2. States Parties shall cooperate with each other and with competent international organizations, as appropriate, to ensure that there is adequate training of personnel in their territories to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. The subject matters of such training shall include, inter alia:

a. identification and tracing of firearms, ammunition, explosives, and other related materials;

b. intelligence gathering, especially that which relates to identification of illicit manufacturers and traffickers, methods of shipment, and means of concealment of firearms, ammunition, explosives, and other related materials; and

c. improvement of the efficiency of personnel responsible for searching for and detecting, at conventional and nonconventional points of entry and exit, illicitly trafficked firearms, ammunition, explosives, and other related materials.

Article XVI
Technical Assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties that so request receive the technical assistance necessary to enhance their ability to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including technical assistance in those matters identified in Article XV.2.

Article XVII
Mutual Legal Assistance

1. States Parties shall afford one another the widest measure of mutual legal assistance, in conformity with their domestic law and applicable treaties, by promptly and accurately processing and responding to requests from authorities which, in accordance with their domestic law, have the power to investigate or prosecute the illicit activities described in this Convention, in order to obtain evidence and take other necessary action to facilitate procedures and steps involved in such investigations or prosecutions.

2. For purposes of mutual legal assistance under this article, each Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements. The central authorities shall be responsible for making and receiving requests for mutual legal assistance under this article, and shall communicate directly with each other for the purposes of this article.

Article XVIII
Controlled Delivery

1. Should their domestic legal systems so permit, States Parties shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in the offenses referred to in Article IV and to taking legal action against them.

2. Decisions by States Parties to use controlled delivery shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

3. With the consent of the States Parties concerned, illicit consignments under controlled delivery may be intercepted and allowed to continue with the firearms, ammunition,

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explosives, and other related materials intact or removed or replaced in whole or in part.

Article XIX
Extradition

1. This article shall apply to the offenses referred to in Article IV of this Convention.

2. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty in force between or among the States Parties. The States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any offense to which this article applies.

4. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offenses to which this article applies as extraditable offenses between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the Requested State or by applicable extradition treaties, including the grounds on which the Requested State may refuse extradition.

6. If extradition for an offense to which this article applies is refused solely on the basis of the nationality of the person sought, the Requested State Party shall submit the case to its competent authorities for the purpose of prosecution under the criteria, laws, and procedures applied by the Requested State to those offenses when they are committed in its own territory. The Requested and Requesting States Parties may, in accordance with their domestic laws, agree otherwise in relation to any prosecution referred to in this paragraph.

Article XX
Establishment and Functions of the Consultative Committee

1. In order to attain the objectives of this Convention, the States Parties shall establish a Consultative Committee responsible for:

   a. promoting the exchange of information contemplated under this Convention;

   b. facilitating the exchange of information on domestic legislation and administrative procedures of the States Parties;

   c. encouraging cooperation between national liaison authorities to detect suspected illicit exports and imports of firearms, ammunition, explosives, and other related materials;

   d. promoting training and exchange of knowledge and experience among States Parties and technical assistance between States Parties and relevant international organizations, as well as academic studies;

   e. requesting from nonparty states, when appropriate, information on the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

   f. promoting measures to facilitate the application of this Convention.

2. Decisions of the Consultative Committee shall be recommendatory in nature.

3. The Consultative Committee shall maintain the confidentiality of any information it receives in the exercise of its functions, if requested to do so.

Article XXI

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Structure and Meetings of the Consultative Committee

1. The Consultative Committee shall consist of one representative of each State Party.

2. The Consultative Committee shall hold one regular meeting each year and shall hold special meetings as necessary.

3. The first regular meeting of the Consultative Committee shall be held within 90 days following deposit of the 10th instrument of ratification of this Convention. This meeting shall be held at the headquarters of the General Secretariat of the Organization of American States, unless a State Party has offered to host it.

4. The meetings of the Consultative Committee shall be held at a place decided upon by the States Parties at the previous regular meeting. If no offer of a site has been made, the Consultative Committee shall meet at the headquarters of the General Secretariat of the Organization of American States.

5. The host State Party for each regular meeting shall serve as Secretariat pro tempore of the Consultative Committee until the next regular meeting. When a regular meeting is held at the headquarters of the General Secretariat of the Organization of American States, a State Party that will serve as Secretariat pro tempore shall be elected at that meeting.

6. In consultation with the States Parties, the Secretariat pro tempore shall be responsible for:

a. convening regular and special meetings of the Consultative Committee;

b. preparing a draft agenda for the meetings; and

c. preparing the draft reports and minutes of the meetings.

7. The Consultative Committee shall prepare its own internal rules of procedure and shall adopt them by absolute majority.

Article XXII
Signature

This Convention is open for signature by member states of the Organization of American States.

Article XXIII
Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article XXIV
Reservations

States Parties may, at the time of adoption, signature, or ratification, make reservations to this Convention, provided that said reservations are not incompatible with the object and purposes of the Convention and that they concern one or more specific provisions thereof.

Article XXV
Entry into Force

This Convention shall enter into force on the 30th day following the date of deposit of the second instrument of ratification. For each state ratifying the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the 30th day following deposit by such state of its instrument of ratification.

Article XXVI
Denunciation

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1. This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After six months from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State, but shall remain in force for the other States Parties.

2. The denunciation shall not affect any requests for information or assistance made during the time the Convention is in force for the denouncing State.

Article XXVII
Other Agreements and Practices

1. No provision in this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other existing or future international, bilateral, or multilateral agreements, or of any other applicable arrangements or practices.

2. States Parties may adopt stricter measures than those provided for by this Convention if, in their opinion, such measures are desirable to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

Article XXVIII
Conference of States Parties

Five years after the entry into force of this Convention, the depository shall convene a conference of the States Parties to examine the functioning and application of this Convention. Each conference shall determine the date on which the next conference should be held.

Article XXIX
Dispute Settlement

Any dispute that may arise as to the application or interpretation of this Convention shall be resolved through diplomatic channels or, failing which, by any other means of peaceful settlement decided upon by the States Parties involved. Article XXX Deposit

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify the member states of the Organization of the signatures, of the deposits of instruments of ratification and denunciation, and of any reservations.

ANNEX

The term "explosives" does not include: compressed gases; flammable liquids; explosive actuated devices, such as air bags and fire extinguishers; propellant actuated devices, such as nail gun cartridges; consumer fireworks suitable for use by the public and designed primarily to produce visible or audible effects by combustion, that contain pyrotechnic compositions and that do not project or disperse dangerous fragments such as metal, glass, or brittle plastic; toy plastic or paper caps for toy pistols; toy propellant devices consisting of small paper or composition tubes or containers containing a small charge or slow burning propellant powder designed so that they will neither burst nor produce external flame except through the nozzle on functioning; and smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and Very signal cartridges designed to produce visible effects for signal purposes containing smoke compositions and no bursting charges.

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International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

Preamble

States,

Noting that in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] States identified the tracing of illicit small arms and light weapons as a key mechanism for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons and committed themselves to strengthening the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons,

Noting also that the tracing of illicit small arms and light weapons, including but not limited to those manufactured to military specifications, may be required in the context of all forms of crime and conflict situations,

Recalling the report on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,[2] prepared by the Group of Governmental Experts established pursuant to General Assembly resolution 56/24 V of 24 December 2001,

Recalling also General Assembly resolution 58/241 of 23 December 2003, in which the Assembly, pursuant to the recommendation of the Group of Governmental Experts, decided to establish an open-ended working group to negotiate such an instrument,

Noting that, pursuant to resolution 58/241, this instrument is complementary to, and not inconsistent with, the existing commitments of States under relevant international instruments, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[3]

Noting also that, pursuant to resolution 58/241, this instrument takes into account the national security and legal interests of States,

Convinced of the need for an effective international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,

Stressing that all aspects relating to illicit small arms and light weapons should be addressed in a coordinated and comprehensive manner,

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[1] See *Report of the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), para. 24.

[2] A/58/138.

[3] General Assembly resolution 55/255, annex.

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Stressing also the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts to effectively implement this instrument,

Have agreed henceforth as follows:

I. General provisions

1. The purpose of this instrument is to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

2. The purpose of this instrument is also to promote and facilitate international cooperation and assistance in marking and tracing and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

3. This instrument does not restrict the right of States to acquire, manufacture, transfer and retain small arms and light weapons for their self-defence and security needs, as well as for their capacity to participate in peacekeeping operations, in a manner consistent with the Charter of the United Nations.

II. Definitions

4. For the purposes of this instrument, "small arms and light weapons" will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

(a) "Small arms" are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) "Light weapons" are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

5. For the purposes of this instrument, "tracing" is the systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit.

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6. For the purposes of this instrument, small arms and light weapons are "illicit" if:

(a) They are considered illicit under the law of the State within whose territorial jurisdiction the small arm or light weapon is found;

(b) They are transferred in violation of arms embargoes decided by the Security Council in accordance with the Charter of the United Nations;

(c) They are not marked in accordance with the provisions of this instrument;

(d) They are manufactured or assembled without a licence or authorization from the competent authority of the State where the manufacture or assembly takes place; or

(e) They are transferred without a licence or authorization by a competent national authority.

III. Marking

7. The choice of methods for marking small arms and light weapons is a national prerogative. States will ensure that, whatever method is used, all marks required under this instrument are on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable.

8. For the purpose of identifying and tracing illicit small arms and light weapons, States will:

(a) At the time of manufacture of each small arm or light weapon under their jurisdiction or control, either require unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture; and encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre;

(b) Taking into account that import marking is a requirement for the States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, require to the extent possible appropriate simple marking on each imported small arm or light weapon, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the small arm or light weapon; and require a unique marking, if the small arm or light weapon does not already bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of small arms and light weapons for verifiable, lawful purposes, nor for the permanent import of museum artefacts;

(c) Ensure, at the time of transfer from government stocks to permanent civilian use of a small arm or light weapon that is not marked in a manner that allows tracing, the appropriate

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marking permitting identification of the country from whose stocks the transfer of the small arm or light weapon is made;

(d) Take all necessary measures to ensure that all small arms and light weapons in the possession of government armed and security forces for their own use at the time of adoption of this instrument are duly marked. Markings on these small arms and light weapons do not necessarily have to meet the requirements of subparagraph 8 (a) above;

(e) Encourage manufacturers of small arms and light weapons to develop measures against the removal or alteration of markings.

9. States will ensure that all illicit small arms and light weapons that are found on their territory are uniquely marked and recorded, or destroyed, as soon as possible. Pending such marking, and recording in accordance with section IV of this instrument, or destruction, these small arms and light weapons will be securely stored.

10. States will ensure that every small arm or light weapon always receives the unique markings prescribed in subparagraph 8 (a) above. A unique marking should be applied to an essential or structural component of the weapon where the component's destruction would render the weapon permanently inoperable and incapable of reactivation, such as the frame and/or receiver, in compliance with paragraph 7 above. States are encouraged, where appropriate to the type of weapon, also to apply the marking prescribed in subparagraph 8 (a) above or other markings to other parts of the weapon such as the barrel and/or slide or cylinder of the weapon, in order to aid in the accurate identification of these parts or of a given weapon.

IV. Record-keeping

11. The choice of methods for record-keeping is a national prerogative. States will ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory and maintained in accordance with paragraph 12 below in order to enable their competent national authorities to trace illicit small arms and light weapons in a timely and reliable manner.

12. From the time of the adoption of this instrument, records pertaining to marked small arms and light weapons will, to the extent possible, be kept indefinitely, but in any case a State will ensure the maintenance of:

(a) Manufacturing records for at least 30 years; and

(b) All other records, including records of import and export, for at least 20 years.

13. States will require that records pertaining to small arms and light weapons held by companies that go out of business be forwarded to the State in accordance with its national legislation.

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V. Cooperation in tracing

General

14. While the choice of tracing systems will remain a national prerogative, States will ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of this instrument.

15. States receiving information related to tracing illicit small arms and light weapons in accordance with the provisions of this instrument and in the context of a tracing request will respect all restrictions placed on its use. Furthermore, States will guarantee the confidentiality of such information. Restrictions on use may include, inter alia:

(a) The information exchanged will be released only to competent authorities designated by the requesting State and/or authorized personnel, to the extent necessary for the effective implementation of this instrument;

(b) The information exchanged will be used only for purposes consistent with this instrument; or

(c) The information exchanged may not be released to anyone else without the prior consent of the State providing that information.

Where for legal, constitutional or administrative reasons, the confidentiality of the information cannot be guaranteed or the restrictions placed on its use in accordance with the present paragraph cannot be maintained by the requesting State, the requested State will be so informed at the time the tracing request is made.

Tracing requests

16. A State may initiate a tracing request in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit under the provisions of paragraph 6 above.

17. To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information, including, inter alia:

(a) Information describing the illicit nature of the small arm or light weapon, including the legal justification therefor and, to the extent possible, the circumstances under which the small arm or light weapon was found;

(b) Markings, type, calibre and other relevant information to the extent possible;

(c) Intended use of the information being sought.

Responses to tracing requests

18. States will provide prompt, timely and reliable responses to tracing requests made by other States.

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19. States receiving a tracing request will acknowledge receipt within a reasonable time.

20. In responding to a tracing request, the requested State will provide, subject to paragraph 22 below, all available information sought by the requesting State that is relevant for the purpose of tracing illicit small arms and light weapons.

21. The requested State may seek additional information from the requesting State where a tracing request does not contain the information required in paragraph 17 above.

22. States may delay or restrict the content of their response to a tracing request, or refuse to provide the information sought, where releasing the information would compromise ongoing criminal investigations or violate legislation providing for the protection of confidential information, where the requesting State cannot guarantee the confidentiality of the information, or for reasons of national security consistent with the Charter of the United Nations.

23. If a State delays or provides a restricted response to a tracing request, or refuses to provide the information sought, on the grounds identified in paragraph 22 above, it will inform the requesting State of the reasons for this. The requesting State may subsequently seek clarification of this explanation.

VI. Implementation

General

24. In accordance with their constitutional processes, States will put in place, where they do not exist, the laws, regulations and administrative procedures needed to ensure the effective implementation of this instrument.

25. States will designate one or more national points of contact to exchange information and act as a liaison on all matters relating to the implementation of this instrument.

26. States will cooperate on a bilateral and, where appropriate, on a regional and international basis to support the effective implementation of this instrument.

International cooperation and assistance

27. States in a position to do so will, upon request, seriously consider rendering technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of marking, record-keeping and tracing, in order to support the effective implementation of this instrument by States.

28. States in a position to do so are also encouraged to seriously consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

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29. States will encourage initiatives, within the framework of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote the implementation of this instrument by States.

United Nations

30. States will cooperate, as appropriate, with the United Nations to support the effective implementation of this instrument.

31. States will, as soon as possible after the adoption of this instrument, provide the Secretary-General, through the Department for Disarmament Affairs of the Secretariat, with the following information, updating it when necessary:

(a) Name and contact information for the national point(s) of contact;

(b) National marking practices related to markings used to indicate country of manufacture and/or country of import as applicable.

32. States hereby request the Secretary-General to collate the information provided by States pursuant to paragraph 31 above and to issue it to States Members of the United Nations, providing the assistance requested for the implementation of the instrument by States, as well as assisting States to interact on a bilateral basis.

International Criminal Police Organization

33. States, where appropriate, will cooperate with the International Criminal Police Organization (Interpol) to support the effective implementation of this instrument.

34. States that are members of Interpol will promote the implementation of this instrument when participating in Interpol's organs.

35. States, where appropriate, in accordance with Interpol's statutory rules, are encouraged to make full use of Interpol's mechanisms and facilities in implementing this instrument. Interpol may, at the request of the concerned State, assist in the following areas:

(a) Facilitation of tracing operations conducted within the framework of this instrument;

(b) Investigations to identify and trace illicit small arms and light weapons;

(c) Wherever possible, building national capacity to initiate and respond to tracing requests.

VII. Follow-up

36. States will report on a biennial basis to the Secretary-General on their implementation of this instrument including, where appropriate, national experiences in tracing illicit small arms

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and light weapons as well as measures taken in the field of international cooperation and assistance. This report may form part of a State's national report on its implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

37. States will meet on a biennial basis to consider the reports mentioned in paragraph 36 above. These meetings will be held within the framework of relevant meetings convened for the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, where such meetings are in fact convened.

38. States will review the implementation and future development of this instrument within the framework of conferences that review the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

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Government Consulting Services

Services conseils du gouvernement

MARKING OF FIREARMS

Report no. 2 – Marking & Tracing Firearms

Prepared for: Public Safety Canada

SECRET DOCUMENT

Project Number: 000299.001

By Isabelle Côté, Principal Consultant

July 16, 2009

Public Works and Government Services Canada

Travaux publics et Services gouvernementaux Canada

Canada

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GLOSSARY

ATF:	United States of America, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
CBSA:	Canadian Border Services Agency
CIFTA:	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials
CNFTC:	Canadian National Firearms Tracing Centre
DND:	Department of National Defence, Government of Canada
FIESD:	RCMP - Firearms Investigative and Enforcement Services Directorate
FRT:	RCMP - Firearms Reference Table
GCS:	Government Consulting Services, Public Works and Government Services Canada, Government of Canada
INTERPOL:	International Criminal Police Organization
MANPADS:	Man-portable air-defence systems
NWEST:	RCMP - National Weapon Enforcement Support Team
NGO:	Non-Governmental Organizations
RCMP:	Royal Canadian Mounted Police
SALW:	Small Arms and Light Weapons
UN:	United Nations
UN Firearms Protocol:	Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

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1 INTRODUCTION

This report is the second in a series of four reports on the marking of firearms. The report places firearms marking within the context of the role it plays in facilitating the tracing of firearms by law enforcement to resolve a specific gun crime or curtail smuggling and trafficking networks. A summary of the various possible methods of marking firearms is provided. The report considers the risk of tampering and physical damage to the markings. The import and manufacturing sectors in Canada are examined in the context of applying markings. The information in this report was collected from interviews with experts in the fields of firearm marking and tracing, as well as from manufacturers and importers. Information was also gathered from the findings of internet and library research.

It is important to note that the current study does not address the marking of the parts or components of firearms and the marking of ammunition. Also, the study does not address any issues regarding implementation of the *Firearms Marking Regulation*.

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2 CRIMINAL USE OF FIREARMS – THE CONTEXT FOR MARKINGS

The marking of firearms, the subsequent tracing of the marks and linking them to records are some of the processes by which law enforcement is able to successfully counter the criminal use of firearms. Whether dealing with a specific gun crime involving one individual or attempting to suppress smuggling and trafficking networks, firearms seized by police can be subjected to tracing. Firearms tracing can reveal the last legal owner of the firearm and permit a reconstruction of its movement into the illicit market. In the case of a specific crime, the trace might point to the person who held the gun when it was fired. Or, the trace could expose patterns suggesting smuggling and trafficking operations emanating from one business source. Investigators could then pursue this lead and eventually suppress the source.

Tracing is feasible if markings appear on the firearms and if there are any records to which they can be linked. There is a direct relationship between the amount of information available, through markings and records, and the successful conclusion of a trace within the quickest time possible and with the least expenditure of financial and human resources. Tracing is a complex and labour intensive task. Law enforcement capitalizes on markings to support its investigations. Since firearms are traded worldwide, the availability of import markings will shorten the tracing cycle by identifying the most recent country of destination and owner. Tracing would only need to start at the country of the owner, rather than the country of manufacture. In these ways, markings produce real and tangible benefits to the enforcement of law and the protection of communities.

Nevertheless, threats remain from the illegal movement of firearms. It is estimated that between 80 to 90 percent of the firearm commerce is legal, representing more than four Billion dollars per year worldwide. In most cases, small arms are diverted from legal to illicit markets in one of the following ways:[1]

- Direct government supply (sponsorship) of arms to non-state actors: Government patronage is the leading source of the provision of arms to non-state actors;
- Violations of arms embargoes: Preliminary research shows that at least 54 countries have been directly or indirectly linked to transfers of small arms in violation of international arms embargoes;
- Violations of end-user undertakings: Typical end-user violations include the re-transfer of small arms shipments in violation of a non-transfer pledge, covering up the identity of the real end-user, and forging or purchasing false end-user certificates;
- The ant trade: The ant trade is the process by which arms are bought legally in one country and then smuggled in small increments, sometimes one at a time, into another country. This trade occurs frequently on the United States-Mexican border and the Brazilian-Paraguayan border; and
- Theft: Another way legal weapons enter the illicit trade is from state arsenals or private individuals, including corrupt officials who steal from the stockpiles under their responsibility. This also includes theft as a result of the collapse of a state, as occurred in Albania or Somalia.

[1] From Small arms survey 2002 The Legal-Illicit Link:Global Small Arms Transfers. http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2002/2002SASCh3_summary_en.pdf on April 21, 2009

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Once small arms are diverted to the illicit market, they continue to circulate, moving from one region of instability or conflict to another, fuelled by demand and the profit motives of traffickers. To a lesser extent, the illicit craft production of small arms also contributes to the quantity of weapons available in the illicit market. In general, once weapons enter the illicit market they stay there until they are confiscated, collected, and/or destroyed.

Box no 1 – An example of International Trafficking (translated from original French text)[2]

November 2001: The press learns that the Parquet de Liège has opened an investigation concerning the "disappearance" of one hundred P90 machine pistols, including 20 with laser aiming. The P90 is considered a "super-handgun". It can fire 50 rounds from its magazine in a little more than 3 seconds, its 5.7 X 28 mm gauge bullets can penetrate four to five bullet-proof jackets at a distance of 200 meters. And, an additional disturbing fact, this extraordinarily lethal military weapon is supposed to be sold only to States.

Indeed, it did not take long to learn that the batch of P90 handguns had been delivered, three years earlier, in a perfectly legal way, to Jordan by FN Herstal, the sole manufacturer of the "super-handgun". Although intended for the Royal Hashemite Kingdom (Jordanian Special forces), the P90s were immediately diverted to Switzerland, where they had been previously purchased by a local weapons merchant who obtained all the permissions required for the transaction. The guns then legally entered the Netherlands, where a gunsmith converted them into semi-automatic weapons, in order to make them available to the Swiss civilian market. Even though the Dutch gunsmith would have received 20 P90s in payment of his services, the remaining batch of "Jordanian" P90s would then have been resold, whether legally or not, in Switzerland, Belgium, Finland and the Netherlands.

This type of weapon is not only sought after by the collectors of dangerous and banned items. In September 1999, four P90s from the "Jordanian" batch were seized in the Netherlands in a weapons cache belonging to a weapons and drug trafficker. According to certain information, the Russian mafia may be using P90s. In Belgium, P90s were used to attack security guards in 1998, two of whom died. Two weapons of this type, as well as 21,000 rounds of ammunition adapted to the P90, all manufactured exclusively in the FN Zutendaal factory, were seized in Limbourg in 2005.

Canadian Situation:

Although not to the same extent as it is in some other countries, the trafficking of illicit arms remains an issue in Canada. For the purpose of this study, several law enforcement groups were interviewed. Law enforcement interviewees frequently raised that the problem is with organized criminal groups. Not all organized criminal groups have the same structure and capabilities. However, they are capable of using violence, involving firearms, to promote and protect their criminal interest.[3] Many organized criminal groups are involved in illegal activities such as prostitution, drug dealing, robberies, money laundering, and intimidation. Also, the victims of organized crime tend not to report crimes to the police because they may risk going to jail themselves, and they often use firearms, in turn, to protect themselves or for intimidation.

As reported by the Criminal Intelligence Service Canada (CISC), many organized crime groups are able to exploit international borders to smuggle various items, including firearms. The United States remains the primary foreign supplier of firearms smuggled into Canada.[4] As indicated in section 3.3, firearm markings represent one of the methods that Canadian law enforcement groups can use to fight organized crime.

[2] Berghezan, G. GRIP. (2007). Exportations d'armes : Le problème de la destination finale.
[3] CISC- SCRS, 2007 Annual Report, Organized Crime in Canada.
http://www.cisc.gc.ca/annual_reports/annual_report_2007/document/annual_report_2007_e.pdf
[4] CISC-SCRS 2008 Annual Report on Organized Crime.
http://www.cisc.gc.ca/annual_reports/annual_report_2008/document/report_oc_2008_e.pdf.

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3 THE UTILITY OF MARKING FIREARMS

3.1 TRACING FIREARMS

Markings on firearms can provide investigators with key information when firearms are recovered or seized by law enforcement. In a recent study[5], statistics show that in Canada 7 out of 10 firearms used to commit homicide[6] were reported by police as unregistered. Since any unregistered firearm is in Canada illegally, it is imperative that it be subject to tracing. With tracing, law enforcement can potentially obtain valuable information on the history of a firearm, in particular its last know owner or whether it was smuggled or domestically sourced.

It has been demonstrated in United States that the tracing of seized firearms is important to the investigation of criminal activity such as trafficking and smuggling. The tracing of firearms is directly linked to the reduction of illegal trafficking.[7] On the other hand, if law enforcement officials are not able to trace the source of a crime gun, the community they serve will likely experience an ongoing cycle of violence, as more guns from the same source continue to be used to victimize the public.

The ultimate benefit of marking a firearm is to facilitate tracing of the firearm to its last known purchaser/possessor, or point of purchaser or manufacture. In Canada, the agency responsible for the tracing of firearms is the Canadian National Firearms Tracing Centre (CNFTC) of the Firearms Investigative and Enforcement Services Directorate (FIESD). The Directorate is part of the Canadian Firearms Program of the Royal Canadian Mounted Police (RCMP). The CNFTC's role is to provide a comprehensive firearm tracing service for all Canadian police Services and law enforcement groups such as Canadian border agents and international police agencies. The markings on all firearms are critical to their identification and represent a key means by which the CNFTC can trace a firearm. In addition to helping identify criminals or criminal groups, the tracing of firearms plays a significant role in the prevention of subsequent criminal acts.

When one or more firearm(s) are linked to a homicide or an assault, law enforcement best practices call for investigators to carry out a trace of the seized firearms as part of their investigative process. Thousands of weapons are seized every year in Canada by law enforcement groups. However, only a small percentage of these firearms are submitted for tracing. Factors contributing to this low percentage include:

1. Lack of resources;
2. Limited training on protocol to follow when a firearm is seized (e.g. verification and identification of firearm, registration checks, trace submission, etc.);
3. No legal obligation to trace a firearm;
4. An investigator may already know where an illegally possessed and/or criminally used firearm came from through a registration check or based on suspect information subsequently confirmed; and
5. The investigator knows the firearm cannot be traced (e.g. it is too old to trace)

[5] Statistics Canada – Catalogue no. 85-002-XIE, Vol. 28, no. 2.
[6] As noted in the report: "Depending on the year, anywhere from about half to two-thirds of firearm registration information is reported by police to the homicide survey as "unknown", usually because the firearm was not recovered or because investigations were on-going at the time of the survey. The following analysis refers only to those homicides in which the firearm registration status was known to police. This information should be interpreted with caution as these data are not representative of all firearm-related homicides in Canada."
[7] Webster, Daniel, The importance of Crime Gun Trace Data to Studying and Reducing Illegal Trafficking, Johns Hopkins University (Center for Gun Policy and Research).

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This situation should change over the coming months. Since the coming into force of the *Public Agents Firearms Regulations*[8] on October 31st 2008, all public agencies, including law enforcement groups, must report all of their firearm inventories to the Registrar within a period of 30 days. These new Regulations do not require the systematic tracing of seized firearms. However, with the implementation of the Regulations, it is anticipated that the tracing gap will be addressed over time.

3.1.1. Tracing Process

The tracing of firearms to their originating source or owner can range from a relatively straightforward to a long and complex process. The duration depends on the amount of information physically marked on the firearm, the availability of database information, and the extent to which any of the numerous stakeholders involved in the process of tracing firearms need to be contacted. The stakeholders involved in the process of tracing of firearms, namely;

- The police officer or agent authority;
- The law enforcement investigators;
- National Weapon Enforcement Support Team (NWEST);
- Canadian National Firearms Tracing Centre,
- United States Bureau of *Alcohol, Tobacco, Firearms and Explosives Division Department (United States);*
- Interpol;
- Importers;
- Manufacturers; and
- Firearms retailers;

Depending on the information available on the recovered firearm, the process of tracing a firearm can take a few hours up to several years, if it can be completed at all. The flowchart in this section shows the typical firearms trace process when a trace request is received by the CNFTC. Based on information provided to the CNFTC, if a firearm is registered within a Canadian firearms database, it may only take a few minutes to trace that firearm to its last known registrant of that firearm, a potentially valuable investigative lead.

However, if the firearm is not located in a Canadian or American records (*through submission to the United States Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF))*, then depending on where that firearm was manufactured, an international trace through Interpol may have to be considered. Depending on the information available about a seized firearm, the international process can take anywhere from some days to several years.

[8] Canada Gazette: SOR/98-203 and SOR/2004-265

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3.1.2. International tracing

International tracing refers to firearms that were not registered or recorded in Canada or United States and the firearm was not manufactured by a North American manufacturer, or not bearing its United States importer stamped[9]. In such cases, the only information available is the make, model and serial number (if any). To perform an international trace, the formal process is to request the International Criminal Police Organization (Interpol) to forward Canada's request at the international level. This entails liaising with foreign countries to attempt to obtain information about the seized firearm. Based upon the CNFTC's experience, this process can take months to several years to receive results and, in some cases, a reply is never received. It is also important to note that since some countries do not have a firearms registry instrument such as the Canadian firearms registration system, the successful identification of the recovered firearm in these countries is directly related to whether the trace can be completed successfully (i.e. to the purchaser/possessor).

Ultimately, one of the following four categories of trace results is forwarded back to the requestor, indicating:

1. **Successful:** The trace was completed successfully to the last known to the last known purchaser/possessor, or point of purchaser or manufacture;
2. **Unsuccessful**: The Canadian National Firearms Tracing Centre has exhausted all available resources in attempting to process this trace request without success;
3. **Too Old to Trace**: The firearm itself is too old to be traced. It can be because the firearms was manufactured prior to 1968 (United States marking regulation) or prior to the Canadian firearms registration system; or
4. **Not traced:** A firearm trace was requested on the recovered/seized item which is not regulated e.g. an air (airsoft), toy gun, replica, etc.

[9] In the United States, the regulations are imposed on the American importers to mark firearms with their name, address, city, state and Federal Firearms License number. Please refer to Report no. 3 – Examination of International Practice for details about the US marking regulation.

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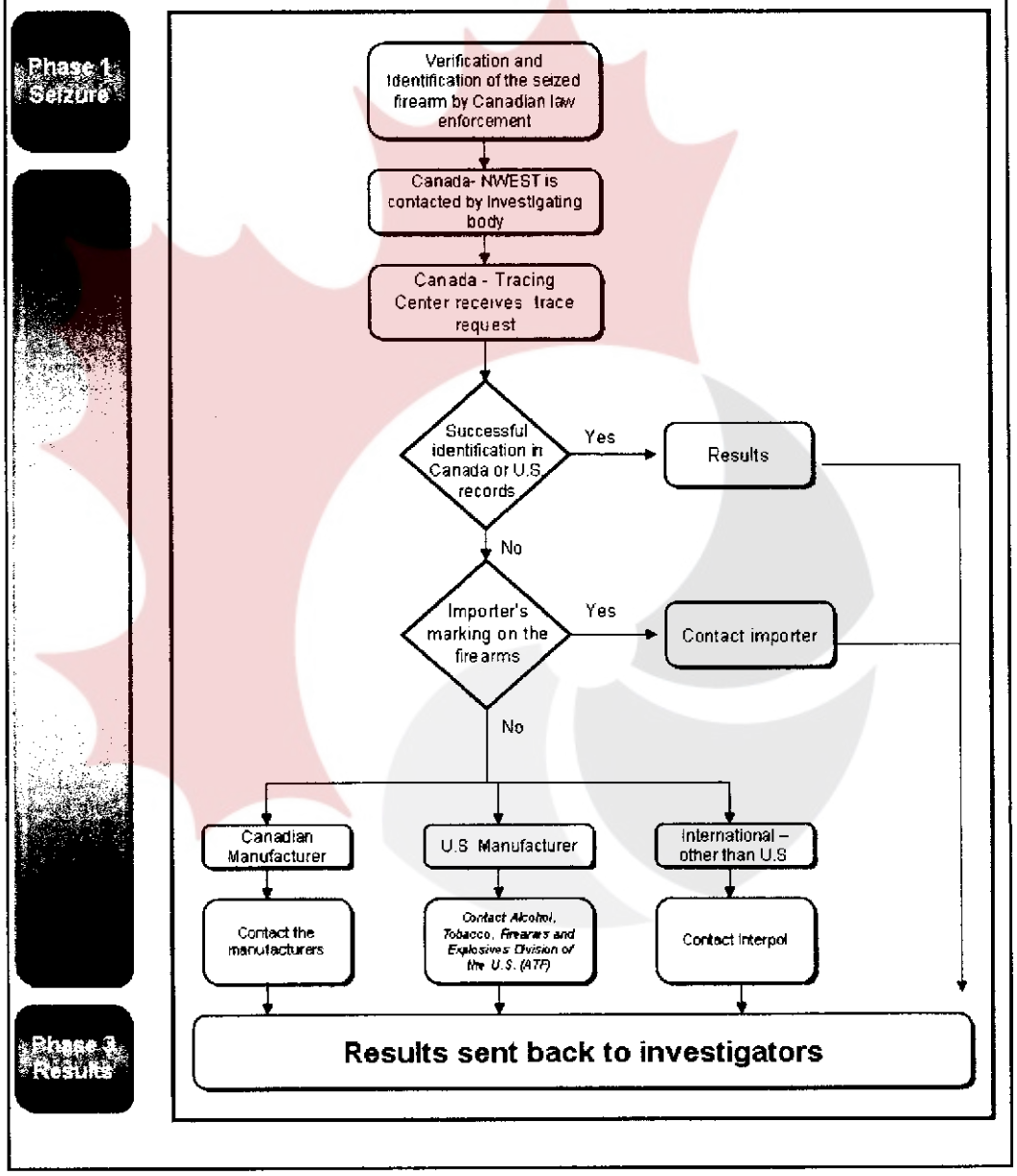
Typical Tracing Process



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3.2 Determining how firearms are diverted into the illegal market [10]

Tracing the markings on firearms can help law enforcement groups better understand the movement of firearms from the legal into the illegal market. The intent of tracing firearms is to ascertain the history of crime guns and identify their point of origin. The better the information marked on firearms, the better the results and the tracing process to understanding the path taken by the firearms. As defined by the RCMP, crime guns are firearms that:

- Are illegally possessed;
- Have been used or are suspected of having been used in a crime; and/or
- Have an obliterated serial number.

An improved understanding of the movement of firearms between the legal and illegal market enables law enforcement groups to focus their effort in the fight against the trafficking of firearms. Effective tracing of firearms can help identify and ultimately suppress illicit trafficking networks. According to the information provided by RCMP, the CNFTC was unable to determine the history and where the crime guns came from in 49 percent of trace requests. There are multiple reasons for not being able to identify the source of a crime gun. The firearm:

- may have been manufactured prior to 1968, before the United States began to keep records of firearms and mark firearms[11];
- may have no markings;
- may be too old to be traced;
- may not have importer stamps. (in the case of firearms originating from the United States); and/or
- is not registered in Canada or contained in any U.S. records.

Also, it is important to recognize that the results of the CNFTC's tracing of firearms are largely dependant on firearm marking regulations in the United States such as the United States *Gun Control Act*, United States *National Firearms Act*, etc. As mentioned, laws in the United States have required markings on firearms since 1968. The law applies to both firearms manufactured in the United States, as well as firearms imported into the United States. Since there is no legislative obligation in Canada to mark firearms, the ability and efficacy of the CNFTC to trace firearms is mainly due to the markings required by the regulations in the United States and the fact that a significant proportion of firearms in Canada originate from United States. As indicated by the Criminal Intelligence Service Canada (CISC) in its 2008 Annual Report, "Canada's main source of foreign smuggled firearms is the United States". There are several probable reasons for this:

- Geographic proximity;
- Difference in the United States firearms legislation; and
- Large manufacturing base.

[10] Canadian Firearms Program. Firearms seizures and Traces Statistics (Issue 2008.1) Mid-Year Analysis January-June 2008 by Tactical Analysis Unit of the Firearms Support Services Directorate (RCMP).
[11] Please refer to Report no.3 Examination of International Practice, section no. 4.1 for more details about the United States regulations.

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3.3 Increased substantiation for sentencing[12]

For the first half of 2008, approximately 55 percent of trace requests made to the CNFTC were ultimately identified as crime guns. It is generally accepted that the crime guns represent the weapons used by criminals, or criminal groups, to carry out crimes. Crime guns have a direct impact on the public safety of Canadians.

During the interviews, police agents noted that individuals receive only minimal sentences for possession of a crime gun. However, if someone is convicted of drug dealing, possession of a crime gun will help the investigators achieve a more appropriate sentence. When a firearm is seized by law enforcement groups, the markings on the firearm remain one of the few indications that can link the firearm to its possessor. Demonstrating that individuals are in possession on crime gun can enable law enforcement groups to establish proof of criminal involvement. The end result is more appropriate sentencing which in turn helps to protect Canadians from criminal activity.

3.4 Public Safety and Law Enforcement

As demonstrated throughout this section, Canadian *Firearms Marking Regulations* will enable law enforcement groups to provide greater public safety to Canadians. With the ability to increase the tracing rate of illegal firearms to their source, police investigators will be better equipped to fight criminal groups and related activities such as prostitution, trafficking in drugs, guns, etc. The markings on a firearm are a key element facilitating the successful tracing of firearms.

Different law enforcements groups combat the illicit trafficking of firearms in Canada. These groups include:

- Canada Border Services Agency (CBSA);
- Royal Canadian Mounted Police (RCMP);
- Provincial Weapons Enforcement Unit (PWEU - Ontario Provincial Police)
- Firearms, Munitions, and Explosives Investigation Unit (Sûreté du Québec)

Public safety is a common objective of these law enforcement groups.

GCS conducted several interviews with the RCMP and the PWEU to understand their challenges and to gauge the potential impact that firearm markings might have on their mission.

PWEU

The PWEU officers fight criminal activity directly in the field. The PWEU's primary mandate is "to identify and take enforcement action against persons involved in the illegal movement of firearms, ammunition and explosives". Markings on the firearms are crucial for the PWEU. The Unit is staffed with technicians who have specialized knowledge of the techniques associated with firearm markings and expertise in the restoration of obliterated markings.

As noted by PWEU interviewees, the markings are an important piece of information when tracing firearms and identifying the source of the crime guns.

[12] Canadian Firearms Program. Firearms seizures and Traces Statistics (Issue 2008.1) Mid-Year Analysis January-June 2008 by Tactical Analysis Unit of the Firearms Support Services Directorate (RCMP).

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RCMP

In support of the federal government's initiative to combat the criminal use of firearms in Canada in 2004, the Firearms Investigative and Enforcement Services Directorate (FIESD), of the RCMP has commissioned the Firearms Operations and Enforcement Support Unit (FOES) with the task of providing intelligence support regarding firearms-related investigations to front-line law enforcement units across Canada. FOES is responsible for all data management within FIESD.

The FOES is one of four units within the FIESD. The following groups working under the FIESD's umbrella provide information to the FOES and contribute to the fight against the illicit trafficking of firearms:

- Firearms Reference Table – *basically a firearms identification table*
- National Weapons Enforcement Support Team
- CNFTC – *Tracing Center*

The main impact related to the tracing of firearms is the collateral analysis produced by FOES. The CNFTC provides, as a matter of process, the raw trace data to FOES for analysis. As a result, FOES integrates the raw data collected by the tracers and provides analytical support to front-line enforcement in the country. Analyzing raw data may lead to the identification of emerging trends and patterns associated with particular firearms, including their origins and extra-jurisdictional links which may not have been previously identified. As an example, the analysis may highlight that, during a certain period of time, several firearms seized during criminal investigations are linked to the same retailer. This information may lead to the discovery of a firearms trafficking network which, at some point, could be charged and dismantled.

Firearms analysis on the part of the FOES is only possible if the information obtained from CNFTC is accurate and complete. The only way the CNFTC can provide comprehensive information is to successfully carry out the tracing of firearms to the last known purchaser/possessor, or point of purchase or manufacture. In order to trace the firearm, the CNFTC relies on the information indicated on the firearm itself. Without properly identifying the firearm using the markings on the firearm and identification tools developed by Firearms Reference Table[13], the benefit of the tracing process is limited

Other law enforcements groups

The *Canada Border Services Agency* (CBSA) is responsible for intercepting illegal goods, including firearms, leaving or entering Canada[14]. One of CBSA's objectives is to keep "*Canada's population is safe and secure from border-related risks*". To achieve this goal, the CBSA relies on intelligence in order to identify, alert and intercept high-risk persons and goods bound for or leaving Canada. Intelligence activities entail collecting, analyzing, and sharing data on threats to national security. This includes information on terrorism, weapons proliferation, war crimes, organized crime, smuggling, fraud and irregular migration.[15] Markings on firearms helps the CBSA to determine the provenance of a gun (from whom and where it originated) which, for example, helps the organization to develop intelligence

[13] Firearms Reference Table Group is developing an electronic database for reference standard for firearm descriptions and legal classifications in the exchange of information between police agencies in Canada and by government agencies internationally. The firearm database is a useful tool to assist in identification of seized firearms.

[14] The CBSA was not interviewed as part of this study.

[15] CBSA Plans & priorities 2009-2010 http://www.tbs-sct.gc.ca/rpp/2009-2010/inst/bsf/bsf02-eng.asp#s2x1

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concerning the smuggling of firearms. Good tracing information is a key piece of information for CBSA as well.

In Summary: Impact of markings for law enforcement

Significant benefits will be derived from implementing the *Firearms Marking Regulations*. By providing better tools to fight illegal firearms and the activities associated with criminal groups, law enforcement groups can better protect Canadians and save lives. In summary, law enforcement groups will derive the following benefits from the marking Regulations:

- More efficient tracing: a reduction in the time to trace a firearm and an increased success-rate
- Improved identification of the sources, patterns and movement of crime guns;
- Improved ability to trace firearms to criminal activity and increase the likelihood of convictions (particularly involving organized crime);
- Enhancement of the investigation process by providing investigators with additional capabilities to determine the center of criminal activity; and
- Better substantiation for the sentencing of individuals involved in organized crime.

3.5 Improved effectiveness of tracing: advantages of the proposed requirements

The *Firearms Marking Regulations* provide specifications about information to be marked on firearms. The Regulations state: "*...the firearm shall be marked by permanently stamping or engraving on the firearm's frame or receiver the word 'Canada' or the letters 'CA' and*

> *(a) in the case of a manufactured firearm, the name of the manufacturer and the firearm's serial number; and*
>
> *(b) in the case of an imported firearm, the last two digits of the year of the importation."*

Marking "Canada" or "CA" along with the last two digits for the year of importation may seem of marginal use in the tracing of firearms. However, this information (country and year of importation) can become a critical factor in improving the effectiveness of firearms tracing. Without the country and the year of importation, investigators could spend a great deal of time and effort searching for a firearm that is not registered in any databases, such as with the Canadian Firearms Program. Having, the country and the year of importation may be the only information which indicates whether a firearm has entered Canada legally and in which year. Marking country of importation also provide an indication as to which international tracing authority should be contacted first. Theoretically, for a firearm marked Canada 2008 and Australia 2010, the best point to initiate the trace would be Australia given that it would have the most recent records.

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Tracing may be required to research a firearm to the point of sale (e.g. an American retailer). In the United States, firearm importers and retailers are obliged to keep a record of the sale of all firearms. This record includes the following information:

- The name and address of the buyer;
- The manufacturer of the firearm; and
- The model and the serial number of the firearm.

According to the CNFTC, in most cases, these importer/dealer records are maintained manually in record books. The largest importers maintain the information in computerized databases, but smaller importers or retailers generally maintain the information manually. When the CNFTC seeks the assistance of the United States ATF, American firearms retailers and importers are obliged to provide the ATF with their records to help the investigator. Even if investigators are able to pinpoint a specific retailer, the search may cover more than 30 years of manually compiled information. This process could entail the examination of hundreds of record books which are potentially in a state of disarray.

Another issue relates to maintaining older firearm records: currently, a business is only required to keep records for a period of six years, at which time the business can destroy the records. There is no current legislation stating that records must be maintained for a longer period of time. Therefore, marking the year of importation on the firearm can be valuable to an investigator. Markings can enable an investigator to quickly identify, with relative precision, the range of years over which the firearm must be investigated. Retailers and importers are more likely to cooperate with investigators when the year of importation is indicated. If a request can be narrowed to only a few record books, investigators will be more likely to receive support from retailers and importers. As a result, it is more probable that the trace will be successful.

Marking the country and year of importation would be of great assistance when researching the importer/dealer records, particularly if the Government of Canada decides, at some point in the future, to rescind the registration of non-restricted firearms.

For law enforcement, it is critical that a firearm be traced to the last known purchaser/possessor or point of purchase or manufacture as quickly as possible in order to identify, charge and dismantle criminal sources of firearms and trafficking networks, the more information marked on a firearm, the greater the possibility that the CNFTC will be able to conduct a successful and timely trace. The successful rate of a trace relies on the information indicated on the firearm itself.

Currently, Canadian businesses only need to apply and provide supporting documentation to obtain permit to import prohibited firearms. Non-restricted and restricted firearms classes can be imported without a permit and by presenting a valid business license. Canadian businesses are required to register their imported firearms "without delay". When this done, the database of the Canadian Firearms Program could be consulted and, if necessary, the ledgers of Canadian businesses. However, the failure to register all imported firearms can lead to some firearms being legally imported into Canada that then become diverted to the criminal market. The presence of the required import marking on the firearm would provide useful leads in the absence of registration.

Serial numbers are important in the effort to trace firearms. The requirement for every firearm manufactured to have a unique serial number would avoid the confusion of two or more firearms having an identical serial number. In addition to the value of individual serial numbers for law enforcement, the numbers offer businesses such advantages as inventory and warranty controls and a demonstration of standard industrial best practices.

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Threat associated with universal marking

When visiting Canadian importers, a potential issue was identified which should be resolved prior to the implementation of the Regulations. The issue is "universal marking".

Some manufacturers have been marking *all* of their firearms with the information required by the regulations in the United States. For example, some of the pieces of information required by the American regulations are the name and address of the U.S. importers. In providing this information, the manufacturer is complying with the U.S. regulations.

In the Canadian context, this means that in order to comply with Canadian marking Regulations, it has been suggested that a foreign manufacturer may decide to add the markings "CA 09" to *all* firearms it produces, as opposed to applying these marking only to firearms destined for the Canadian market.

For example, this approach may be taken by a manufacturer based in Italy doing business worldwide. The manufacturer may add the CA 09 to all of its production. In doing so, manufacturers would be in compliance with Canadian Regulations and would avoid the logistical issues associated with shipping only firearms with the "CA 09" markings to the Canadian market. However, the markings would not help Canadian authorities determine if a firearm has entered Canada legally or illegally, since every firearm manufactured by the company will bear the same "CA 09" marking. Every firearm shipped by the manufacturer anywhere else in the world would have the "CA 09" marking.

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4 MARKING OF FIREARMS

4.1 Overview of Marking

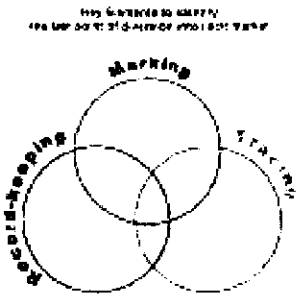
Although the elements of the marking are not mandatory or universal, they are typically composed of the serial number and the name of the manufacturer. Different techniques are used to mark small arms and light weapons depending on whether they are applied at the time of manufacture or post-manufacturing. Marking can be done using various techniques such as casting, stamping and engraving.

Throughout the documentation on the marking of firearms, the objectives of marking a firearm revolve around three main axes:

1. **Aids in identification of firearms**: With clear markings about the make and model of a firearm, precise identification can be performed.
2. **Facilitates tracing of firearms**: Sufficient markings on a firearm increases the rate of successful tracing and reduces the time it takes to trace the firearm.
3. **Deters illegal arms trafficking:** Identifying the source of a crime gun can stop such underlying criminal activity as trafficking and smuggling: an analysis of the information collected from a trace may lead to the identification of emerging trends and patterns associated with particular firearms involving specific retailers or distributors, etc.

The marking of firearms is the first step to improve the tracing of firearms by law enforcement. Adopting firearms marking requirements would provide law enforcement officials with essential information to help identify the last legal point of possession before the firearm was diverted into the illicit market. As explained in the *section 3*, determining the point at which the firearm is diverted to the illicit market can help target the individuals and/or groups responsible, thus preventing future diversions from the same sources.

The traceability of firearms is a key element in eliminating illicit manufacturing and trafficking. As the UN Firearms Protocol is endeavoring to demonstrate, successful traceability requires appropriate markings and record-keeping.



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Reasons to mark firearms

The intent behind the UN Firearms Protocol is to eradicate the trafficking of firearms. In the Canadian context, the objectives of marking firearms can be viewed as predominantly pragmatic, rather than philosophical. The markings can be used to serve different purposes or objectives depending on the stakeholders. Each stakeholder may have a different motivation. The following table indicates the potential gains of marking firearms for the various stakeholders. Note that the contents of this table may not reflect the views and opinions of the stakeholders indicated.

Stakeholders	Benefit of marking firearms
Firearms manufacturers	• Product Identification • Control of production process/inventories • Customer support • Quality assurance • Compliance with marking regulations of foreign countries
Government of Canada	• Management of the firearm licensing and registry program
Department of National Defence (DND)	• Record-keeping of inventory to prevent theft • Identification of DND stock "Canadian Forces Weapon"
Law Enforcement Organizations	• Record-keeping of inventory to prevent theft • Establish leads for International firearms traces, a key purpose of marking country of import • Personal Identification of law enforcement firearms stock to identify the owner • Facilitates the collection of information from crime/homicide scene recovery • Facilitates the precise Identification of seized firearms
Business (importers, manufacturers)	• Permits compliance with United States regulations[16] • Satisfaction of client (ex: special markings for RCMP firearms) • Supports registration and record keeping
Individuals	• Viewed as a cosmetic enhancement or personalization of the firearm • Supports registration and record keeping

[16] Please refer to Report no.3 Examination of International Practice, section 4.1 for more details about the United States firearm regulations. of firearms

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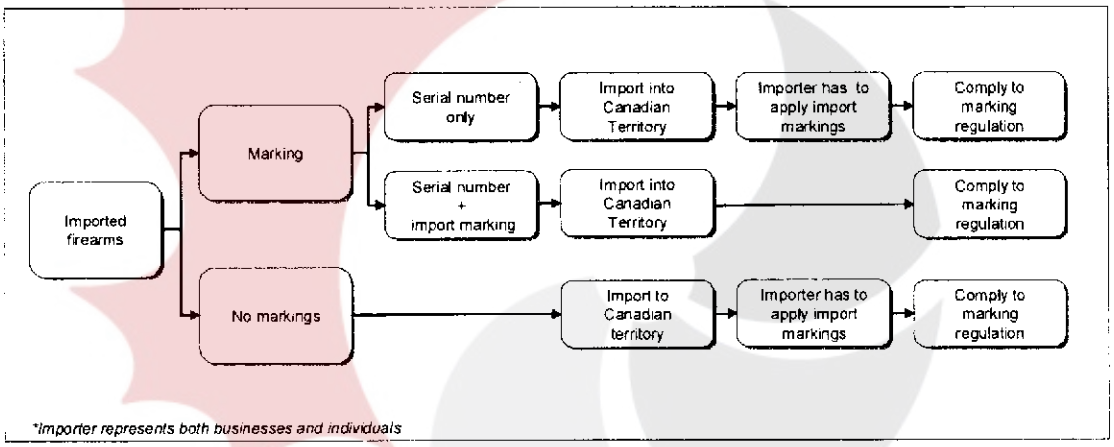
4.2 Import marking process

The marking of firearms applies to two categories: newly manufactured firearms and used firearms. According to the *Firearm Marking Regulations*, the importers have to ensure that markings are compliant with the regulations within the defined period (i.e., 60 days). However, for firearms imported into Canada, the Regulations do not indicate that the markings must be applied by the importer after the receipt of the stock. Therefore, the markings on newly manufactured firearms can be applied by the manufacturer, not necessarily by the importer. The same process applies to used firearms imported into Canada: the importer, whether an individual, a business, or a public service agency, has to ensure that markings comply with the Regulations within the defined period. However, the Regulations do not prevent the markings from being applied prior to importation.

The diagram below shows what could be the typical marking process for the two categories of firearms assuming that the *Firearms Marking Regulations* will be implemented as adopted in 2004. The Regulations state that domestically manufactured firearms must be marked during manufacturing. Thus, the process consideration described for imports do not apply.

Typical Marking Process



It is fair to assume that the dynamic of the industry will change with the implementation of the *Firearms Marking Regulations*. It is entirely possible that the marking process will be included in the negotiation of contracts between Canadian importers and foreign manufacturers. In addition, manufacturers may well demand that importers prepay for firearms which are produced with pre-arranged markings. It is also possible that new businesses will emerge which specialize in the marking of firearms, as has occurred in the United States.

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Markings in Canada

The *Firearms Marking Regulations* are the first requirements for all imported firearms in Canada to be marked. Currently, manufacturers and importers are not obliged to add any markings. A firearm bears a serial number for one of two reasons:

- The manufacturers and/or importers have decided to add the marking on their own accord, or
- The firearm originated, or passed through, the United States [17]

Nevertheless, most of Canadian manufacturers already mark firearms at the production site with the company name and a serial number.

4.3 Characteristics of marking

As mentioned in previous sections, in 2004 the Governor-in-Council adopted regulations that established the requirements of individuals, businesses or public service agencies for the marking of newly manufactured firearms and for the marking of firearms imported into Canada. As per these Regulations, the markings must meet certain technical requirements[18]. They must:

- Be permanently applied by stamping or engraving on the frame or receiver of the firearm;
- Be legible;
- Have a depth of at least 0.076 mm;
- Have a height of at least 1.58 mm;
- Be visible without the need to disassemble the firearm; and
- Be engraved or stamped.

Note that the technical requirements listed above are similar to those required by United States regulations concerning the marking of firearms.

As per the *Firearm Marking Regulations*, the following specific information must be marked:

- Adding the country code (Canada or CA), the name of manufacturer and a serial number to a newly manufactured firearms in Canada; and
- Adding the country code (Canada or CA) and last 2 digits of year of importation for imported firearms.

Finally, the markings must be applied on the frame or the receiver of the firearm since the frame or receiver is defined as a firearm in the *Criminal Code*.

[17] According to the United States marking regulations, firearms must bear the marking of the manufacturer or importer. Refer to Section 4 of Report no 3 - *Examination of International Practices for more information about the American regulations.*
[18] As adopted in Firearms Markings Regulation (SOR 2004-275)

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4.4 Marking methods

There are a large variety of methods to mark firearms. They vary from simplistic (e.g., hand stamping) to sophisticated (e.g., radio frequency). The methods also vary in terms of cost. There is no universal technique to mark firearms. The following list identifies the main marking techniques:

- Casting;
- Pin Impingement;
- Electrochemical etching;
- Roll stamping;
- Die stamping;
- Laser engraving;
- Mechanical engraving;
- Hand engraving;
- Radiofrequency tag/transponders;
- Chemical Tracers; and
- Printed tags (on paper, plastic or metal).

There is no "perfect" technique. The results will vary depending on the durability of the surface to be marked, on the plating used on the firearm, and whether the markings are applied to a newly manufactured or post-manufactured firearm.

An important element to highlight is that the Regulations do not impose a specific method of marking firearms other than "stamping and engraving". Stamping and engraving encompasses a wide variety of methods, from the very simplistic and inexpensive method, such as hand stamping, to very sophisticated and costly method, such as laser engraving. Therefore, the marker (i.e., the importer, exporter or manufacturer) has the liberty to select the most appropriate method of marking. Also, an individual importing a firearm for personal use may choose to apply an inexpensive hand stamp or to arrange for state-of-art marking, if desired.

Limitation of the current study:

1. The study focused on the requirements in the Regulations and does not take into consideration other techniques that could be useful to law enforcement in combating firearms trafficking and gun crime.
2. The type of information to mark (e.g., numbers, bar codes, matrix, geometric symbols) is not addressed in the current study.
3. The study does not address the marking of parts or components of a firearm and ammunition.

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Important note:

The following section is the full text concerning marking technologies from the report prepared by the Department of Foreign Affairs and International Trade in 1999 titled: "Canada - Marking Small Arms: An Examination of Methodologies". To illustrate the text, Government Consulting Services has added photographs from the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Enforcement Programs and Services.

After a thorough review, it is apparent that the literature about techniques/methods to mark firearms is very limited. The research report from the Department of Foreign Affairs and International Trade provides the most comprehensive analysis of the techniques to mark firearms. Although it was written a decade ago, the report is reproduced here because it captures succinctly all information encountered during the literature review stage of the study. While providing this overview of the diverse technologies, it is recognized that such methods as taggants, radio frequency identification (RFID) and etching would not meet the Regulations requirements to be legible, visible and of a certain depth and height.

BEGGINING OF THE TEXT FROM THE CANADA - MARKING SMALL ARMS: AN EXAMINATION OF METHODOLOGIES STUDY

A. Criteria

Small arms and light weapons manufacturers mark their products for a number of reasons, only one of them being to accommodate the requirements of regulatory and enforcement agencies concerned with small arms controls, nationally or internationally. Those requirements range from marking weapons in such a way that the nation that produced them can be reliably identified to marking them so that investigators can gather evidence for a criminal prosecution or track the path by which legally produced weapons enter the gray or black market and end up contributing to destabilization. The following are the criteria that a marking method would need to meet to satisfy these requirements.

Durability - Obviously, a mark must be able to survive the harsh wear and tear of combat conditions, including climatic extremes, contact with caustic and abrasive materials, high operating temperatures, shocks, and vibrations. There is, however, a second dimension to the durability criterion. While the literature on small arms and light weapons proliferation does not suggest that the markings on small arms and light weapons recovered from conflicts are commonly altered or removed, law enforcement agencies do routinely recover items that have had their serial numbers removed or altered to some degree. Normally, such tampering is limited to the serial number, leaving other markings, such as the manufacturer's name or name and address untouched. Because a serial number is a key piece of information in tracing, the more important durability issue is whether, and to what extent, a marking methodology is able to resist intentional removal or alteration that would frustrate investigators. The ideal methodology would produce a mark that could not be removed without rendering the weapon inoperable. More realistically, the goal is to identify a methodology which will produce a mark that is the most technically difficult and expensive to remove, at the greatest risk to the weapons functionality.

Normally, those who remove identifying marks make no attempt to conceal their efforts, although corrupt weapons dealers, with the right skills and resources, can remove serial numbers, refill where the metal has been removed, and re-stamp the weapon with a fraudulent number. This is a costly process relative to the benefits that result but would allow weapons with an illicit background to pass as legitimate. Such forgeries can be readily recognized by specialists alerted to the possibility.

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Content Capacity - The required content of a mark is directly related to the purpose that the marking scheme is to serve. If the intent is to create a system capable of tracking the transfer of ownership of specific weapons from the manufacturer to the end-user, the content of the mark would have to provide a unique identifier. For the purposes of this discussion, the content prescribed by the OAS Convention is used as a standard: the name of manufacturer, the place of manufacture, a serial number, the model and. In the appropriate circumstances, the importer's name and address, or information identifying a firearm as one that has been retained for official use after it was confiscated or forfeited. This information may appear as a combination of logos, words, letters and numbers, or be translated to a coded or digital format.

In this regard, the author of a presentation on small arms marking has suggested that the typical content of marks could be compressed in an internationally adopted alpha-numeric code.[19] While such an approach would introduce a high level of standardization, it has an important potential disadvantage. Assuming that it would be the only visible mark that would have to be affixed to a weapon, it would become easier for someone wanting to remove all identifying information to do so. Instead of having to drill or grind away information marks at two or three locations on a receiver or other component totalling several square centimetres of material, it would only be necessary to remove the single line of the code. Post-production Application - If a marking plan imposes an obligation to add marks when a weapon is imported or a confiscated weapon is re-cycled for official use, it will call for a marking methodology that can be applied in a post-production environment whether in a small arms production facility or at a non-industrial site , such as a customs facility. The addition of such marks could be made using a method other than that used to affix the manufacturer's markings.

Availability - An "available" marking methodology would be one that is a proven application generally available on the international market. Either it must currently be in use for metal products, or has undergone sufficient development and testing to demonstrate clearly that it is technically feasible. An experimental technology, or one in the very early stages of development for commercial application, would not meet the availability criterion. Similarly, a methodology that required highly specialized technological skills or support facilities that are not reasonably available wherever weapons are produced or marked would fail to meet this criterion.

Production and Administration Cost - While not the ultimate determinant in selecting a marking methodology, the production and administrative cost implications of adopting a particular methodology is an obviously important consideration. A methodology that required large government investments or infrastructure development would be resisted, especially if the benefits of the system were not clearly demonstrated from the beginning. The largest costs for governments are associated with the development and/or maintenance of the records systems to support a marking plan. Such costs are largely independent of the method used to affix marks to small arms. However, in some instances there may be costs of this nature directly linked to a methodology.

The selection of the methodology that would significantly increase production costs would also be resisted, primarily by governments and government organizations that, as the largest consumers of weapons production, would bear the cost. Further, a methodology that significantly increased production costs could give impetus to illicit or covert manufacturing and weapons re-cycling enterprises able to offer cheaper weapons while circumventing the weapons control system.

[19] Giger , B.E. *Summary of Technical Aspects of the Swiss Views on Marking Techniques for Small Arms and Light Weapons*, Presentation Notes, International Law Enforcement Workshop on Illicit Trafficking in Firearms, Tokyo, December 9-10, 1998.

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B. Marking Methodologies

Some proponents of small arms and light weapons controls have suggested that new technologies would be more resistant to tampering than current methods and should be considered for weapons marking. In some cases the suggestions have been very general. For example, one paper observed that "cheap technologies are now available to do this in ways that cannot be easily erased or falsified," but failed to identify what they might be.[20] Others have been more specific, suggesting the use of lasers, microchips or traces of rare earth elements in the production of the metals used for weapons.

In the preparation of this paper, the author surveyed commercially available metal product marking and identification methodologies that are, or could be, used for marking weapons. Some common product marking methods were excluded from further consideration because they very obviously failed to meet one or more of the above criteria. Specifically, methods that rely on printing the identifying information on a paper, plastic, or metal tag and then attaching that tag to the product with an adhesive or fastener were excluded because they clearly do not meet the durability standard. The idea of marking the metal used in weapons manufacturing by adding traces of rare earth elements was explored, however, it was not pursued because there was no evidence that a commercial application using the idea had been or is being developed.

Stamping, casting, engraving, and etching are widely used methods of marking metal products, including small arms and light weapons. Particulate taggants and radio frequency identification (RFID) technology have been referred to in the literature on small arms and light weapons as potential weapons marking methods. Neither methodology is widely used in marking metal products. Each of the identified methodologies is described below and assessed against the criteria discussed earlier.

Stamping

The information that appears as an imprint on a metal product or part is often produced by stamping. The tools used range from hand -held punches to large roll presses where the requisite force is generated by mechanical levers, compressed air hydraulics, or electrical motors. Stamped marks are also produced with computer-controlled stylus markers that function somewhat like dot matrix printers. Whatever method used, the mark is made by applying sufficient force to the marking die or stylus to produce an indent in the metal. The depth of the indent is a function to the design of the die, the kind of metal being marked, and the amount of force applied. Depths in excess of 3mm can be achieved with mechanical stamps, while the depth of marks created with a stylus will range from 0.1 to 0.3 mm.

[20] Owen Greene, *Tackling Light Weapons Proliferation: Issues and Priorities for the EU*, SaferWorld, April 1997.

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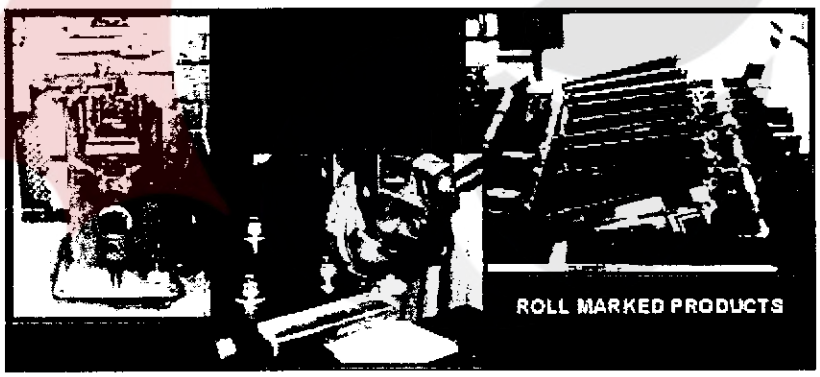
HAND STAMPING TOOLS

ROLL MARKING MACHINE



ROLL MARKING DIE

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PNEUMATIC PRESS

PROGRESSIVE MARKING HEAD

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Durability - A mark produced by stamping will survive combat conditions, but is susceptible to intentional tampering. Serial numbers, and other information, can be removed by drilling, grinding, or gouging away the metal. The task requires neither special skills or tools. Because stamping produces a mark by compressing the metal, it alters the crystalline structure below and around the mark. If the metal below the mark is not removed to a depth greater than the original mark, this "shadow" effect allows forensic laboratories, in some circumstances, to recover some of the information removed by the tampering.

Marks affixed to the weapon's receiver or frame can be removed without affecting its safe operation. It seems reasonable therefore to ask whether the mark should not be affixed to another location, such as the bolt assembly, where removing it would render the part useless. The difficulty is that the process of stamping such parts to such a depth would itself render the part unusable. Another approach, described in a presentation on small arms marking, would take advantage of the "shadow" created by stamping.[21] The suggested process would create an invisible mark by stamping a mark on a part such as the bolt or barrel after initial machining. The visible mark would be eliminated with further processing, but its "shadow' would remain and could be recovered by forensic specialists.

Availability - Stamping tools and the skills required to use them are readily available and used by weapons and metal products manufacturers worldwide.

Content capacity - The information content of a mark produced by metal stamping includes alphanumeric characters and simpler designs. When serial numbering is required, as it commonly is in marking firearms, the simplest tools and machinery require the operator to manually change the number. Industrial stamping tools have automatic actions for serializing marks. In the case of computer-operated stylus markers, the alphanumeric sequence of serial numbers is managed by computer program.[22] Some modem stamping equipment notably stylus markers, are also able to imprint more complex information, including bar codes. The imprints made with traditional stamping tolls and presses are not accurate enough to produce bar codes. The content capacity of stamping is sufficient to meet the content criterion for small arms and light weapons marking.

Post-production Application - Metal stamping can be used to mark products after the manufacturing process has been completed. In the case of weapons, post-production marking is not only feasible, but a current practice.

Production and Administrative Cost – If a manufacturer was required to install stamping equipment to conform to a marking standard, the capital cost of stamping tools and equipment would range from a few hundred dollars for a set of hand-held numerical dies to tens of thousands for computer-controlled stylus markers or automated roll presses integrated into the production process. The range is such that there would be a cost-effective solution available for weapons production operations of all sizes. Operating costs, which will vary in relationship to labour costs, the marking tool used, and the volume of the content of the mark, cannot be estimated. The selection of stamping as a marking methodology would not have administrative cost implications for governments.

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[21] Giger, B.E. *Summary of Technical Aspects a/ the Swiss Views on Marking Techniques for Small Arms and Light Weapons*, Presentation Notes, International Law Enforcement Workshop on Illicit Trafficking in Firearms, Tokyo, December 9-10, 1998.

[22] Note: The term "serial number" implies that the is a direct relationship between the number and the order in which units of a product, in this case as particular type and model of a small arms, are produced. While this is likely the case in practice as most automated marking equipment is designed to adjust numbers/codes sequentially, there may well be breaks in the series. The breaks may be made for reasons ranging from the need to identify production lots to a desire to disguise production levels. Such breaks do not and would negatively affect a small arms and light weapons marking scheme. The only requirement is that

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Casting

Repetitive information, such as the manufacturer's name, logos, and address, a model name or the calibre that will appear on every unit produced can be included in the design of the casting dies used to produce metal parts. The mark made by casting will appear as either a raised or indented surface.

Durability - A mark created by casting, like a mark generated by stamping, will survive com bat conditions, but is susceptible to international tampering. The casting process, however, does not affect the structure of the metal around the mark and, as a result, does not produce a "shadow". Normally, cast marks appear on the exterior of the receiver or similar small arms and light weapons components. They could, however, be placed on interior surfaces of components, such as the receiver, where the mark would not interfere with the movement of other components or compromise pressure or fit tolerances. Located in such an area, the information would be difficult to view, but more difficult and expensive to remove since that task calls for the use of tools that are not normally designed for use on the interior surfaces of parts.

Availability - Metal casting is used throughout the world in the production of metal products including small arms and light weapons.

Content capacity - The casting process allows manufacturer to include alpha-numeric information and designs that will be exactly the same on every unit produced. Because the information content cannot be changed except by replacing the die, casting can affix the manufacturer's name and address, but serial numbers must be added using another methodology. Casting, then, only partially meets the content criterion.

Post-production Application - Casting cannot be applied in a post-production environment.

Production and Administrative Cost - The cost of introducing a new mark by casting would be the cost of designing and fabricating a new casting die . The dies, however, have limited life spans and may be replaced, from time to time, to accommodate production or design changes. If a new marking standard were introduced, the incremental cost to manufacturers would be low. The selection of casting as a marking methodology would not have administrative cost implications for governments.

Engraving

Engraving techniques are widely used for marking and decorating metal products. The process differs from stamping in that engraving is accomplished by removing material, while stamping impresses an indent in the metal. The engraving tools available range from hand-held carving instruments and electrical drills and grinders to industrial grade routers, and lasers. Hand-held tools, including power tools, tend to be used for limited-edition and custom design applications. Because hand-held tool are labour intensive and the results difficult to standardize, they are not commonly used for product marking in manufacturing. Routers and laser engravers, on the other hand, are widely used in manufacturing and marking metal parts and products. Laser engraving is accomplished by focusing a high-intensity beam of laser light on the metal surface. The beam increases the surface temperature vaporizing the material. In commercial applications, lasers can readily produce marks to a depth of 3 mm or greater. Neodymium: yttrium-aluminum-garnet (Nd:YAG) laser systems are required to generate the power need to engrave metal parts.

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the number or code affixed to the weapon, in the context of the other information (model, manufacturer, type) serve to uniquely identify the item.

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Engraving Machine

Engraving Marking Process

Rotary Engraving Tool

Carbide Engraving Tip

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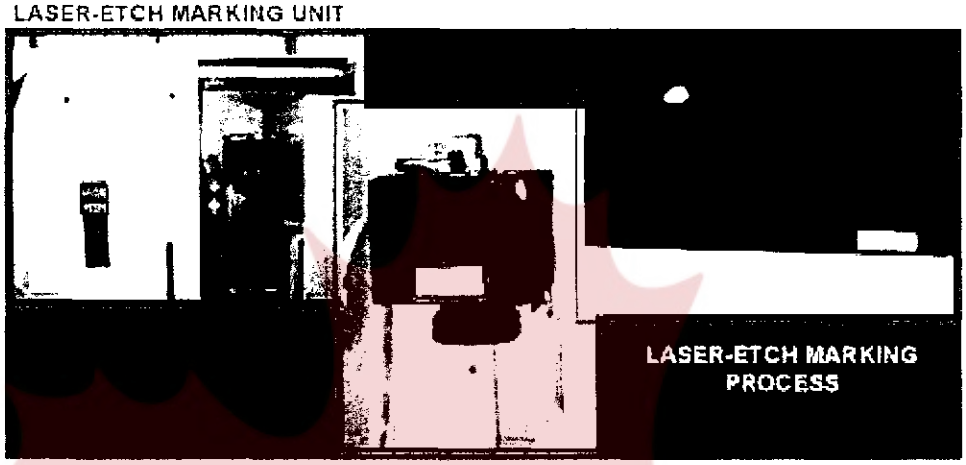

Durability - Like marks created by stamping, engraved marks on weapons will withstand any abrasive corrosive or impact conditions that do not destroy the metal itself, but can be removed by intentional drilling, grinding or gouging. In terms of durability, engraving differs from stamping only in that engraving does not alter the surrounding structure of the metal and leaves no shadow information that might be recovered by forensic laboratories. For this reason, engraving rates somewhat lower than stamping in terms of durability.

A process to stamp marks on parts where efforts to remove the mark by drilling or grinding would render the weapons inoperable was discussed above, with negative results. There may, however, be locations, such as the channel in the slide rail of automatic weapons accessible through the cartridge port, where a laser engraver could place a serial number or other mark that would not impair the functioning of the weapon, but where efforts to remove it would likely do so. Such a strategy would not defeat those wanting to remove marks, but it would increase their costs several fold due to the need for better equipped, more skilled operators and the risk that damage to weapon parts would result in jamming or other mechanical malfunctions. Yet another suggestion is that lasers be used to drill small holes all the way through a component, such as the receiver, that would not be negatively affected by such treatment.[23] The holes would form a code covering an area sufficient large that the removal of the entire code would so damage the part that it would have to be replaced.

Availability - Hand-held and mechanical engraving equipment is generally available and widely used. Laser engraving systems have been available for metal product and parts marking for approximately twenty years and are widely available commercially. The skills required to operate laser

[23] Note. The holes could also be made with fine industrial drills.

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Taggants

Three types of identification taggants have been, or are being, developed. Two of these- isotope and biological taggants - do not appear to have any immediate application in weapons marking. The third - particulate taggants - may, however, be applicable. This method would be the most likely candidate for marking small arms and light weapons was originally developed as an identifying additive to be used in explosives. It is now also used in counterfeiting and fraud prevention, to authenticate ownership, and trace stolen property. While a variety of materials can be used as taggants, the most widely used are plastic particles composed of coloured layers that serve as a code. A particle composed often layers is capable of generating over 37 million unique codes. The range of codes can be enhanced by adding other features such as magnetic or florescent qualities to individual layers, or printing alpha-numeric characters or other images on particle surfaces. The particles themselves, ranging in size from 20 to 600 microns, are almost invisible to the naked eye. The taggants are recovered and read using ultraviolet light, magnets, laser scanners, and magnifying lenses or microscopes.[24]

Taggants have been used to mark batches of explosives in Switzerland for nearly two decades with good results. There, legislation requires that manufacturers mix trace amounts of approved taggants into the explosive compounds they produce.[25] The taggant code is changed after six months or the production of 300 tons of explosive, whichever occurs first. Authorities, drawing on production, shipping, and sales records, are then able to trace explosives to a comparatively small group of end users, significantly narrowing the scope of investigations when explosives are involved in a criminal event. The methodology was originally tested in the late seventies, but has not been accepted, for use in marking explosives produced in the United States.[26] It was again assessed by the U.S. National Academy of Science Committee on Marking, Rendering Inert and Licensing of Explosive Materials. The Committee's 1998 report, recognizing that particulate taggants had been used successfully in Switzerland, concluded that the existing technology was not suitable for implementation on the scale involved in the American explosives industry, and recommended research and development work be done.[27]

Taggants are mixed into the product as is done with explosives, incorporated into a finish or an adhesive used on the product, or added to material used to fabricate the product. The published material dealing with commercial taggant applications does not suggest that taggants could be applied as a general weapons marking methodology. However, extrapolating from the commercial literature describing existing applications, there are two ways taggants could be affixed to weapons. First, they could be mixed into non-ferrous materials used for weapons parts such as handles, butts, or the launching tubes of some portable anti-tank and anti-aircraft launchers. Alternatively, taggants could be affixed with adhesives to the surfaces of metallic or non-metallic weapon parts where the presence of a taggant-adhesive finish would not impede the weapon's mechanical functions.

Durability - If grips, butts, and other parts fabricated from a manufactured material marked with taggants were used to identify the source of weapons, the only way to eliminate the mark would be to replace the parts. For the most part, replacing such parts could be done, although at some cost. Assuming it would be feasible to mark some weapon parts by applying a taggant-adhesive mixture, such applications would be susceptible to removal in solvent baths or by grinding or polishing. Of course, the larger the total surface area treated with a taggant marked adhesive, and the more complex

[24] Microtaggant® Identification Particles, www.microtaggant.com/microtaggant.htm. Microtrace Inc. Minneapolis, Minnesota, United States.

[25] Article 5(3), Ordannces sur les substances exptosible.lvst) (Switzerland).

[26] *Taggants in Explosives*, Office of Technology Assessment, Washington, D.C., April 1980. See also: "How one chemist's outrage sparked a counter -terrorism invention," *Chemical & Engineering News*. July 24, 1995, American Chemical Society.

[27] *Containing the Threat from legal Bombing: An Integrated National Strategy for Marking, Tagging. Rending Inert, and Licencing Explosives and their Precursors*, National Academy Press, Washington, D.C., 1998.

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the surface is, the greater the likelihood that neither solvents nor grinding would remove all the taggant particles. The identifying capacity of taggants affixed to the surface of parts could also be defeated by adding other taggant codes to the surfaces using the same adhesive process. For example, the origins of weapons marked with a taggant code assigned to production facility "A" could be obscured by further marking the weapons with taggant codes assigned to facilities "B" and "C."

Availability - Only three taggant manufacturers were identified in researching the availability and potential application of taggants for weapons identification and only one of them markets its product internationally.[28] While the single source of supply is not necessarily a problem, particulate taggants do not meet the availability criteria, because the techniques for affixing them to weapons in the manufacturing process have not been developed and tested.

Content capacity - The information that the presence of a taggant code conveys would depend on the frequency with which the code was changed. For example, it would be possible to assign a single code to each production facility, in which case the information conveyed would be the name of the manufacturer and the geographic location of the production facility. Alternatively, the codes could be changed periodically, as is done in Switzerland' s explosives industry, in which case the information conveyed taggant would identify the manufacturer, the country, and the period of time within which is was produced. Taggants cannot, however, serve as a unique identifier and for that reason do not meet the content criterion.

In theory, any customs officer, investigator, or journalist could recover and decode taggants, always assuming that the code keys for weapons manufacturers were publicly available. In practice, however, a degree of expertise and specialized tools would be needed to locate and collect, and to identify and interpret their codes. In addition, if small arms parts were marked by incorporating taggants in non-metallic components, the component would have to be damaged to recover a sample for analysis. This would not be a concern for confiscated or seized weapons, but it would further limit that usefulness of the methodology with respect to activities such as border control. For all practical purposes then, taggants would not support any activity but investigations, as they are intended to do with explosives. Weapons manufacturers and users, and governments would have to continue to rely on other marking methods to meet their requirements for product identification, inventory control, and the like.

Post-production Application - If the taggants could be affixed to weapons using adhesives, post-production application would be feasible. On the other hand, if they were introduced into the materials used in fabricating parts, post-production applications would not be available.

Production and Administrative Cost - There is not enough information about feasible techniques for applying taggants as identifiers in weapons production to permit any estimates of capital or operating costs.

Adopting taggants as a principle marking methodology would require the development of an international administrative authority of some nature to coordinate and assign taggant codes, manage the security and distribution of the taggants, and respond to the requests from authorized agencies and other sources for assistance in identify the manufacturers of recovered small arms. It is difficult to imagine this office being large or expensive to maintain once it was operational. In the implementation phase, however, there would be a need for negotiations with each State to identify each small arms and light weapons production facility, and their capacities to determine an appropriate code series, if a system similar to the employed in marking Swiss explosive s was adopted.

[28] MicroTaggant, Inc. Minnesota, United States. holds the license for the taggants used by most Swiss explosives manufacturers.

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Transponder Tags

Radio frequency identification (RFID) systems allow objects to be identified, tracked and managed electronically. The components of a RFID system are the transponder tag and a reader. The transponder is a circuit, enclosed in a glass, ceramic or plastic package, that stores digital information such as identification numbers. The reader is an electronic device that generates an electromagnetic field to retrieve information from the circuit. The applications for these systems include transportation logistics (tracking vehicles, pallets, containers and packages), security, building access passes, animal tagging, theft prevention and product identification. The research conducted for this paper was unable to identify any weapons marking application using RFID technology, although there is ongoing research related to its application in the development of a "smart" gun that can only be fired by its owner.[29]

The characteristics of transponder tags vary considerably from application to application. The simplest are passive, read-only circuits capable of carrying alphanumeric identification codes. Passive transponders have no internal power source, relying instead on the field generated by the reader. For this reason they have a potentially unlimited operational life-span. Some passive transponders, such as those used to identify and track livestock and pets, are described as being the size of a grain of rice. Active transponders, powered by an internal battery, tend to be larger in size, store more data, and have a read-write capacity. They are also more expensive. Transponder tags can be embedded in many non-metallic materials or affixed to an object with adhesives or fasteners. Some can also be inserted in metal (f1ush mounted). The presence of metallic materials, however, can reduce or impair the ability of readers and the tags to communicate with the result that the reader must almost touch the tag to be able to retrieve information.

Like the transponders, readers vary considerably in their complexity relative to the transponder they are designed for and the functions they are required to perform, For example, those designed to interrogate passive transponders have a read-range of only a few centimetres, while readers de signed for the larger active transponders may have a read-range of many metres.[30]

Durability - As RFID systems have been designed for use in industrial environments that are characterized by extremes of temperature, corrosive materials and vibration, it seems likely that transponder tags affixed to weapons could withstand the wear and tear of combat conditions. While it might meet that dimension of the durability criterion, the technology would not be particularly resistant to intentional tampering. The data carried by the transponders would be quite secure from tampering or fraud, however, the circuit itself would be vulnerable. Tags attached to or flush mounted on the weapon, or embedded in non-ferrous material used to fabricate butts and handles, would be easily located and removed or rendered inoperable by physically damaging the circuit.

Availability - RFID developers and suppliers are widely available. AIM International, the trade association for "automatic identification manufacturers," has affiliates in Africa, North and South America, Europe, Australia, and Asia.[31] One of its objectives is to encourage the development of international standards for the application of this technology. Before the RFID methodology could be seriously considered for weapons marking, however, it would be necessary to invest in development work and research to identify RFID application and weapons production solutions that would allow for the general use of the technology. The research and development agenda would include finding a way to prevent intentional physical destruction of tags, developing and international standard for codes, and designing transponder tags and readers that could be used anywhere in the world. In the absence of that work, RFID systems do not meet the requirements of the availability criterion.

[29] Colt Manufacturing Co., http://www.colt.com/html/Z_positionPaper.htm

[30] See Radio Frequency Identification (RFID): A basic primer (Version 1.1), AIM International, 1998-07-24.

[31] AIM International, http://www.aimglobal.org

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Content capacity - RFID systems using read-only passive tags could meet and exceed the content criterion. If a machine-readable solution was adopted for weapons marking, it would still be necessary to mark weapons with a durable, human readable identifier to accommodate a variety of routine activities such as the inventory control procedures common to the military and police organizations that legitimately use small arms and light weapons.

Post-production application - The use of read-write tags with a sufficient data capacity would permit post-production information, such as importer identification, to be added. Such an application would, however, require strong security and encryption measures to prevent tampering.

Production and Administrative Cost - The use of RFID technology in marking weapons would result in significant costs to both manufacturers and enforcement agencies. The manufacturers would face the costs of purchasing tags,[32] readers and computers, as well as re-tooling and modifying production and assembly processes to accommodate the tags. Further, most retailers, wholesalers and transportation services, as well as customs authorities, police organizations, military units and any other government agency dealing with weapons would have to obtain readers and develop infrastructure support. For large organizations, dealing with significant volumes of weapons, this technology could result in cost savings by reducing the need for manual data entry and allowing for automated inventory controls, however, the total cost of implementing a RFID system would be significant.

In addition to having to bear the cost of increased prices because of increased production costs, a RFID marking system could require a significant investment of time and resources on the part of governments. The first requirement would be to develop and maintain the international technical and coding standards for the system. In this respect, it is again noted that there are no international standards for commercial RFID applications. The second would be to provide the readers and computers needed by border control authorities, law enforcement and other agencies.

C. Summary

The small arms marking methods now in use - combinations of casting, stamping an engraving - rate better, overall, than alternate methodologies when assessed against the criteria used in this review. (See Table 1). Stamping offers one small advantage. It leaves a "shadow" that permits forensic laboratories to recover usable information if effort has been made to remove or alter a serial number. Etching and annealing are not sufficiently durable to serve as a basic marking methodology, although they might be used to affix marks to parts that would be especially sensitive of tampering because of their low tolerances. Particulate taggants rate poorly in two respects. First, and most importantly, taggants cannot deliver enough content to uniquely identify a weapon. This level of content is potentially satisfactory for general arms control monitoring, but would be insufficient for small arms tracing. Second, there has been no research and development to demonstrate how taggants would be affixed to weapons and to understand the implications for manufacturers, users, border control authorities, investigators and others. Unless this development work is done and positive results obtained, taggants could not meet the availability criterion.

RFID systems, while hinting at benefits such as automated inventory controls and electronic customs inspections, are rated low against three of the five criteria. First and most critical, transponder tags mounted on weapons could be easily located and removed or destroyed. Second, because of the development work that would be needed to devise a specific application for marking weapons, RFID

[32] The unit cost of general application passive tags encoded by the supplier can be as low as a few cents per item. Moreover, a specially designed tag encased in a highly durable package for use in weapons marking would be much higher. Larger capacity units may cost several dollars.

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does not meet the availability criterion. Finally, assuming the transponders could be made as durable as stamped marks, the comparative benefits of a RFID system would not justify the significant costs involved.

TABLE 1: COMPARATIVE RATING OF MARKING METHODOLOGIES

	Durability	Content Capacity	Available	Post-production	Cost
Stamping	Good**	Good	Very Good	Good	Very Good
Casting	Good		Very Good	Not available	Good
Engraving	Good	Good	Very Good	Good	Very Good
Laser Engraving	Good	Very Good	Good	Good	Poor
Etching	Poor	Good	Good	Poor	Good
Taggants (Untested)	(Untested)	Poor	Poor	Potential	Unknown
RFID	Poor	Very Good	Poor	Potential	Poor

** Stamping rates somewhat better than engraving by virtue of the "shadow" effect.

The preceding examination of marking methodologies identified some options for increasing the durability of small arms marks using existing techniques in slightly different ways. Some of these approaches may be feasible if the mark is expected to carry only limited information such as a country or facility code. Those that may warrant further examination include stamping parts early in the manufacturing process so that the subsequent machining processes eliminate the visible mark but leave the "shadow" as an invisible mark; modifying casting dies to include the identity and location of the manufacturer on an interior surface; and, adding new parts marks, or incorporating a country-facilities code in part marks already being applied, using etching or annealing techniques. It was also suggested durability of unique identifiers could be enhanced by laser engraving the number in a location where someone trying to delete it using common metalworking tools would risk rendering the weapon inoperable or unsafe. It seems that each of these possible solutions has some merit and could be profitably explored in future work.

END OF THE TEXT FROM "CANADA - MARKING SMALL ARMS: AN EXAMINATION OF METHODOLOGIES STUDY"

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Marking methods in summary

The following table summarizes the marking methods permitted under the Canadian *Firearms Marking Regulations*. These techniques meet the depth and height required by the Regulations and can be used in post-manufacture markings.

Table no.1

	Description	Strengths	Weaknesses
Stamping	Markings are made by applying sufficient force to the marking die or stylus to produce an indent in the metal. The force is generated by mechanical levers, compressed air hydraulics, or electrical motors. Various techniques can be used to stamp metal: ▪ hand-held punches; ▪ roll stamping; ▪ stylus markers (dot matrix).	1. Durability: relatively durable as it resists combat conditions, but can be altered intentionally 2. Quick and relatively easy to apply markings: the London Proof House estimates that hand stamping takes 1 minute to mark 3. High restoration rate 4. Limited or no training required depending on the technique used 5. Affordable (see section 9 - costs)	1. Roll stamping requires a flat surface 2. Less efficient (or not feasible) for some materials: e.g., plastic, polymer
Engraving	Markings are made by removing metal using direct contact with the material. Techniques include: ▪ hand-held carving; ▪ electrical drills and grinders; ▪ industrial grade routers.	1. Hard metal can be marked 2. Durability: relatively durable as it resists combat conditions, but can be altered intentionally 3. Can mark some materials which stamping cannot 4. Limited or no training required *depending on the technique* used	1. Lower restoration rate of obliterated markings as compared with stamping
Engraving - Laser	The laser engraving removes metal with a high-intensity beam of laser light applied to the metal surface. The beam increases the surface temperature and vaporizes the material. Neodymium: yttrium-aluminum-garnet (Nd:YAG) laser systems are required to generate the power need to engrave metal parts on firearms.	1. Flexible: can mark several locations on the firearm 2. Can mark fragile locations 3. No contact with the firearms 4. Can mark minuscule surfaces 5. Provides state of the art markings 6. Hard metal can be marked 7. Durability: relatively durable as it resists combat conditions, but can be altered intentionally 8. Can mark complex information (e.g., a logo)	1. Lower restoration rate of obliterated markings as compared with stamping 2. Relatively expensive (see section 9 - costs) 3. Some training is required to operate the equipment

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There is a common perception that the only reliable method of marking firearms is laser engraving. Laser engraving provides some advantages: there is less contact with the firearm; and markings can be applied in a confined space. However, it is not a perfect method. Laser engraving is expensive and yields a relatively low restoration rate if attempts have been made to obliterate a mark.

The other methods are also worth examining. For example, the London Proof House, which has been marking firearms in the United Kingdom since the 1600s[33], uses a hand stamp and a hammer to mark their proof stamps on firearms. Note that each firearm in United Kingdom must bear this stamp to guarantee that it is safe. In 2009, Government of Canada officials observed the London Proof House marking a hunting rifle using a post-manufacture hand stamp. It was noted by the Proof House that this is routinely done. Stamping is not costly and, because of the "shadow effect", is helpful for law enforcement.

Based on this information, it can be concluded that the most practical technique to mark firearms is not necessarily the most high-tech or the most expensive. Each method should be assessed in the context of the needs of different importers.

Also, in a situation where a foreign exporter cannot or will not mark the firearms for imports into Canada, importers should take the following considerations into account prior to selecting a marking technology:

1. What grade of quality do they want to achieve?
2. What types of firearms do they import?
3. What investment in equipment is required to comply with the Regulations?
4. What is the volume of firearms imported per week or per year?
5. How much time does each marking method take?
6. How much labour is required based on the marking technology?
7. How much space is available versus the space required?
8. Is it feasible to mark the firearms using the desired technique?

Answers to these questions will influence importers when they must decide on an approach to marking firearms.

Finally, it is important to highlight that the Regulations do not impose a specific method of marking firearms other than "stamping and engraving". Therefore, the importer, exporter or manufacturer has the liberty to select the most appropriate method of marking.

Also, the Regulations do not require that the markings be applied by the importer. The importer must comply with the Regulations. However, the markings can be applied by any other source, such as manufacturers, independent marking businesses in Canada or in other countries, etc.

[33] Please note that the London Proof Houses was not interviewed directly by GCS. Representatives from Public Safety Canada visited the Proof House in London. GCS provided a list of questions for Public Safety Canada to obtain information from the London Proof House concerning their experience with marking-related issues. The representative from Public Safety Canada provided GCS with the responses from the London Proof House.

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5 OBLITERATION OF MARKINGS

When crime guns are recovered or seized, the serial number has often been removed. For obvious reasons, criminals remove serial numbers to hide their identity or to prevent tracing to the "source" that is providing the stock of firearms.

Article 5 of the UN Firearms Protocol criminalizes the obliteration of markings:

> *"[…] Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol […].,*

With the *Firearm Marking Regulations* adopted by the Governor in Council in 2004, the Canadian legislation includes a clause about tampering with the markings.[34]

Obliteration/Tampering

Firearm markings can be removed by using several methods. The most common methods are as follows:[35]

- **Filing or Grinding** - Markings are removed by grinding or filing the metal. This is the simplest and most common method to remove markings on firearms;
- **Peening** - Markings are removed by hammering or shot-blasting the metal;
- **Drilling** - Markings are removed by directly drilling holes on the markings. Then, holes are filled and fused with another metal (Tin, zinc, etc.);
- **Heliarc (fused by local welding)** - This involves welding the surface on the markings. Usually a different serial number is marked on the new surface;
- **Over-punching** - This involves punching over the surface of the marking. The next step consists of filing or grinding the marks; and
- **Over-stamping** - This involves stamping new markings over the original.

[34] Please refer to article 5 of the *Firearms Marking Regulations* SOR/2004-275.
[35] F. Schutz (2001) Les numéros de série, leur rôle en criminalistique et dans le processus de traçage des armes à feu La société canadienne des sciences judiciaires.

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systems would be readily available or acquired, however, more advanced technical training and skills are needed for installation and maintenance. Nevertheless, laser engraving is considered a generally available technology.

Content capacity - Mechanical engraving will produce alphanumeric characters that meet the content criterion. Laser engraving systems are able to exceed the content criterion. In addition to complex designs and standard alphanumeric characters, lasers can produce machine-readable marks such as bar codes. They can also produce micro-marks that are so small as to be unreadable without benefit of a microscope or other magnifying lens system.

Post-production Application - Engraving marks on weapons in a post-production environment is a practical procedure.

Production and Administrative Cost - The capital cost of a laser system would range upward from US $100,000 depending on its capacity and how it was integrated into the production process. The operating costs of a laser marking system cannot be estimated, although the level of training and technical skills needed for maintenance of such a system suggests that its operation would be higher than one relying on stamping. The selection of engraving as a marking methodology would not have administrative cost implications for governments.

Etching

Acid, electro-chemical and laser etching techniques are widely used to affix permanent marks to metal parts with small tolerance allowances including parts for the automotive and aero-space industries. The resulting marks can be very shallow, as little as one-ten thousandths of an inch. Some processes, in fact, operate not by removing material, but by altering the chemical proprieties of the surface being marked to create a contrasting color. Laser annealing, for example, produces a contrasting color with very shallow material penetration by raising the temperature of, but not melting, the surface that will form the mark.

Durability - Although they are very resistance to heat, marks affixed by etching and annealing are susceptible to any corrosive or abrasive action that would remove surface material of the part in question. As a result, such marks on small anus could be easily removed by light grinding. Etching or annealing might be used to affix marks to components, such as bolt assemblies, where even the light grinding needed to remove the mark would raise concerns about the weapons safety. Of course, such marks would be susceptible to removal using the methodology used to place the mark in the first instance - the equivalent of "typing over" unwanted text in a document.

Availability - All techniques have long history of use in industrial marking.

Content capacity - Generally, the content capacity of etched and annealed marks would be equivalent to the content capacity of mechanical engraving.

Post-production Application - Applying etched or annealed marks to small arms parts in a post-production environment is a practical procedure.

Production and Administrative Cost - The capital costs of etching applications vary considerably, ranging from thousands of dollars for small electro-chemical marking units to well in excess of one hundred thousand for laser units. The operating costs of such applications are dependent on the production and assembly processes and volumes. Etching and annealing techniques would not result in any special administrative costs.

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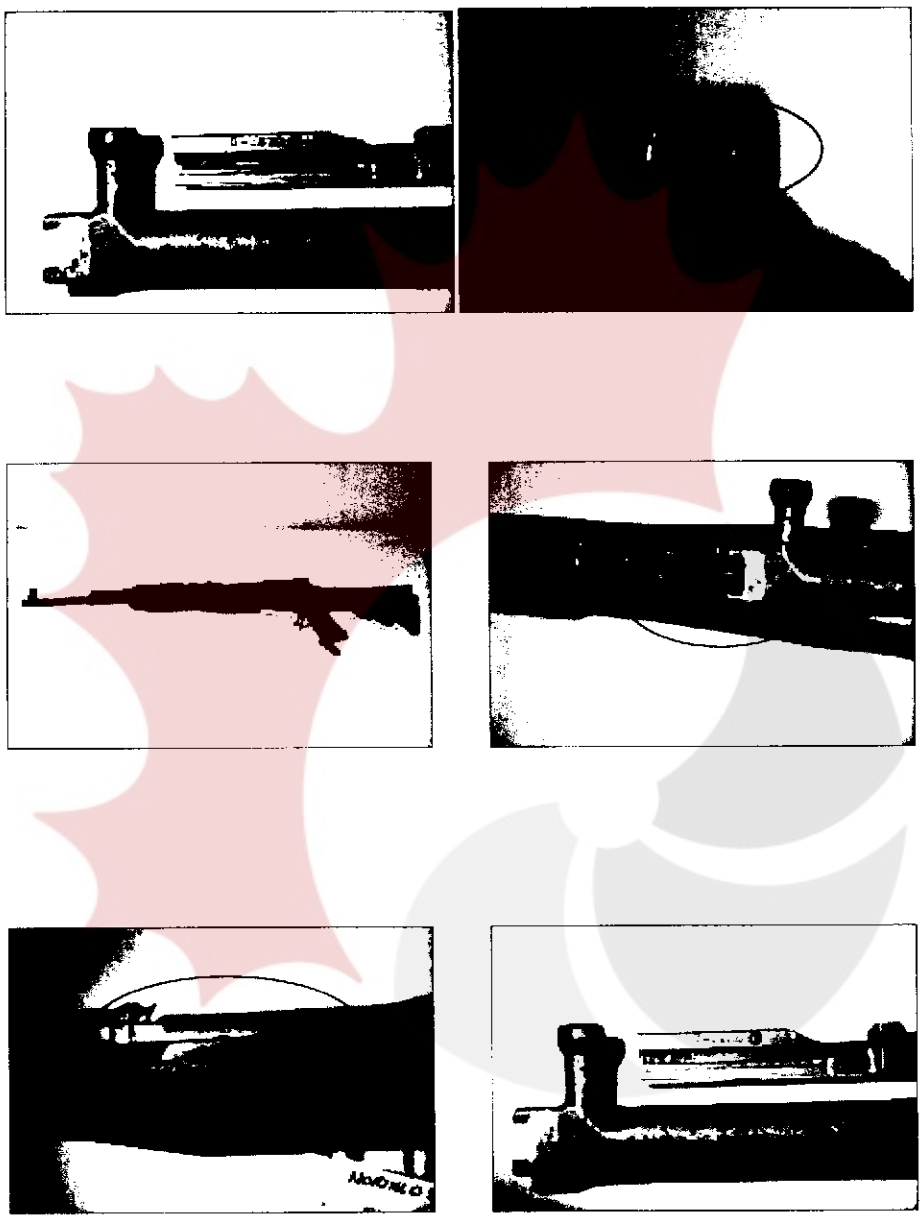
These are photographs of a firearm seized by the Ottawa Police Unit[35] from organized crime in 2008. The markings on the firearm were obliterated in several locations. (Red circles show the locations where markings were obliterated)



[35] Photographs provided by the Ottawa Police Unit

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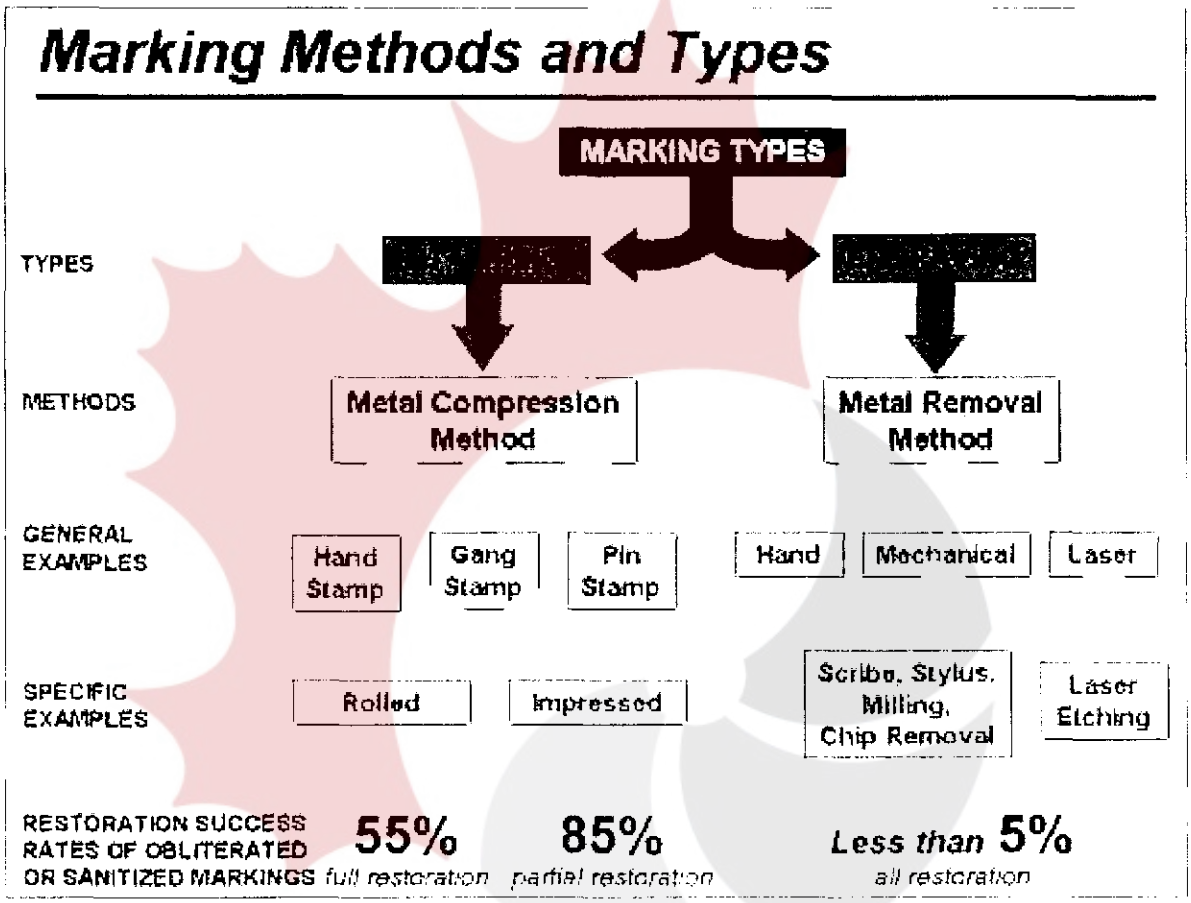
Restoration

The restoration of markings is not an insurmountable obstacle. Depending on the techniques used to mark firearms, in some cases, markings can be restored. Law enforcement is staffed with technicians who specialize in the restoration of obliterated markings using different techniques, such as the application of chemical products. As demonstrated in the graphic below from the ATF, which has experience in markings and the recovery of obliterated markings, the restoration success rate with the various techniques ise quite different.



The restoration success rate realized by stamping firearms is mainly due to the deep permanent deformation of the metal structure imposed by the force of the stamping. As opposed to stamping, engraving (i.e., laser engraving) does not apply a deformation stress on the metal since the metal is heated and then removed from the heat.

Nevertheless, as mentioned by some police officers, even if the restoration rate from engraving is lower than that of stamping, it is better than having no markings at all. Although the restoration rate may be low, technicians are often able to partially restore the information marked on firearms; even the partial restoration of markings can contribute greatly in the identification and tracing of firearms.

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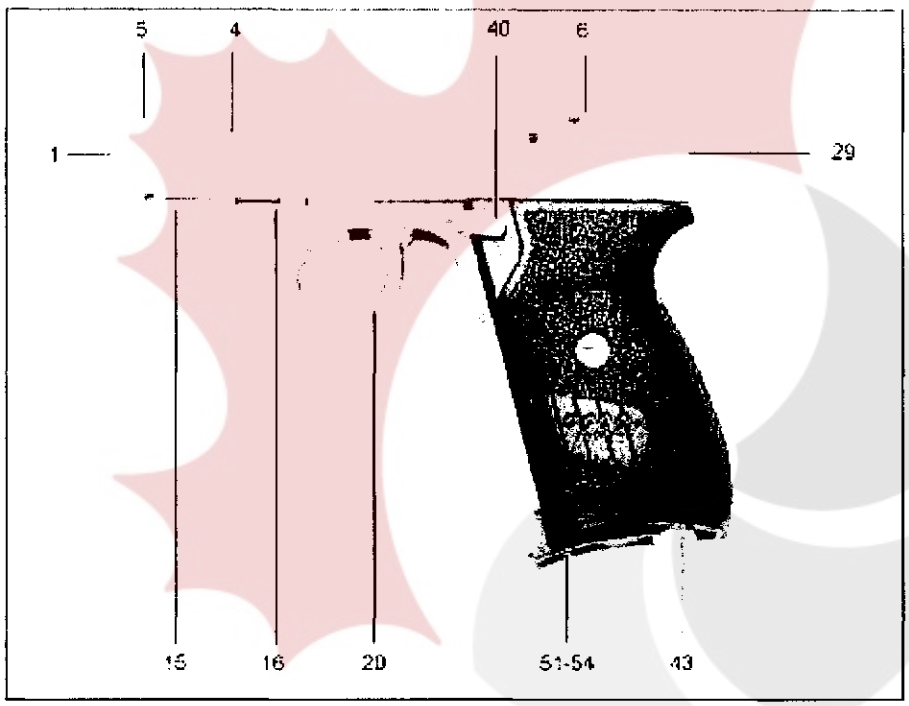
6 FIREARM INTEGRITY

An important aspect of marking is the impact of post-manufacturing markings on firearms. In general, the risk of manufacturers applying markings is limited since they are already marking the serial number (at a minimum) on most firearms. It is important to understand how the integrity of firearms may be affected when post-manufacture markings are applied on the firearms. This aspect was explored with several experts in the United States and Canada.[37]

In firearms terminology, the receiver is the part of a firearm that houses the operating parts. It is sometimes called the body of the firearm. In the context of handguns (revolvers and pistols) it is also called the frame. For more information, refer to the Figure no. 1for more details.

Figure No. 1 Main parts of a firearm[38]



Item Description	Item Description
1 Barrel	20 Trigger
4 Slide	29 Hammer
5 Front sight	40 Decocking lever
6 Rear sight (DA/SA version only)	
15 Frame	43 Magazine catch
16 Takedown lever	51-54 Magazine

[37] Mr Murray Smith (RCMP – Canada) and Mr Burrows and Mr Kullman (ATF – USA)
[38] Extracted from the owner Manual of Sig Sauer P232 from Sig Sauer website http://www.sigsauer.com/upFiles/CmsContent/documents/OwnerManual/OM-P232-USA07-10-01WEB.pdf on January 21st, 2009.

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One of the concerns raised by the industry is that, by adding post-manufacture markings, there is a risk of damaging the structure of a firearm. This type of damage may not be visible but could, for example, weaken the structure and compromise the safety of the shooter. The problem might only manifest itself after firing several rounds. The London Proof House representative said that there are no risks due to the markings. The only damage that could occur would be as a result of marking a poorly maintained firearm due to negligence on the part of the owner.

Issues marking the frame or receiver

a) Disassembling the firearm

As highlighted by importers during the interviews, some firearm models or makes may need to be disassembled in order to apply markings on the frame or receiver. In such cases, the importers could do the disassembly or negotiate with the manufacturer to have the markings applied at the site of manufacture.

b) Depth of marking

The depth of the markings can also pose a risk to damaging the firearm: the deeper the marking, the greater the risk to damaging the firearm. The *Firearms Marking Regulations* have established a depth of 0.076mm. This depth is identical to the regulation currently in place in the United States. It can also be assumed that 0.076mm is a safe depth for firearms given that ATF specialists have performed a technical evaluation and that the depth has been agreed upon by government and industry representatives.

BOX 2 – Depth of the marking

ATF amending the regulations to prescribe minimum height and depth requirements for identification markings placed on firearm

As mentioned previously, the required depth of marking by the Canadian regulation on markings is 0.076mm. This depth is identical to the current US regulation about marking of firearms. However this measure has been revised by ATF in 2002.

Initially the US regulation was requiring a marking depth of 0.005 inch. This requirement was creating either safety problems - *the high forces required to get the impressions deep enough were causing possible unsafe deformation of the barrel and receiver* or cause significant process and equipment changes for the manufacturer. .

Finally, the ATF and Sporting Arms and Ammunition Manufacturers' Institute (SAAMI), an organization that represents the major firearms manufacturers in United-States, agreed to a final requirement that prescribes a minimum depth of .003 inch for all required identification markings placed on firearms.

Source: Federal Register / Vol. 66, No. 150 / Friday, August 3, 2001 / Rules and Regulations
http://www.ttb.gov/rpd/td461.pdf (on January 13, 2009)

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c) Risk of corrosion on marking applied post-manufacturing

Firearms are made from a wide variety of materials including various types of steel, aluminum alloys, polymers, and others. One possible assumption is that there is no additional risk of corrosion due to post-manufacture markings given that manufacturers already apply numerous markings on firearms. In some cases, markings are applied to firearms prior to the application of a finish; in other cases, markings are applied at the end of the manufacturing process. This section provides an overview of the aspect of corrosion in order to explore the issues related to damaging firearms from the perspective of the firearms industry.

It is also important to note that, from the consultations with members of the firearms industry, it appears that these individuals are very knowledgeable about the techniques of marking; industry organizations are often staffed with specialists such as gunsmiths, or engravers.

In theory, there would be some risk of corrosion to certain firearms by adding post-manufacture markings. This risk is greatest with firearms made from carbon steel, or any ferritic materials. However, based on the opinion of the ATF's technicians and the responses from the London Proof House, there is no risk of corrosion due to markings.

The following lists the most commons finishes on firearms:

- Blue finishes
- Nickel
- Chrome
- Gold
- Silver
- Other non-ferrous alloys
- Corrosion resistant steel
- Polymer

Although firearms are protected against corrosion from the manufacturer, firearm owners must apply a protective finish on a regular basis to protect the firearm against corrosion. The ATF and the London Proof House indicated that, based on their experience, there is no risk of corrosion by applying markings on a firearm. However, there are several techniques that may be used to help protect firearms against corrosion when applying post-manufacture markings. For example, there are a number of readily available techniques for firearms with blue finishes that are cost effective and simple to use. Blue finishes are the most common finish for ferrous articles. This protective finish, commonly referred to as "bluing" and "browning" is an oxidation of the metal surface generally via hot chemical bath procedure. For example, cold chemicals known as "touch-up bluing" can be used to protect the exposed metal area(s) after the post-manufacture markings are added.

As for **plated finishes** (nickel, chrome, gold, silver, etc.) there would be a risk of corrosion if the post-manufacture markings were to penetrate their plated surface. These plated surfaces are generally only several thousandths of an inch thick. The best course of action regarding firearms with plated finishes would be to apply all markings prior to the plating process. However, the ATF's specialist indicated that if the

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The risk of damaging firearms

Since there is very little scientific information about this subject, this section is based on the experience of specialists and technicians who have been involved in the marking of firearms for years. Based on the information collected from these individuals, there are risks associated with damaging firearms by applying post-manufacture markings such as cracking the receiver, but the risks are largely dependent upon the location, size and depth of the required markings. For obvious reasons of safety and product liability, markings directly on the high pressure chamber area would be cause for serious concerns. However, there are many non-critical areas on a firearm where post manufacture markings may easily be applied: e.g., the frame or receiver, the slide and the barrel.

In the United States, the regulations require that the serial number be marked over the frame of the round receiver of firearms. However, other markings, such as the manufacturer's or importer's name and address, can be placed anywhere on the firearm provided the markings are visible/conspicuous. In Canada, Article 4 of the Canadian *Firearms Marking Regulations*[39] adopted by Governor-in-Council in 2004 indicates that the markings should be on the frame or the receiver of the firearm, since frame and receivers are by *Criminal Code* definition firearms.

ATF's experience

There have been marking regulations in the United States since 1968. Since that time, the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has developed a depth of expertise in the marking of firearms. The ATF has technicians looking specifically at that particular aspect of firearms. GCS met some of these technicians in April 2009 to discuss several issues around the marking of firearms.

The ATF's technicians have examined the issues related to damaging firearms as a result of applying markings. These experts said that the risk of damage is very low when marking the frame or receiver of a firearm. In fact, the ATF's technicians, to their knowledge, have never seen any damage to firearms caused by markings, whether applied at the point of manufacture or post manufacturing. Firearms are built to withstand a considerable amount of wear and tear: Firstly, the metal of firearms manufactured in, or imported into, the United States must respect a certain strength (tensile strength). Secondly, the firearms are designed to support the intense pressure caused by the explosion of the ammunition. According to ATF technicians, if the markings are applied in a professional manner, there will be no risk of damage to any firearm.

London Proof House's experience

Some countries such as the United Kingdom, Italy and Germany have Proof Houses which test firearms for safety purpose and add a mark to firearms indicating a successful test. [40] The London Proof House, which has been marking firearms in the United Kingdom since the1600s, has gone even further than the ATF concerning damage to firearms.[41] (*Note that the London Proof House applies post-manufacturing marking by stamping or engraving.* From its experience, there is no risk of corrosion by adding markings; damage typically occurs as a result of poor maintenance of firearms which is the responsibility of the owner. If the firearm is in a state of disrepair, then applying the markings may damage or break the barrel. However, it is the responsibility of the owner, not the marker, to ensure proper maintenance in advance of applying the markings.

[39] As adopted in *Firearms Markings Regulation* (SOR 2004-275)
[40] Please refer to Report no 3 – Examination of International Practice, section 4.3 for more details about the Proof Houses
[41] Please note that the London Proof Houses was not interviewed directly by GCS. Public Safety Canada representative went in London for a visit of the proof House. GCS has provided a list of questions to Public Safety Canada to get information from the London Proof House about their experience with markings on specific issues.

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possessor applies a typical protective finish to a firearm as part of their regular maintenance, there would be no risk of corrosion.

As for firearms made of Aluminum alloys, there are also cost effective, easy to use, cold chemical "touch-up" kits readily available which can be applied over post-manufacture markings to protect exposed surfaces.

Stainless

There is little or no risk of corrosion to firearms made from stainless steel when post-manufacture markings are applied. Durability is a key factor accounting for the popularity of stainless steel firearms.

Polymer

It is difficult to add post-manufacture markings to polymer firearms. Usually the makings are inserted on a metal plate inserted into the polymer. For new polymer firearms, manufacturers can add the mark at the manufacture or provide space on the metal plate for the importer to do so.

d) Diminish the value of firearms

There is a perception that the markings will decrease the value of firearms. The Regulations exempt firearms that are rare. For newly manufactured collectibles, they become an integral part of the history of the firearm, rather than lowering its value. Please refer to report no. 4 Summary of Meetings which explores the matter of value further.

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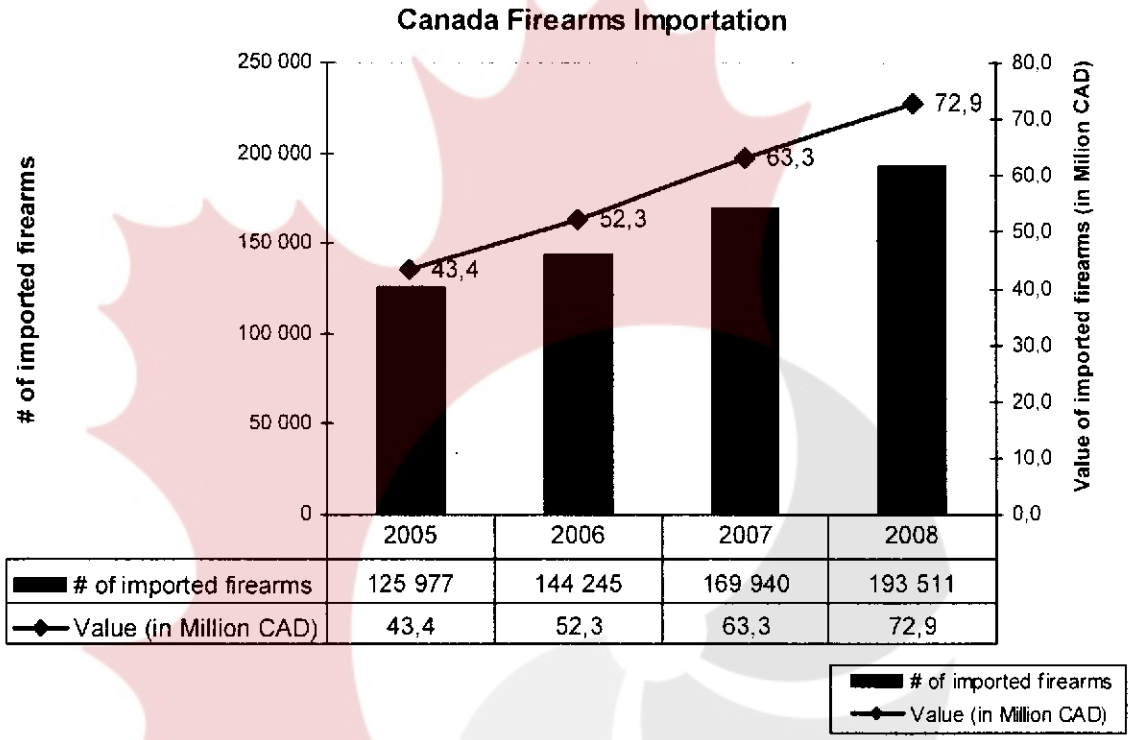
7 IMPORTATION OF FIREARMS INTO CANADA

The production of firearms in Canada is limited. Therefore, the firearm industry relies heavily on importation. It is currently estimated that Canada imported nearly 200,000 firearms in 2008[42], for a total value of $72.9 million CAD. As demonstrated below, the number of imported firearms is increasing between 14-18 percent annually; the value of imported firearms is increasing between 15-21 percent annually.



	2005	2006	2007	2008
# of imported firearms	125 977	144 245	169 940	193 511
Value (in Million CAD)	43,4	52,3	63,3	72,9

Origin of Importation

The firearms imported into Canada originate mainly from the United States. The manufacturing base in the United States and its proximity to Canada creates the conditions for the high volume of firearms imported into Canada. Also, as explained in report no. 3 – Examination of International Practice, the two countries which supply the most firearms to the Canadian industry, the United States and Italy, are both governed by strong marking regulations. These two countries account for more than 80 percent of importations into Canada. In both countries, the markings of firearms are regulated for domestically manufactured and imported firearms. Therefore, it is fair to assume that American and Italian firearm manufacturers are experienced in marking firearms and should be able to accommodate the Canadian *Firearms Marking Regulations*. As indicated in section 8.2, this assumption has not been possible to confirm with American manufacturers. However, there are indications that these manufacturers would be able to comply with the Regulations.

[42] Based on information provided by the Canadian Border Services Agency (CBSA)

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The percentage of firearms imported into Canada over the last four years (2005-2008) by country of origin:

Country of origin	% of imported firearms
United States	76.5%
Italy	4.5%
Finland	4.3%
China	2.9%
Brazil	2.5%
Germany	2.1%
Other	5.2%

The value of firearms imported into Canada over the last four years (2005-2008) by country of origin:

Country of origin	% of value of imported firearms (value in Million CAD)
United States	75.4 % ($174.9M)
Italy	7.7% ($17.9M)
Finland	5% ($11.5M)
Germany	3.4% ($7.8M)
Czech Rep.	1.7% ($3.9M)
Turkey	1.3% ($2.9M)
China	0.9% ($2.0M)
Austria	0.8% ($1.9M)
Others	3.8% ($8.9M)

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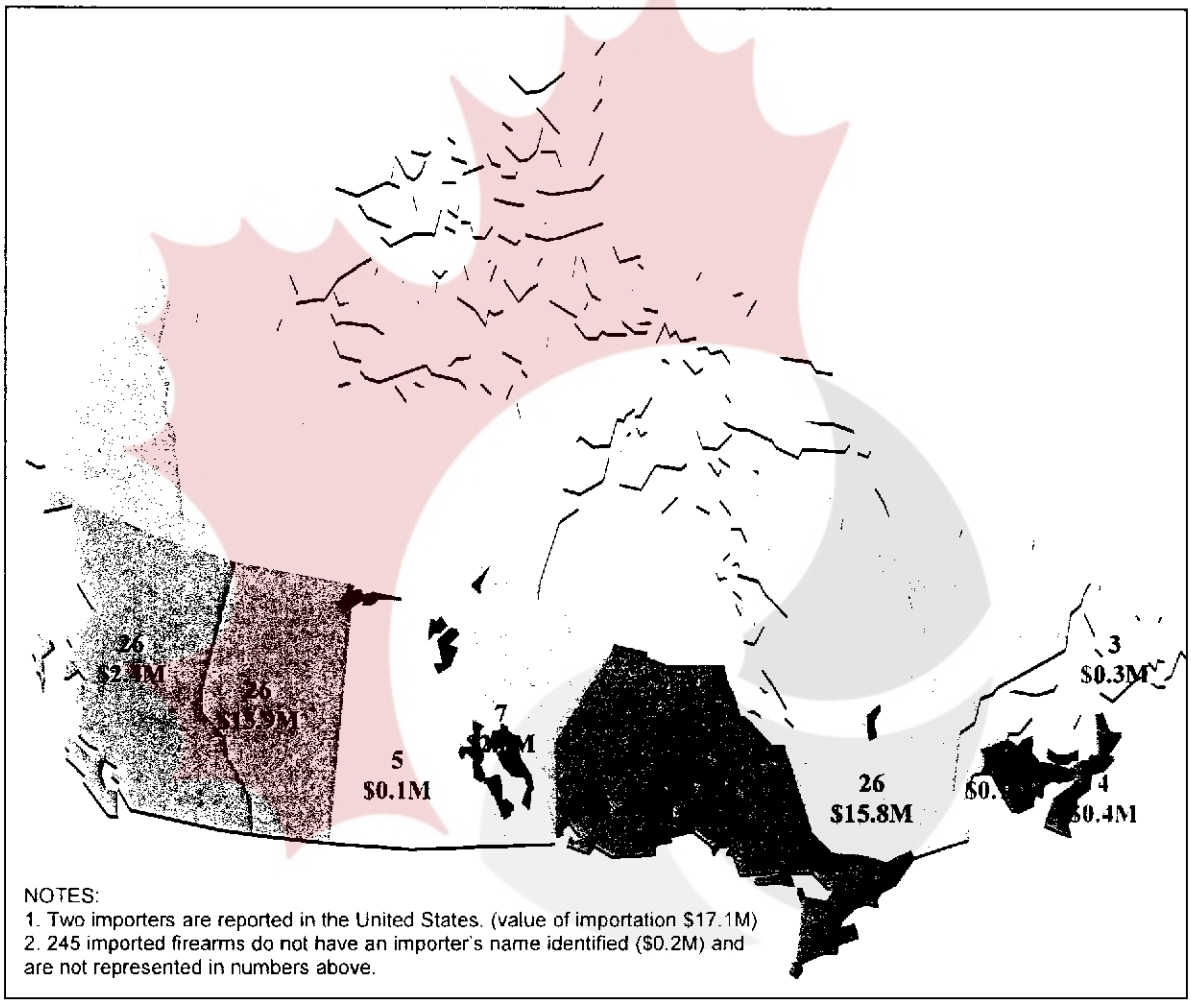
Importers presence in Canada

In 2008,[43] there were 147 businesses importing firearms into Canada. To understand the firearms importing industry in Canada, the graphic below shows the distribution of the importers across Canada and the value of their imports (as reported to CBSA). Please note that numbers below do not represent the number of licensed importers; they show the number of importers which have imported at least one firearm in 2008.

Number of importers per province in 2008 and value of imported firearms (in Millions of CAD).



NOTES:
1. Two importers are reported in the United States. (value of importation $17.1M)
2. 245 imported firearms do not have an importer's name identified ($0.2M) and are not represented in numbers above.

[43] If not specified otherwise, these commercial statistics are from the Canadian Border Services Agency, for the following HS codes: 93.011.10, 9301.19.10.00, 9301.90.10, 93.02.00, 93.03, 9303.10.00, 9303.20, 930320.10.00, 93.03.20.90, 9303.30, 9303.30.10, 9303.30.90. These HS codes include revolvers and pistols (other than signal flare pistols, blank firing pistols, captive-bolt humane killers, line throwing guns etc), shotguns and rifles, muzzle-loading firearms, military weapons, including some prohibited firearms. They do not include: certain air, spring or gas powered guns that may be controlled firearms; or firearms parts that may themselves be considered firearms such as frames and receivers. For exact definitions of these HS codes please see the Customs Tariff.

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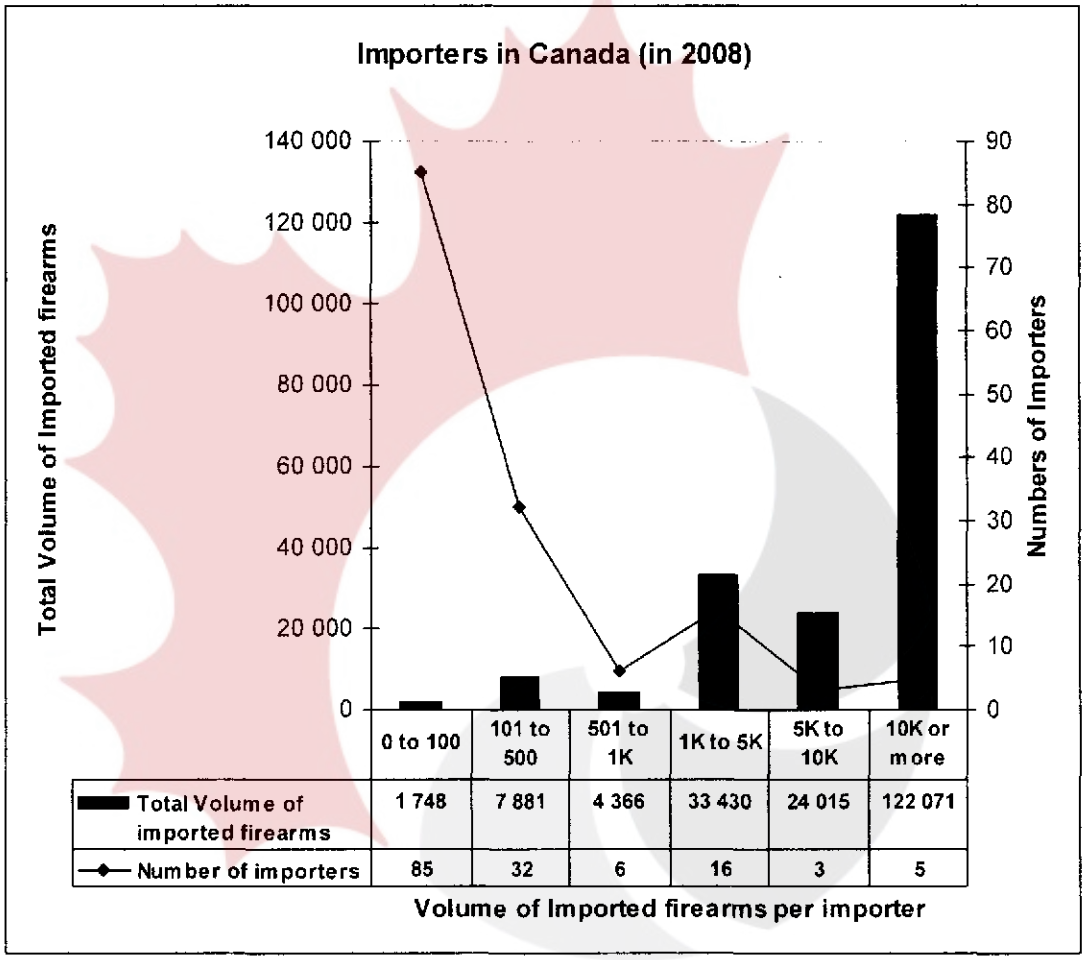
Size of importers

In Canada, there are two types of importers of firearms: Individuals importing for personal use or interest, and businesses importing firearms to resell to the Canadian market. In 2008, of the 147[44] businesses importing firearms into Canada, 30 entities import more than 500 firearms, and only 5 import more than 10,000 firearms. The size of businesses importing firearms varies from very small to quite large; these businesses may be large firearm distributors or retail stores. In summary, in 2008 147 businesses in Canada imported 193K firearms worth a total of 72.9M CAD.



[44] 1. Note that the difference from the previous chart is due to the fact that the two American importers are reported in this chart. For 2008, the data show that two importers of firearms to Canada are reported in the United States, with the value of the imports at $17.1M. For CBSA administrative purposes, they are considered the *importer of record* because they may take care of the duties and taxes, brokerage and transportation; however, it is likely that another Canadian consignee(s) is actually the importer. Given the likelihood that the importer is Canadian, the figures are included in the sum of imports

2. Information from CBSA for which the importer has at least one reported firearms imported. There were 358 in 2005, 361 in 2006, 349 in 2007 and 245 in 2008 imported firearms which do not have the importer's name identified and are reported as a single entity.

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There is a significant difference between a large distributor compared to a retail store which imports only a few firearms each year. During the course of one year, the retail store may import 20 firearms, while the distributor may import 15,000 firearms. The implication of this significant differences in the volume of firearms imported produces the following contrast:

Large Distributors	Versus	Small Retail Stores
• Quick turn around time for stock with stock on-shelf for limited period	⬌	• Stock on the shelf longer
• Handling hundreds of firearms per week	⬌	• Small volume of firearms imported
• Large variety of models in stock	⬌	• Limited number of models stocked
• Computerized inventory and sales records	⬌	• Manual inventory and sales records*

* Not all retails stores maintain a manual inventory and sales records. However, based on the discussions with several experts, the majority of retail stores do maintain manual inventory and sales records.

Impact of the Regulations on the importers of firearms:

During the meetings with importers, several issues, such as marking on polymer firearms, were identified regarding the implementation of the Regulations. It is important to note that all issues raised are based on the assumption that foreign manufacturers will not apply any additional markings (i.e., country and year of importation). However, based on the information that was gathered throughout this study, there are indications that foreign manufacturers can and would apply markings at the manufacturing site. As indicated in section 8.1 of this report, manufacturers of firearms are able to add markings required by Canadian importers. (Refer to the example of the RCMP requirements.)

The impetus for manufacturers to mark firearms is even greater when dealing with the buying power of the largest importers. Given that the 10 largest importers of firearms in Canada represent 79 percent [45] of the total number of firearms imported into Canada, it is economically feasible for these importers to make commercial arrangements with foreign manufacturers to add markings at the manufacturing site. Also, for these top 10 importers, the volume of importation has been relatively stable over last four years. Consequently, it is possible for foreign manufacturers to make long term plans to satisfy the demands of the Canadian market. Furthermore, Canadian companies imported 153K firearms from United States in 2008, providing the incentive to mark as might be specified.

[45] From CBSA statistical information. Represents 2008 importation statistics.

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It may also be possible for a Canadian importer to handle the entire marking requirement for its imported firearms. Although, other options do exist, if an importer decides to handle the marking of all imports or those of only a certain make or model, the following considerations may arise:

- **Space** - The importer may require additional space to handle and mark the firearms;
- **Staff** - The importer may need to hire more staff to mark the firearms;
- **Disassembling** - The importer may need to be disassemble certain firearms in order add marking to the frame or receiver;
- **Cost time** - The importer will likely incur additional costs related to the time to mark and manipulate the firearms; refer to the section on the Cost of Marking (section 9 of this report). As indicated, this cost would be passed on to the consumer;
- **Increase of inventory** - The importer may need to increase inventory to satisfy the demand of customers or retailers;
- **Liability insurance** - The importer may incur increased insurance costs due to the additional manipulation of the firearms. However, this is conjecture at this point;
- **Packaging** - Firearms sold will not be delivered in the original packaging since the importers will have to handle the firearm;
- **Stale dated product** - By adding the year of importation on the firearms, it will date firearms which could remain in the importer's warehouse or at a retail store beyond the indicated year.

Individual importations

There is an issue which must be clarified prior to the implementation of the Regulations. In Canada, individuals and very small businesses can import firearms. In 2008, CBSA recorded 3,800 licensed individuals importing at least one firearm. Although options exist for them to have their firearms marked, such as hand stamp the firearm themselves, these individuals or businesses may not be aware of how to comply with the Regulations. When implementing the Regulations, clear instructions will be required so that this category of importers will be aware of how to comply with the Regulations. Note that this is not an issue in the United States because individuals are not permitted to import firearms into the United States.

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de la Loi sur l'accès à l'information

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8 MANUFACTURING OF FIREARMS

8.1 Manufacturing in Canada

The manufacturing base for firearms in Canada is quite limited. Seventy-six Canadian businesses hold a license to manufacture firearms. Most of these manufacturers specialize in defence applications, such as Colt Canada in Ontario or Raytheon in Alberta, or customized applications for hunting/target firearms for private individuals. Out of the 76 licenses, some manufacture only ammunition; others, such as Stoeger Canada, have a licence for the repair and overhaul of firearms (which falls under the same manufacturing licence).

In the context of the *Firearm Marking Regulations*, Canadian manufacturers are obliged to mark firearms with the following: the name of the manufacturer, the serial number, and the country of manufacture. In this case, the year of importation is not required since the firearms are not imported. Canadian manufacturers already mark serial numbers and their own branding on firearms. By adding the country (Canada or CA), it is anticipated that their costs would not increase with the implementation of the marking regulations. With U.S. as the primary market for Canadian made firearms, the country of manufacture, "Made in Canada", is already generally marked in Canada since U.S. requires that information.

Colt Canada (Colt) already complies with the Regulations. Colt is producing firearms based on the specific order received from the client (as opposed to producing firearms in advance of specific orders). The markings are applied by roll stampings. The markings on firearms produced by Colt follow a standard format: two digits for the year of manufacture, two letters indicating the model, additional digits for sequential serial number, and the two digits for the country code (the exporting country). For the Canada's Department of National Defence, Colt also clearly indicates: *"Canadian Forces Weapon"*. The following information is also indicated on the firearms: The Colt logo, "Made in Canada", and the calibre of the firearm.

Savage Arms Canada sells 95 percent of the firearms it produces to the American market. Therefore, it applies the Savage Arms Canada name, serial number and the name of the American importer (Savage Arms, Westfield, MA) to all firearms produced at its Canadian manufacturing facility.

Financial impact for Canadian manufacturers

Since Canadian manufacturers already mark their firearms with a serial number and their own branding name, it is anticipated that the incremental cost to mark "CA" or "Canada" will be negligible, or zero, given that the manufacturers already own marking equipment and are already marking.

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8.2 Manufacturing outside Canada

One of the questions explored by GCS throughout this study is whether or not that foreign manufacturers have the ability to mark the firearms with CA09 at the point of manufacture for the Canadian importers. Under the mandate of this study, GCS attempted to meet with American manufacturers but was not able to do so. The United States ATF, also attempted, on behalf of GCS, to organize meetings for further discussions with American manufacturers about the marking of firearms. However, it was not possible to organize such meetings. Based on ATF's experience, it is unusual for the American manufacturers not to cooperate. One American manufacturer provided an official reply to GCS stating that it did not want to get involved in a political war concerning the technical details of marking firearms. From that letter, it is clear that manufacturers do not want to be involved in discussions surrounding the marking of firearms in Canada.

However, based on discussions with Canadian manufacturers, given that only four digits must be added to comply with the Canadian Regulations, no additional marking equipment is required; therefore, it is entirely possible that foreign manufacturers will be able to satisfy the requirements.

As shown in the previous section about the origin of importation, 81 percent of the imports originate from primarily two countries: the United States (76.5 percent) and Italy (4.5 percent). In both countries, the markings of firearms are regulated for domestically manufactured and imported firearms with more stringent regulations than what is proposed by the Canadian *Firearms Marking Regulations*.[46]. It would be fair to assume that American and Italian firearm manufacturers, experienced in marking firearms, should be able to accommodate the Canadian Regulations.

Another indication that foreign manufacturers, in general, are in a position to support the Canadian industry is the fact that the United States has more complex regulations regarding the marking of firearms: the American regulations require that the full name and address of each importer be marked on firearms. The United States is the biggest importer of firearms worldwide. Since foreign manufacturers can accommodate each American importer, it is anticipated that they will have the ability to provide the markings, the two letters and two numbers (CA 09), for the Canadian market.

Based on the information collected from Canadian manufacturers, it appears that it would be relatively straightforward for a foreign manufacturer to fulfill the Canadian requirements. The only two elements that might be more complex for the foreign manufacturer would be:

1. Logistic issues: will have to assign specific stock to a specific client, or to the Canadian market; and

2. Payment issue: in order to guarantee their order, the foreign manufacturer may request pre-payment from the Canadian importer to avoid order cancellation.

[46] Please refer to report no. 3 Examination of International Practices for more details about the marking regulations in United States and Italy.

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Financial impact on the foreign manufacturers

As mentioned in section 9 on the cost of marking at the point of manufacture, given that the Canadian regulations do not require complex information or sophisticated markings, it is anticipated that the foreign manufacturer will be able to support the Canadian manufacturer with their current equipment. It is estimated that additional costs would be within the range estimated in section 9.

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9 COST OF MARKING

Gauging the cost of marking firearms depends on the information source cited. There are vastly different perspectives on the cost of marking firearms. As indicated in section 4 on the methods of marking firearms, importers make certain business decisions that influence the cost of the markings.

As in the case with other markings currently applied to the firearms, it can be assumed that the additional cost to mark a firearm will be passed on to the consumer; therefore, the financial impact on importers should be minimal. It is not anticipated that additional markings will impact the competitiveness of Canadian businesses compared to businesses in the United States. Currently, the American regulations impose many more marking requirements on firearm importers and manufacturers. Refer to section 4 of *Report no. 3, Examination of the International Practices*, for more information about the American regulations.

Because of the wide variety of marking methods available to the importer, and because of the different scope of involvement from one importer to the next, it is not possible to assess the costs without an in depth cost analysis. The objective of the study is to provide some preliminary research and analysis in order to get a sense of the potential additional cost of adding markings to firearms.

The following section will explore different factors which can influence the cost of marking from the perspective of importers, including markings applied at the point of manufacture and post-manufacture. Finally, this section includes some analysis of cost data provided by industry representatives during the interviews and of cost data discovered during the research and interview phases.

9.1.1. Cost Considerations:

There are several items that importers must consider in order to comply with the Canadian marking regulations. These business decisions have a direct impact on the additional costs incurred by marking firearms. There are a wide variety of factors that can affect the business decisions by any specific importer, which would necessitate extensive, in-depth cost-analysis. The mandate of this study is to provide a general understanding of the factors that may have an impact on the cost for importers.

These fundamental factors will be the same for all importers or retailers, no matter how large their business. The first task is to list the elements that must be taken into consideration by importers. The second task is to cost each element which has not been included as part of this study.

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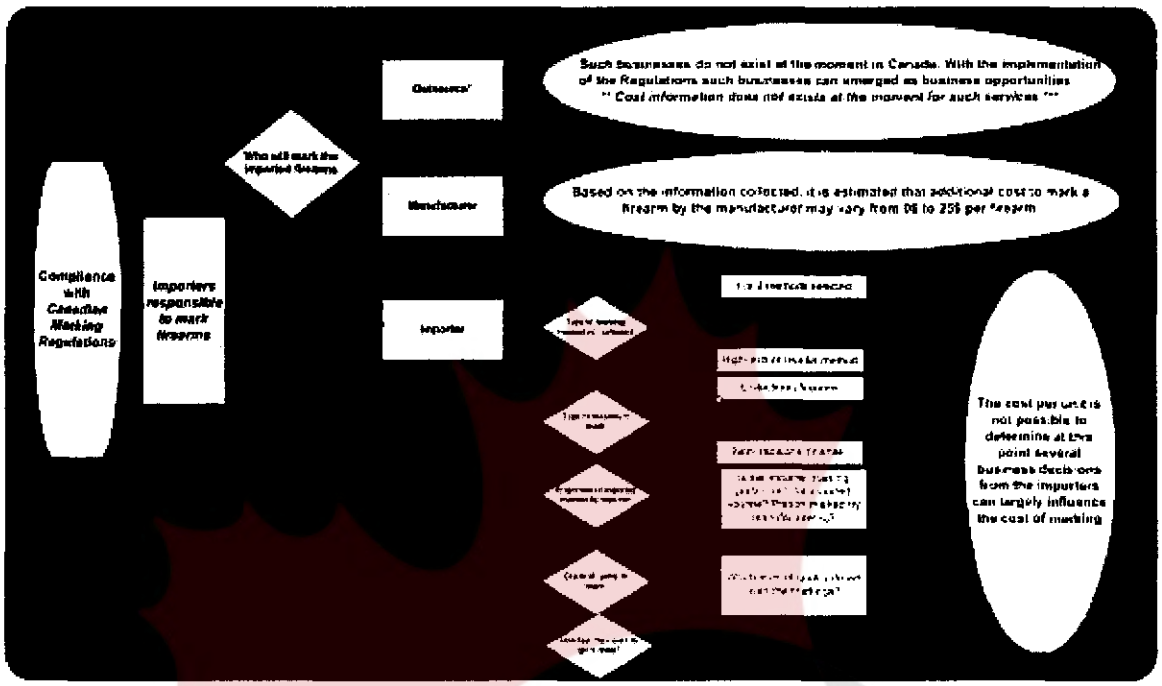
Chart no 1 – Cost considerations



Cost considerations

1. Who will mark the imported firearms ?

The Regulations do not require the firearms be marked by the importer. There is no restriction regarding who marks firearms. The importer must comply with the marking regulations but the markings can be applied by any source (i.e., manufacturers, independent marking businesses in Canada that could become established or in another country, etc.) The entity marking the firearms may negotiate with the manufacturer to have the markings applied at the manufacturer's site. Conversely, they may decide to mark the firearms themselves.

As indicated in section no. 7, 75 percent of imported firearms in 2008 were imported by eight importers. In 2008, these importers imported between 5,000 and 40,000 firearms. This volume of imported firearms indicates that the importers would have the leverage to require that the markings be applied by the manufacturer.

2. Proportion of the imported firearms that are marked by the manufacturer or the importer

The importer can decide to have a certain percentage of its imported firearms marked by the manufacturer and the remaining percentage marked using its own resources. For example, the importer may decide to have only very expensive firearms or collectibles marked by the manufacturer to ensure state-of-the-art marking, and have the remainder marked by his own resources.

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3. Method selected to mark the firearms post-manufacturing

The costs to mark firearms are also influenced by the method used by importers. As presented in table no. 2 in section 9, the costs can vary considerably depending on the method selected. Also, the importer can decide to use one method or a combination of methods to mark firearms. Recoverability of marks may also be a factor that an importer wants to consider.

4. Grade of quality researched

The importer must decide whether to apply high quality, state of the art markings or whether to apply basic markings which comply with the Regulations. The outcome of this decision will influence the selection of a marking method and the cost of marking.

5. Timeframe to distribution and retail sale

This factor can influence the number of resources that the importers dedicate to the marking of firearms. If the importers want to send their stock to the retailers or distributors within a very limited timeframe, more resources may be dedicated to marking the firearms.

Canadian importers have 60 days after importation to comply with the Regulations. As matter of comparison, the United States allows importers only 15 days to comply with the US marking regulations.[47]

6. Type of firearms

Certain types of firearms may present a challenge for post-manufacturing marking (i.e., polymer firearms). Depending on the type of firearms purchased by the importer, it may be advisable to outsource the application of markings, if possible.

Finally, there are several options that importers have to comply with the Canadian *Firearms Marking Regulations*. The important element to highlight is that Canadian importers can be supported by other stakeholders in the industry.

[47] Please refer to the Gun Control Act – article 479.112 for all details about the registration of firearms in United States.

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9.1.2. Marking at the point of manufacture

Given the sensitivity of the topic of markings from the perspective of the firearm industry, it was not possible to acquire documented information from U.S. businesses about the possibility of having markings applied at the site of manufacture. However, based on the interviews with different Canadian industry sources, there are indications that both foreign and domestic manufacturers are able to add markings to firearms. From the information provided, it is estimated that the additional cost to mark firearms at the point of manufacture can vary from $0 CAD to $25 CAD per firearm. Given the circumstances, the research extrapolated cost estimates from the following findings:

The markings required by the Canadian marking regulations include the country (CA) and the year of importation (09). These markings require four digits (2 letters and 2 numbers) and are therefore considerably more straightforward than the RCMP markings. A representative of a Canadian manufacturer indicated that if the markings do not require any new tools (i.e., if there are no other requirements) the country and year of importation could be added at no cost ($0) to foreign clients. In this case, the representative said that clients would have to pay upfront for their order to avoid issues associated with cancelling the order after the markings are applied.

Another Canadian manufacturer mentioned that the additional cost of marking firearms to comply with the Canadian regulations would be approximately $3. Consequently, if Canadian manufacturers foresee a cost of $0-3$ to add the four digits, it would not be expected to be considerably greater cost if done by a foreign manufacturer.

If the firearms are produced by Canadian manufacturers, then there would be advantages to have the markings applied at the manufacturing site, with little or no additional cost to the manufacturer. However, this option has not been verified with foreign manufacturers. GCS made several attempts to contact American manufacturers as well as the ATF, but officials from these businesses chose not to participate in the study. However, as indicated in section 8.2, it is fair to assume that most foreign manufacturers have the ability to mark firearms given that they must support more stringent regulations in their domestic markets (such as in the United States and Italy).

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9.1.3. Post-Manufacture markings

The Regulations do not require that the markings be applied by the importer. Therefore, the importer can decide to apply the markings (post-manufacture marking) or request that the manufacturer apply the markings (marking at the point of manufacture). If the importers decide to mark all firearms, or a portion thereof, they will incur costs to buy the equipment to mark the imported firearms. Depending on the type of method importers decide to use, or if they decide to use more than one technique to mark firearms, the cost can fluctuate considerably.

In order to determine the costs of the marking materials, several companies were contacted in Canada and United States.[48] The following enterprises provided quotes for one or more marking methods:

The table below summarizes the information collected.

Table no. 2

Marking Method	Capital Cost for Equipment[49]	Training Required
Engraving - Laser Engraving	$35,000-50,000 USD ($44,258 – $63,226 CAD)	One day training
Stamping - Pin stamp (dot pen)	$7,500 CAD $10,000 USD ($12,645 CAD)	1-2 hour training
Stamping - Roll Stamping	$3,500-5,000 CAD Type holder - $300 CAD Individual character - $5 CAD/each	N/A
Stamping - Wheel Stamp	$1,500 CAD	N/A
Stamping - Marking Block with stamp	Block - $450 CAD Stamps - $50 CAD	N/A
Stamping - Steel Types with Holder	$650 CAD	N/A
Stamping - Steel Stamps	Set of numbers - $375 CAD Set of letters - $95 CAD	

[48] Quotes gathered by Public Safety Canada between January-March 2009.
[49] Rates conversion is based on Bank of Canada average exchange rate for March 2009 of 1.26451364 (1 USD to CAD)

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9.1.4. Cost Comparison

Based on interviews, industry stakeholders estimate that the additional cost to mark a firearm is approximately $200 CAD. Since industry representatives mentioned this amount on several occasions, GCS inquired about where the number came from. The objective is to get an understanding of this assertion from the industry representatives.

See below an extract of a letter from the Canadian Sporting Arms and Ammunition Association (CSAAA) detailing how this group substantiates the $200 cost. For the complete text, access the following link: **http://www.cdnshootingsports.org/2007/08/UN_Marking_System_CSAAA.pdf**

Box no.1 Extract from the CSAAA's letter

> Each importer would have to prepare a proper "factory area", something they do not have in terms of sufficient space in existing facilities, or the profit margins to move to larger single purpose premises. In addition, specifically trained CNC employees would be needed solely for the purpose of marking imports with "CA 07".
>
> The actual marking process, if the necessary fixtures and laser equipment were available, entails that each firearm be removed from inventory, removed from its packaging, cleaned, disassembled if necessary, placed into a specific type fixture, engraved as required, refinished as needed and re-greased, repackaged and returned to inventory.
>
> All of this must also, of course, be scrupulously paper worked. A time/cost analysis conducted with a major Canadian importer of firearms showed a best time of 20 minutes per firearms to do these tasks, or some 24 guns per eight hour shift, equaling about 45,000 total hours.
>
> Divide this into the thousands of firearms imported into Canada every year and the problem is obvious. Major importers will need several skilled full time employees (specifically trained CNC operators) doing nothing but applying the Mark to the guns, with expensive CNC machines, expensive fixtures for each model of gun in unnecessary premised.
>
> It must be noted that the US importers report the destruction of many thousands of imported firearms due to improperly trained employees using incorrect procedures on stamping machines when marking imports. Damage during manufacturing and public liability for such damage is one of the main reasons that firearms are in general proofed twice, once in the manufacturing stage, and again after marking and finishing.
>
> The U.S. market, being as large as it is for imports, can absorb these costs much better than we can since their market is some 40 times larger than ours. Also, foreign producers of firearms have a very large market in the U.S. for their products, and can afford to mark exports to the U.S. at the time of production with the required markings, a luxury not accorded to Canada.
>
> To stay in business, this cost can only be absorbed by being passed on to the consumer, and the cost of a new firearm in Canada will skyrocket, perhaps as much as $200 per firearm in the first five years, per our estimates.
>
> This is the average cost applicable to any firearm regardless of retail price. It also makes the assumption that the importer can withstand the astronomical set up costs and is still in business.
>
> This means a new firearm retailing at $150 will rise to about $350, while one retailing at $1,000 will rise to about $1,200. Based upon the 2005 imports, this could result in a net cost to Canada's firearms industry of approximately $27 million.

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The following table attempts to compare the industry assumptions in the preceding text with vendor data acquired as part of this research.

Notes:

1. The numbers in the following table are based on the assumption made by industry stakeholders in their letter to other industry members in 2007[50]. Therefore, as a matter of comparison, GCS kept the same numbers in the vendor scenario versus the industry;
2. There is no amortization, no analysis of a cheaper solution, no maximization of the equipment utilization;
3. This does not constitute a detailed financial cost-analysis. This is preliminary analysis based on the figures provided by the industry.
4. The figures provided by the industry are not challenged, but are used for the purposes of comparison.
5. The high end estimate is used for laser marking equipment based on the information gathered in the previous section for the vendor analysis.

Parameter	Basic Assumptions	Costs According to Industry Data (CSAAA's letter)	Costs based on Vendor Data
Variable Costs			
Initial Costs to acquire marking equipment	Laser Marking	?	$63,226 CAD
Annual cost of Staff (1 person salary & benefits)	60.000/year [a]	?	$60,000 CAD
Total cost for the first year		**$1,152,000 CAD**[b]	**$123,226 CAD** [c]
Fixed information			
Average time required to mark 1 firearm	20 minutes (includes packaging & paper work)	20 minutes per firearm	20 minutes per firearm
Working days per week	5 days (40 hours)	40 hours per week	40 hours per week
Number of working days per year	240 days per year (48 weeks * 5 days)	240 days/year	240 days/year
Potential number of firearms marked per day	24 firearms marked per day (3 firearms per hour)	24 firearms/day	24 firearms/day
Potential number of firearms marked per year by one person	5,760 firearms per year for one employee 24 firearms/day*240 day/year=	5760	5760
Cost to mark one Firearm		**$200 CAD**	**$21,39 CAD** [d]

Notes:

[a] The annual cost of staff is based on an annual salary of 40K + 50% for all benefits.
[b] The industry cost for the first year equals the cost of marking one firearm ($200) multiplied by the number of firearms marked per year (5,760) by one person.
[c] The cost for the first year based on vendor data equals the total cost of the marking equipment ($63,226 CAD) plus the annual cost of staff ($60,000).
[d] The cost to mark one firearm equals the total annual cost for one person, including the cost of the equipment ($123,226) divided by the number of firearms marked per year by one person (5,760)

[50] This letter can be found on the web at the following address:
http://www.cdnshootingsports.org/2007/08/UN_Marking_System_CSAAA.pdf on June 29. 2009

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This is a very basic analysis. Nevertheless, there is a remarkable difference between the cost of $21,39 CAD, obtained through the research study of actual vendor data, and the industry assertion that marking one firearm with the country and year of importation (CA09) of $200 CAD.

The $21.39 CAD cost would have to be assessed in the context of a full cost analysis which takes into consideration other elements such as amortization. However, the number provides a general idea as to the cost of adding markings.

Finally as it is the case with other markings currently applied to the firearms, it can be assumed that the additional cost to mark a firearm will be passed on to the consumer. The financial impact should be minimal for the importers, additional costs being absorbed into the retail price of the good.

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Government Consulting Services

Services conseils du gouvernement

MARKING OF FIREARMS

Report no. 3 - Examination of International Practice

Prepared for: Public Safety Canada

SECRET DOCUMENT

Project Number: 000299.001

By Isabelle Côté, Principal Consultant

July 16, 2009

Public Works and Government Services Canada

Travaux publics et Services gouvernementaux Canada

Canada

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GLOSSARY

ATF: United States of America, Bureau of Alcohol, Tobacco, Firearms and Explosives

CIFTA: Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials

CILA: Canadian Institute for Legislative Action

DFAIT: Government of Canada, Department of Foreign Affairs & International Trade

UN Firearms Protocol: Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

GCA: United States - Gun Control Act of 1968

GCS: Government Consulting Services, Public Works and Government Services Canada, Government of Canada

NFA: National Firearms Association

NGO: Non-Governmental Organizations

OAS: Organization of American States

POA: Program of Action

RCMP: Royal Canadian Mounted Police

SALW: Small Arms and Light Weapons

Tracing Instrument: International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

UN: United Nations

WFSA: World Forum on the Future of Sport Shooting Activities

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1. INTRODUCTION

When reviewing the literature on firearms, it is clear that the international trade and trafficking of firearms is a well documented subject. This topic attracts the attention of the academic community, as well as non-governmental organizations (NGOs) worldwide. The firearms trafficking in Africa and in South America, and the high volume of firearms passing through Cyprus, are only a few of the international issues surrounding the trafficking of firearms.

For the United Nations Firearms Protocol (please see section 3.1.3 for details about the UN Firearms Protocol), despite using the same legislative text, many countries that have signed the UN Firearms Protocol have implemented the Protocol differently. In the Regulations for marking at importation, Canada has given the Canadian importers the responsibility for marking firearms. As shown in section 4.2, the Brazilian authorities have chosen another approach, such that markings must be applied by the foreign exporters of firearms prior to entering Brazil. Therefore, in this section of the report, we will examine a few key countries to understand their approach regarding marking regulations.

This report is *Report no. 3 – Examination of International Practice.* This report will examine:

1. Trends taken by different countries in the marking of firearms following the adoption of the UN Firearms Protocol; and

2. Canada's involvement internationally.

This section does not purport to be an exhaustive review of international practices on the marking of firearms. This exercise aims to show the trends in the implementation of the UN Firearms Protocol in certain countries, provide a high level understanding of the situation regarding the marking of firearms worldwide, indicate what it is being done internationally, and summarize Canada's involvement internationally. As per the research mandate, GCS will explore a limited number of countries.

This information was collected from interviews with representatives of Canadian and foreign governments, national reports prepared for the United Nations, and from internet and library research.

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2. OVERVIEW OF THE INTERNATIONAL COMMERCE OF SALW

Worldwide, the small arms and light weapons (SALW) market has an estimated value of 4 Billion USD. According to international customs data, the estimated value of SALW exports in 2001 was 2.4 Billion USD.[1] Based on available data and estimates, the top exporters of SALW in 2001 based on dollar value were the Brazil, Belgium, China, Germany, Italy, Russian Federation and the United States.

The production of SALW by manufacturers is not intended to satisfy only domestic demand. Exports are critical for the profitability of manufacturers, with the exception of American manufacturers, which export only 5-6 percent[2] of national production. Although, there are differences depending on the company and the type of firearm, most countries rely on international exportation. For example, it is estimated that half of the SALW produced in the Russian Federation is exported.

Top Exporters (2001)[3]

Country	Value (in Million USD)	Main Known Recipients
Belgium	234.0* EUR 82**	Saudi Arabia, United States, France, Portugal, United Kingdom*
Brazil	At least 99.1*	United States, Germany, Saudi Arabia, Colombia, Algeria
China	9.0* Small Arms Survey estimates:USD 100	United States, Bangladesh, Iran, Germany, Canada *
Germany	At least 156.7	United States, Switzerland, France, Spain, Austria*
Italy	At least 298.7	United States, Belgium, France, Germany, United Kindom*
Russian Federation	At least 42.2 Estimates based on official information:no more than 130M	United States, Cyprus, Algeria, Germany, Lebanon*, Vietnam, Malysia, Bhutan, Indonesia, Afghanistan (Nothern Alliance), Ethiopia
United States	741.4M*	Japan, South Korea, Saudi Arabia, Canada, Italy*

* Customs data (UN Comtrade)
** Export report
Source NISAT (2003)

Canada's exports are estimated to be 53.6M CAD[4] in 2001. As indicated in the acknowledged report, international customs data and national reporting may differ since exports to the U.S. market are not included in the national report. However, this number does provide an indication of the value of Canadian exports.

[1] Small Arms Survey (2004): Chapitre 4 Retour aux sources: LES TRANSFERTS INTERNATIONAUX D'ARMES LÉGÈRES.
[2] idem
[3] *From Table 4.1 Top importers of small arms (authorized transfers) 2001. Small Arms Survey 2004: Chapter 4 - INTERNATIONAL SMALL ARMS TRANSFERS.*
http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2004/2004SASCh4_summary_en.pdf
[4] Small Arms Survey (2004): Chapitre 4 Retour aux sources: LES TRANSFERTS INTERNATIONAUX D'ARMES LÉGÈRES.

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Top importers (2001)[5]

Country	Value (in Million USD)	Main Suppliers (Top 5)	Main Types SALW traded
United States	602.5	Italy, Brazil, Japan, Austria, Germany	Shotguns, pistols/revolvers, hunting/sporting rifles, ammunition, parts for sporting/hunting weapons
Saudi Arabia	261.3	Belgium, USA, Spain, Bulgaria, France	Military weapons, ammunition, parts for pistols/revolvers, shotguns
Cyprus	159.8	Unspecified country, Russian Federation, Italy, Span, Japan	Military weapons, shotguns, ammunition, hunting/sporting rifles
Japan	151.0	United States, Germany, Italy, Spain, Australia	Military weapons, ammunition, shotguns, pistols/revolvers
South Korea	105.7	United States, Italy, Germany, Russian Federation, Spain	Military weapons, ammunition, pistols/revolvers, shotguns
Germany	104.2	United States, Italy, Switzerland, Saudi Arabia, Belgium	Ammunition, parts for sporting/hunting weapons, shotguns, pistols/revolvers, hunting/sporting rifles
Canada	99.9	*United States, Switzerland, Austria, Italy*	*Ammunition, parts sporting/hunting weapons,hunting/sporting rifles, pistols/revolvers*

Source NISAT (2003) based on UN Comtrade data

Author's note: These numbers can be deceiving since the data is typically provided by the most transparent countries. However, these figures can provide a comparison of the relative importance of the importing business in Canada as compared with other countries.

Export and import data show that Canada is relatively important in the international market. A popular view shared by industry observers is that foreign firearm manufacturers will not adapt to the Canadian *Firearms Marking Regulations* due to the limited size of the Canadian market. When compared to production and importation in the United States, the Canadian firearm market amounts to only a small percentage. However, when examining the international context, Canada is a significant market. It is not valid to assume that foreign manufacturers will not adapt to Canadian *Firearms Marking Regulations.* Manufacturers can derive significant revenue from sales to the Canadian firearms market. It is also important to recognize that foreign manufacturers are, for the most part, already marking firearms in order to comply with the marking regulations of the world's largest importer, the United States.

[5] *From Table 4.3 Top importers of small arms (authorized transfers) 2001. Small Arms Survey 2004: Chapter 4 - INTERNATIONAL SMALL ARMS TRANSFERS*
http://www.smallarmssurvey.org/files/sas/publications/year_b_pdf/2004/2004SASCh4_summary_en.pdf

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3. CANADA AND ITS INTERNATIONAL COMMITMENTS

As presented in the *Report no. 1 - Library & Internet Research Report*, Canada has signed several international agreements with other countries to mark firearms. The first agreement signed by Canada was *the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials* (CIFTA) through the Organization of American States (OAS) in 1997. Thereafter, in 2001, Canada signed the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention* (UN Firearms Protocol - R 55/255), one of the protocols included in the United Nations Treaty on Transnational Organized Crime. Finally, in 2005, Canada signed the International Tracing Instrument.

Canada has been actively involved in the international community to work against the trafficking of firearms, and specifically, by supporting the marking of firearms. Indeed, at the G8 Leaders Summit in Hokkaido Toyako Japan in July 2008[6], Prime Minister Stephen Harper signed a series of commitments[7] (please refer to Annex A for the integral text) some of which referred directly to the UN Firearms Protocol.

Box No 1

Extract from G8 G8 Hokkaido Toyako Summit Leaders Declaration - Hokkaido Toyako, 8 July 2008

Transnational Organized Crime

67. In a globalized world, characterized by massive flows of people, goods, money and information, swift and malicious exploitation of those changes by criminal organizations threatens the safety of our citizens and the well-being of our societies and institutions. We reaffirm our commitment to preventing and combating transnational organized crime using all means at our disposal, while ensuring the rule of law and respect for human rights. We will strengthen our cooperation, including experience-sharing, to fight against transnational organized crime, including trafficking in persons, smuggling of migrants, illicit manufacturing of and trafficking in firearms, illicit traffic in narcotic drugs and psychotropic substances, cybercrime and money laundering.

68. Recognizing the diversified threats and methods of transnational organized crime, we will reinforce our efforts to tackle a wide range of threats including the abuse of information and communication technology as well as identity-related crime. We will continue to assist countries in their capacity building efforts to address threats of transnational organized crime, bilaterally and multilaterally, in cooperation with the United Nations Office on Drugs and Crime (UNODC) and other multilateral organizations. In this regard, we reiterate our strong support for full implementation of the UN Convention against Transnational Organized Crime and its protocols.

NOTE: As explained in section 5, the UN Convention against Transnational Organized Crime includes the UN Firearms Protocol.

[6] The G8 includes the following countries: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States

[7] http://www.canadainternational.gc.ca/g8/summit-sommet/2008/index.aspx?menu_id=9&menu=L on February 25, 2008.

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It is important to note that the same type of declaration was made by the Minister of Public Safety, the Honourable Stockwell Day, at the G8 Justice and Home Affairs Ministerial Meeting in June 2008.[8] Please see annex B for the complete text of the declaration.

BOX no 2

Extract from **G8 Justice and Home Affairs Ministerial Meeting - Concluding Declaration**

CAPACITY BUILDING ASSISTANCE

Transnational organized crime and international terrorism are global issues that require global responses. It is vital for all countries, extending well beyond the G8 states, to ratify and fully implement the universal legal instruments designed to tackle these issues more effectively; namely, the United Nations Convention on Transnational Organized Crime and its supplementary protocols, the United Nations Convention against Corruption, the thirteen counter-terrorism conventions and protocols, as well as the Council of Europe Convention on Cybercrime.

We reaffirm the importance of G8 leadership in promoting their ratification and implementation.

NOTE: As explained in section 5, the UN Convention against Transnational Organized Crime includes the UN Firearms Protocol.

If Canada does not implement the marking regulations, it is fair to assume that there will be an impact on Canada's relationship with other countries. At the United Nations, Canada was one of the countries leading the discussion towards the adoption of the UN Firearms Protocol dealing with the illicit trafficking of firearms. As previously mentioned, Canada's Prime Minister and the Minister of Public Safety Canada reaffirmed their commitment to the UN Firearms Protocol during the G8 meetings in Japan in 2008.

[8] http://www.canadainternational.gc.ca/g8/ministerials-ministerielles/2008/home_affairs-affaires_interieures.aspx?lang=eng

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3.1. International Treaties

3.1.1. CIFTA

CIFTA, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials[9], was adopted in 1997 at the 24th special session of the General Assembly of the Organization of American States. This multilateral treaty is the first legally binding international convention focusing on the control of firearms and related materials. OAS includes the following countries:

- Antigua & Barbuda
- Argentina
- Bahamas
- Barbados
- Belize
- Bolivia
- Brazil
- Canada
- Chile
- Colombia
- Costa Rica
- Dominica
- Dominican Republic
- Ecuador
- El Salvador
- Grenada
- Guatemala
- Guyana
- Haiti
- Honduras
- Jamaica
- Mexico
- Nicaragua
- Panama
- Paraguay
- Peru
- St. Kitts & Nevis
- St. Lucia
- St. Vincent & Grenadines
- Suriname
- Trinidad & Tobago
- United States
- Uruguay
- Venezuela

The purpose of CIFTA is to end the illicit manufacture and trafficking of firearms, ammunition, explosives, and other related materials. In general, the Convention establishes the procedures for the import, export and tracing of firearms, ammunition, explosives, and other related materials, as well as the mechanisms for dealing with those countries which do not follow the Convention. The Convention is also designed to improve cooperation among the members to encourage the exchange of information and experience, technical assistance, and training.

[9] Refer to Annex D for the integral text of the CIFTA protocol

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Canada has signed the Convention, but has not yet ratified it. Please see the list of the signed/ ratified countries below.

CIFTA - Chart of the signatories countries (as of 2009/04/30[10])

RATIFIED

Antigua & Barbuda	Colombia	Guyana	St. Kitts & Nevis
Argentina	Costa Rica	Haiti	St. Lucia
Bahamas	Dominica	Honduras	Suriname
Barbados	Dominican Republic	Mexico	Trinidad & Tobago
Belize	Ecuador	Nicaragua	Uruguay
Bolivia	El Salvador	Panama	Venezuela
Brazil	Grenada	Paraguay	
Chile	Guatemala	Peru	

SIGNED

Canada
Jamaica
St. Vincent & Grenadines
United States of America

As announced in a recent press release by the Organization of American States (OAS), the President of the United States, Barack Obama, has declared that his government will make the ratification of CIFTA a priority. Given that Jamaica has already ratified the UN Firearms Protocol, ratification of CIFTA would appear to be only a matter of time.

If CIFTA is ratified by the United States and Jamaica in the coming months, then Canada and St-Vincent and the Grenadines will be the only countries left in the Americas which have not ratified CIFTA.

[10] As reported Organization of American States (http://www.oas.org) on April 30th, 2009

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Box no. 3 Press Release[11]

Press Release

DOMINICAN REPUBLIC RATIFIES CIFTA
April 24, 2009

The Government of the Dominican Republic ratified Friday the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Related Materials (CIFTA) through the signature of a document by the Secretary General of the Organization of American States (OAS) José Miguel Insulza and the Permanent Representative of the Dominican Republic to the OAS Ambassador Virgilio Alcántara.

Participants in the event also included the President of the OAS Permanent Council and Permanent Representative of Canada Graeme Clark, and the Permanent Representative of Guatemala and President of the Consultative Committee of CIFTA, Jorge Skinner-Klee. The event was held in the Secretary General's office at the OAS Headquarters in Washington, DC.

Secretary General Insulza congratulated the Dominican government on ratifying a Convention of particular importance to the Americas. "Armed violence and insecurity affect generally all our societies, worsen our citizens' quality of life, and makes them feel permanently threatened."

"The Convention serves the purpose of combating and eliminating the illicit manufacturing and trafficking of firearms. It particularly stresses the needs for arms control; arms confiscation; regulating authorizations and licenses for export, import and transit; and strengthening controls at export points," said Mr. Insulza, who emphasized especially the threat of small firearms.

Mr. Insulza highlighted that the Convention "also seeks to promote and facilitate co-operation and exchange of information and experiences among the States."

Ambassador Alcántara said that such a "singular event" as ratifying the Convention "is also a ratification of our commitment to this organization, what this institution represents and its growing significance as a political forum where the nations of the hemisphere can meet and have a constructive dialogue."

The Dominican diplomat also stressed the fact that "within this organization our nations have found the necessary consensus to provide the continent with a document such as CIFTA." The Permanent Representative of the Dominican Republic felt "deeply privileged" for taking part in the ratification.

With Friday's signature, the number of OAS Member States having already ratified CIFTA reaches 30. Secretary General Insulza also said that "it was with great satisfaction" that he received the news from US President Barack Obama that his government "will prioritize the ratification of CIFTA." Mr. Insulza also noted with "particular satisfaction" that President Obama's call was supported by both the Chairman of the US Senate Foreign Relations Committee, Senator John Kerry, and the Chairman of the US House Foreign Affairs Subcommittee on the Western Hemisphere, Eliot L. Engel.

[11] http://www.oas.org/OASpage/press_releases/press_release.asp?sCodigo=E-144/09

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In the CIFTA Convention, Article VI (see box no. 4 for text of Article VI) takes legislative action concerning the marking of firearms.

Box no. 4 – Article VI Marking of firearms from CIFTA

Article VI
Marking of Firearms

1. For the purposes of identification and tracing of the firearms referred to in Article I.3.a, States Parties shall:

a. require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;

b. require appropriate markings on imported firearms permitting the identification of the importer's name and address; and

c. require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

2. The firearms referred to in Article I.3.b should be marked appropriately at the time of manufacture, if possible.

In order to meet the requirements of the CIFTA protocol, the *Firearms Marking Regulations* is one of the last measures with which Canada must comply. As well, adjustments to regulations made under the Explosives Act have to be implemented. Several legislative actions have been undertaken by the Government of Canada that help to comply with the CIFTA in reference to Article VI concerning the marking of firearms:

A: Manufacturer name, place of manufacture and serial number: *Firearms Marking Regulations* (not in force)

B: Identification of the importer's name and address: Canadian firearms registration

C: Confiscated or forfeited for official use: *Public Agents Firearms Regulations,*[12] (implemented October 31, 2008)

[12] Canada Gazette: SOR/98-203 and SOR/2004-265

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3.1.2. United Nations Convention against Transnational Organized Crime[13]

The UN Convention against Transnational Organized Crime was adopted by the United Nations General Assembly in November 2000. This UN treaty is supplemented by the following protocols:

1. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, *(Adopted in 2003/11 - Entry into force in 2003/12)*

2. Protocol against the Smuggling of Migrants by Land, Air and Sea *(Adopted in 2000 - Entry into force in 2004)*

3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. *(Adopted in 2001/05 – Entry into force 2005/07)*

The UN Convention against Transnational Organized Crime is a legally-binding instrument committing States which ratify the Convention to take a series of measures against transnational organized crime. These include the creation of domestic offenses to combat the problem, the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law enforcement cooperation, technical assistance and training.

This study focuses on the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (UN Firearms Protocol) and, more specifically, on the firearm marking aspect of the Protocol.

3.1.3. UN Firearms Protocol

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition *(UN Firearms Protocol - Protocol R 55/255)*[14], supplementing the United Nations Convention against Transnational Organized Crime, was adopted in May 2001.[15] The Protocol is a legal multi-lateral treaty that aims to eradicate the proliferation of illicit small arms and light weapons. As of October 2008, 77 countries have ratified the Protocol and 28 countries have signed it. Thus far, Canada has signed but not ratified the Protocol.

As stated in *Article* 2 of the UN Firearms Protocol,

> *"The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition".*

The UN Firearms Protocol provides for a series of control measures covering multiple aspects of the small arms issues, such as the marking of firearms, the criminalization of trafficking, and the regulation of arms brokering activities.

This protocol specifically addresses the marking of the firearms. The states ratifying the protocol agreed to support *Article 8 – Markings* which requires a unique, appropriate, and reliable method of

[13] http://www.unodc.org/unodc/en/treaties/index.html
[14] Refer to Annex E – United Nations Firearms Protocol R 55/255 for the complete text
[15] For status of the signed/ratified countries list, refer to this section below

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marking firearms. For a newly manufactured firearm, Article 8 requires that the name of the manufacturer, the country or place of manufacture, and the serial number appear on the firearm. For imported firearms, the Protocol requires that the importing country and year of importation appear on the firearm.

Box no 5 – Article 8 Marking of firearms from UN Firearm Protocol

Article 8
Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(*a*) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(*b*) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(*c*) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

It also important to note that three other articles of this Protocol refer to the marking of firearms:

1. ***Article 5 – Criminalization***

[…] Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol […]

2. ***Article 6 – Confiscation, seizure and disposal***

[…] States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded […]

3. ***Article 9 – Deactivation of firearms***

[…] (c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm […]

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UN Firearms Protocol - Lists of countries by ratification status (as of 2009/03/24[16])[17]

RATIFIED

Albania (a)	El Salvador	Mauritania (a)	Serbia (a)
Algeria (a)	Estonia	Mauritius (a)	Slovakia
Argentina	Grenada (a)	Mexico	Slovenia
Azerbaijan (a)	Guatemala (a)	Moldova (a)	South Africa
Bahamas	Guyana (a)	Mongolia (a)	Spain (a)
Belarus (a)	Honduras (a)	Montenegro (d)	St. Kitts & Nevis (a)
Belgium	Italy	Mozambique (a	Former Yugoslav
Benin	Jamaica	Netherlands (a)	Republic of Macedonia
Bosnia and Herzegovina	Kazakhstan (a)	Nicaragua (a)	(a)
Brazil	Kenya (a)	Nigeria	Trinidad & Tobago (a)
Bulgaria	Kuwait (a)	Norway	Tunisia (a)
Burkina Faso	Laos (a)	Oman (a)	Turkey (a)
Cambodia (a)	Latvia (a)	Panama	Turkmenistan (a)
Cape Verde (a)	Lebanon	Paraguay (a)	Uganda (a)
Central African Republic	Lesotho (a)	Peru (a)	United Republic of
(a)	Lybian Arab	Poland	Tanzania (a)
Costa Rica	Liberia (a)	Romania (a)	Uruguay (a)
Croatia (a)	Lithuania	Rwanda (a)	Zambia (a)
Cuba (a)	Madagascar	Sao Tome & Principe (a)	
Cyprus	Malawi (a)	Saudi Arabia (a)	
Congo (DR)	Mali	Senegal	

SIGNED

Australia	Ecuador	Japan	Sierra Leone
Austria	European Community	Luxembourg	Sweden
Barbados	Finland	Monaco	United Kingdom &
Canada	Germany	Nauru	Northern Ireland
China	Greece	Portugal	
Denmark	Iceland	Republic of Korea	
Dominican Republic	India	Seychelles	

NEITHER SIGNED NOR RATFIED

Afghanistan	Egypt	Maldives*	Sudan
Andorra	Equatorial Guinea	Malta	Suriname
Angola	Eritrea*	Marshall Islands*	Swaziland
Antigua & Barbuda	Ethiopia	Micronesia	Switzerland
Armenia	Fiji*	Morocco	Syrian Arab Republic
Bahrain	France	Myanmar	Tajikistan
Bangladesh*	Gabon	Namibia	Thailand
Belize	Gambia	Nepal	Timor-este*
Bhutan*	Georgia	New Zealand	Togo
Bolivia	Ghana*	Niger	Tonga
Botswana	Guinea	Pakistan	Tuvalu*
Brunei Daressalam	Guinea-Bissau	Palau*	Ukraine
Burundi*	Haiti	Papua New Guinea*	United Arab Emirates
Cameroon	Hungary	Philippines	United States of America
Chad*	Indonesia	Qatar	Uzbekistan
Chile	Iran	Russian Federation	Vanuatu
Colombia	Iraq	Saint Lucia	Venezuela
Comoros	Ireland	St-Vincent & Grenadines	Vietnam
Congo	Israel	Samoa*	Yemen
Cook Islands	Jordan	San Marino	Zimbabwe
Côte d'Ivoire	Kiribati	Singapore	
Czech Republic	Kyrgyzstan	Solomon Islands*	* not signed the Organized Crime Treaty.
Djibouti	Liechtenstein	Somalia*	
Dominica*	Malaysia	Sri Lanka	

[16] As reported on United Nations Office of Drugs and Crime (http://www.unodc.org) on March 24, 2009.
[17] (Ratification, Acceptance (A), Approval (AA), Accession (a) or Succession

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3.1.4. The International Tracing Instrument[18]

The UN has recognized that the tracing of illicit small arms and light weapons (SALW) is key to the effectiveness of national, international and regional efforts to prevent, combat and eradicate the illicit trade in SALW. This was demonstrated on December 8, 2005 when the General Assembly adopted the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, the Illicit Trafficking in Small Arms and Light Weapons[19].

With the International Tracing Instrument, States make a commitment to undertake a number of measures to ensure the adequate marking of, and record-keeping for, SALW as well as to strengthen cooperation in tracing illicit SALW. In particular, as stated in paragraph 14, States are to ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of the Instrument. As mentioned in Report 2 – Marking and Tracing, the tracing revolves around the three axes, as follows:

1. Marking
2. Record-Keeping
3. Cooperation in tracing

Note that the International Tracing Instrument is not a legally binding document.

[18] http://disarmament.un.org/cab/Markingandtracing/markingandtracingindex.html. December 05, 2008
[19] Refer to Annex F for the entire text

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3.2. Industry presence in the negotiations

Since the discussions on the marking of firearms began prior to the adoption of the CIFTA treaty more than 12 years ago, it is difficult to determine who was involved in the discussions, when they took place and what was decided. However, we can determine which companies and associations involved in the firearms industry have participated in more recent discussions, both in Canada and internationally.

Internationally, the World Forum on the Future of Sport Shooting Activities (WFSA) is dedicated to the subject of firearms. As shown on its website[20], WFSA was involved in the United Nations consultations concerning the UN Firearms Protocol,[21] specifically from the perspective of the firearms industry and its members' interests. Some Canadian associations, such as Canadian Institute for Legislative Action (CILA) and National Firearms Association (NFA), are members of WFSA.

The participation of Canadian representatives in the UN Firearms Protocol can be traced back to at least the year 2000. This information is indicated on the Association websites or is noted by Department of Foreign Affairs and International Trade (DFAIT) representatives involved with the UN Firearms Protocol. The following are some examples of the involvement of the Canadian industry in the UN Firearms Protocol discussions:

1. Canadian Sporting Arms and Ammunition Association (CSAAA) have been participating at the United Nations Small Arms and Light Weapons Conferences since at least the year 2000.[22]

2. The industry is broadly involved with the UN Program of Action (POA) on small arms, which governs the UN Firearm Protocol: For example, the Canadian Institute for Legislative Action (CILA) gave a speech at the last POA meeting. The Canadian Shooting Sports Association was a member of the Canadian delegation at the Biennial Meeting of States on the UN Program of Action on Small Arms.

3. DFAIT invited industry representatives to meetings on Canada's National Committee on Small Arms and Light Weapons in May 2004 and in April 2005.

These are only a few examples in which Canadian Industry members were present at events on the marking of firearms. Canadian industry representatives have been aware of marking regulations since the early discussions about the UN Firearm Protocol and the Canadian *Firearms Marking Regulations*. Industry members have been active participants on the various committees and negotiations.

[20] www.wfsa.net
[21] http://www.wfsa.net/UN_Report_SALW2001.htm
[22] http://www.csaaa.org/news.html on March 23, 2009

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4. INTERNATIONAL PRACTICE

The United Nations Institute for Disarmament Research recently[23] conducted a *Comparative Analysis of Post-Manufacture Marking Instruments and Practices for Small Arms and Light Weapons*. GCS was able to obtain the preliminary results: 18 out of the 45 countries that responded have agreed to add provisions in its national laws establishing that all imported SALW/firearms contain unique marks that clearly identify the importing state. The countries are as follows:

- Austria
- Brazil
- Chile
- China
- Latvia
- Lithuania
- Macedonia
- Mali
- Norway
- Paraguay
- Poland
- Romania
- Rwanda
- Samoa
- Slovakia
- South Africa
- United States
- Uruguay

Out of the remaining 27 countries, 18 are considering introducing the marking requirement at importation. These countries are:

- Australia
- Cote d'Ivoire
- Guatemala
- Jamaica
- Portugal
- Senegal
- UK
- Botswana
- Croatia
- Hungary
- Ireland
- Lesotho
- Slovenia
- Sweden
- Switzerland
- Netherlands
- Togo

It is clear from this study that a number of countries are beginning to require, or soon will require, that firearms be marked during importation.

As already indicated, this section does not purport to be an extensive review of international practices concerning the marking of firearms. The purpose of this section is to describe the trends surrounding the implementation of the UN Firearms Protocol in certain countries. The scope of this study encompasses a limited number of countries, namely: the United States, Brazil, Australia, and European Union.

[23] As of February 28, 2009

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4.1. United States of America

Firearms Regulations[24]

Firearms in the United Sates are governed by the *Gun Control Act* (title 18, United States Code, chapter 44U.S.). The law requires that anyone engaged in the business of commercial manufacturing, dealing in or importing of firearms must be licensed under the *Gun Control Act* of 1968 (GCA). The GCA provides criminal and civil penalties for firearms violations, ranging from license revocation to fines and imprisonment for ten years. U.S. law (*Arms Export Control Act*) also requires that a U.S. person engaged in the business of manufacturing firearms for defense must be registered with the Department of State.

Protocols

The United States has signed the CIFTA Protocol but not ratified.

The United States has not signed or ratified the UN Firearms Protocol.

However, as already indicated (see box number 4 – Press release), the President of the United States, Barack Obama, has declared that his government will make the ratification of CIFTA a priority.

Firearms Markings

Although, United States has not signed the UN Firearms Protocol (United Nation R 55/255), the United States Department of Justice established the requirements regarding the marking of firearms in 1968. At this point, with its own law on the marking of firearms, the United States goes well beyond the requirements of the UN Firearms Protocol and the Canadian *Firearms Marking Regulations*. ATF requires more information than is required by the UN Firearms Protocol.

Section[25] 923(i) of the *Gun Control Act* of 1968 (GCA), as amended (18 U.S.C. Chapter 44), requires licensed importers and licensed manufacturers to identify, by means of a serial number, each firearm imported or manufactured. The serial number must be engraved, cast, or stamped on the receiver or frame of the weapon in such a manner as the Secretary of the Treasury prescribes by regulation. With respect to certain firearms subject to the *National Firearms Act* (e.g., machine guns), 26 U.S.C. 5842 requires each manufacturer and importer and anyone making a firearm to identify each firearm by a serial number. The serial number may not be readily removed, obliterated, or altered. Section 5842 also requires the firearm to be identified by the name of the manufacturer, importer, or maker, and such other identification as the Secretary may prescribe by regulation. Regulations that implement section 923(i) are set forth in 27 CFR 178.92. In general, this section requires each licensed manufacturer or licensed importer of firearms to legibly identify each firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing on the frame or receiver an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed. Section 178.92 also requires licensed importers and licensed manufacturers to conspicuously place the following identification markings on each firearm imported or manufactured in a manner not susceptible of being readily obliterated, altered, or removed:

[24] http://disarmament.un.org/cab/bms3/1BMS3Pages/1National%20Reports%202008.html on March 24, 2009
[25] **Federal Register** / Vol. 66, No. 150 / Friday, August 3, 2001 / Rules and Regulations

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1. The model, if such designation has been made;

2. The caliber or gauge;

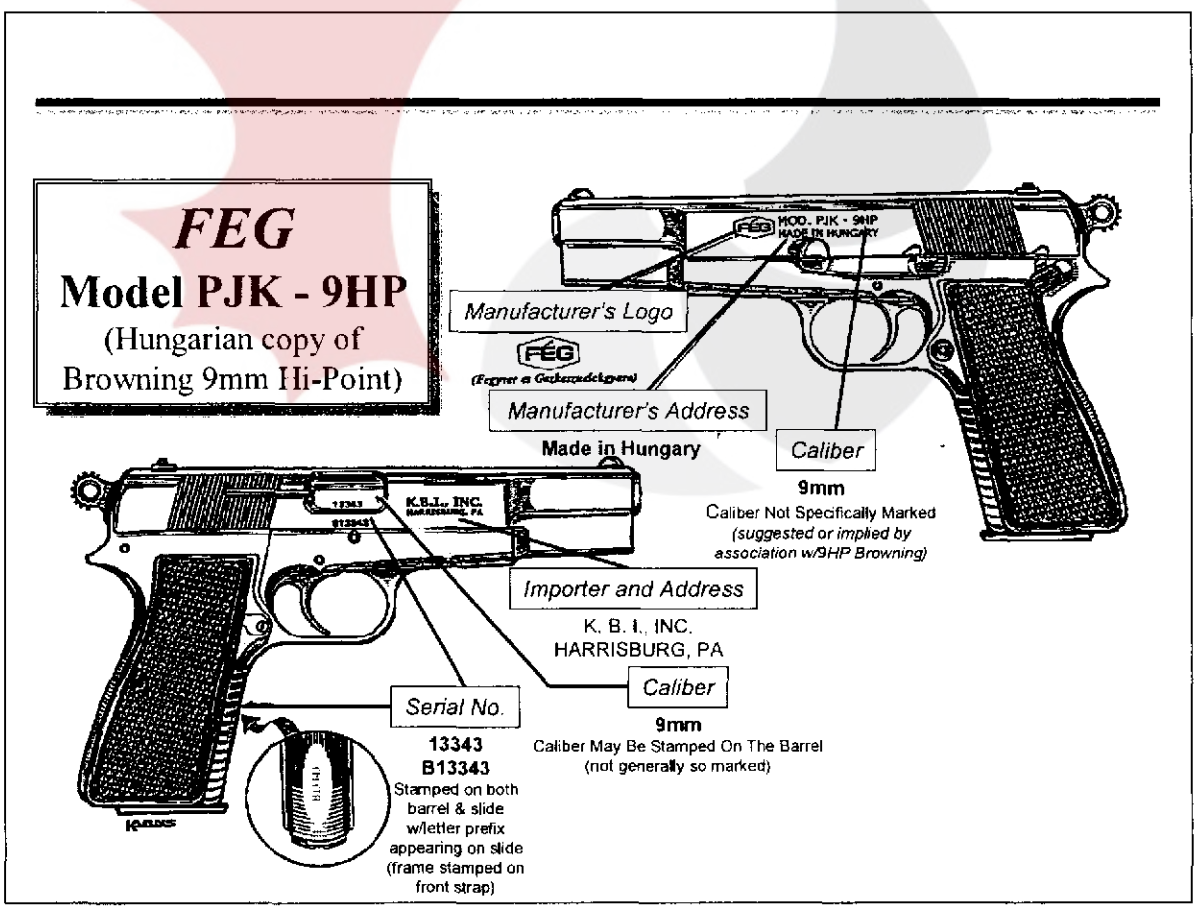
3. The name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer;

4. In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where the licensed manufacturer maintains its place of business; and

5. In the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) where the importer maintains its place of business. The same marking requirements appear in regulations issued under the National Firearms Act at 27 CFR 179.102. In the case of any semiautomatic assault weapon manufactured after September 13, 1994, the regulations also require that the frame or receiver be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "FOR EXPORT ONLY" (27 CFR 178.92(a)(2)).

The ATF has established the specific requirements for the height (1/16th inch) and depth (0.003 inch) of the markings for licensees importing or manufacturing firearms. The markings at importation must be applied within 15 days of receiving the firearms.

Example of markings (picture provided by ATF- presentation about markings)



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Record Keeping[26]

Commercial manufacturers are required to maintain records of the manufacture, export and other acquisition of firearms. Licensed manufacturers or importers must maintain permanent records of firearms manufactured or imported. Licensed importers of all defense articles must maintain records for 6 years and exporters and brokers of defense articles and defense services must maintain records for 5 years. Certain firearms (e.g. machine guns) must be registered under the *National Firearms Act*. All licensed dealers must maintain Firearms Transaction Records of all sales and transfers (Form 4473) of firearms for not less than 20 years. If dealers go out of business, they are required to submit these records to ATF for permanent retention.

Under the *Arms Export Control Act* (AECA), manufacturers, exporters, or brokers of defense articles (including SALW) or defense services must register with the Department of State. Those in the business of manufacturing, exporting or brokering (exporting or importing) of defense articles or defense services must register (Form DS-2032). Records must be maintained by each registrant in readable form and must be available at all times for review by the Department of State DDTC for five years from the last event or expiration.

Other:

Firearms have been marked in the United States for at least 40 years. The markings are a business reality and manufacturers and importers comply with the regulations. Based on discussions with representatives from the ATF, the markings do not seem to be an issue for possessors of firearms. Other than collectors of highly valued firearms, possessors of firearms appear to be indifferent about marking issues.

[26] http://disarmament.un.org/cab/bms3/1BMS3Pages/1National%20Reports%202008.html on March 24, 2009

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4.2. Brazil[27]

Firearm Regulations

Since its *Disarmament Statute* was implemented (Brazilian Law No. 10826, December 2003), Brazil has been thoroughly committed to the marking and registration of small arms and light weapons, including ammunition.

The Army's Directorate for Inspection of Controlled Goods exercises controls, including registration, licensing, inspection and military customs, to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked small arms and light weapons. Erasing or altering markings on small arms and light weapons or ammunition is a crime subject to a fine and from three to six years imprisonment.

Protocols

Brazil signed the CIFTA Protocol in 1997 and ratified it in 1999.[28]

Brazil signed the UN Firearms Protocol in 2001 and ratified it in 2006.

Firearms Markings

The marking of firearms is regulated by *Ministerial Act* No. 7D, issued by the Logistics Department, Ministry of Defense, April 28, 2006. According to this legislation, all firearms produced in Brazil must bear the following markings:

i. name or brand of the manufacturer;
ii. name or code of the country;
iii. caliber;
iv. serial number;
v. year of manufacture.

According to the *Ministerial Act*, all markings must be resistant to any attempts to remove or alter them. The marking system is also subject to military inspections. A printing depth of 0.10 mm is required by means of mechanical deformation in metallic components. In addition, all firearms acquired by the Armed Forces, the Federal Police Department, the Federal Highway Police Department, the Military Police, the Military Fire Brigades and other federal public bodies must be marked with the Federal Republic blazon as well as the name or initials of the organization. The equivalent demand is placed upon all firearms acquired by state public bodies and municipal guards. In the case of firearms destined for export, in addition to the markings explained above, any marking required by the importing country must also be provided. At the same time, the firearm manufacturer must indicate the name of the importer on all imported firearms to be sold in specialized commerce by registered companies in Brazil. In other words, the markings must be applied by the foreign exporters (manufacturers or distributors) prior to entering Brazil.

[27] From Brazil report to the UN Conference on the Illicit Trade of Small Arms and Light Weapons in all its aspects on July 14-18, 2008.
http://disarmament.un.org/cab/bms3/1BMS3Pages/1NationalReports/Brazil%20Report.pdf on March 3, 2009
[28] http://www.oas.org/juridico/english/sigs/a-63.html on March 3, 2009.

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Imported firearms to be used by public bodies must have the same markings as those produced in Brazil. Replacement parts produced for the national market must also be marked with the same numbering indicated on the firearm for which they are to be used. The markings for replacement parts must be preceded by the letter "R".

Lastly, manufacturers are required to maintain a record of the sale of a firearm indefinitely.

Record Keeping

Since 1997, the Brazilian Government has maintained a National Arms Registry (Sistema Nacional de Armas, SINARM), *initially created by Law No. 9437 in 1997/02/20. After the implementation of the Disarmament Statute* in 2003, SINARM has co-existed with the Military Firearms Management System (Sistema de Gerenciamento Militar de Armas, SIGMA). SINARM was established by the Ministry of Justice and has been run by the Federal Police; SIGMA was established by the Ministry of Defense and has been run by the Army Command. Both registries have jurisdiction over the entire country and are mutually accessible.

Since they contain information regarding all firearms produced, imported and sold in Brazil, these registration systems allow the Brazilian government to identify the characteristics of firearms and track their owners. The records also include the following: all authorizations to carry firearms, renewals issued by the Federal Police, transfers of ownership; and instances of loss, theft, robbery and other events liable to alter the enrollment data. All firearm dealers operating in Brazil are registered, including authorized manufacturers, wholesalers, retailers, exporters and importers of firearms, their accessories and ammunition. Other important data are the seizure of firearms, including those related to police and judicial proceedings.

The registration of firearms contains the following information at a minimum:

I – PERSON:

a) name, affiliation, date and place of birth;
b) address;
c) address of the company or place of work;
d) occupation;
e) identity number, date of dispatch, federation dispatch unit;
f) number of the Individual Registry (fiscal).

II - FIREARM:

a) the registration number in SINARM;
b) the manufacturer and seller;
c) fiscal note number and date;
d) species, make, model and serial number;
e) size and capacity of cartridges;
f) Mode of firing (never automatic);
g) quantity and length of barrels;
h) rifling (with or without groove);
i) quantity of groove and direction;
j) serial number recorded in the barrel of the gun.

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4.3. European Union

Firearms Regulations

The European Union (EU) adopted a Directive in 1991 regarding the control of the acquisition and possession of weapons. As stated in Directive 91/477[29], the laws of Member States must impose the requirements laid down in Directive 91/477 at a minimum. However, Member States are entitled, in principle, to take more stringent measures than those provided by the Directive.

Protocols

The European Community signed the UN Firearms Protocol in 2002. [30] The following is the status of European Union member States regarding the UN Firearms Protocol[31] as of March 24, 2009:[32]

Countries	Signed	Ratified
Austria	2001/11/12	
Belgium	2002/06/11	2004/09/24
Bulgaria	2002/02/15	2002/08/06
Cyprus	2002/08/14	2003/08/06
Czech Republic		
Denmark	2002/08/27	
Estonia	2002/09/20	2004/05/12
Finland	2002/01/23	
France		
Germany	2002/09/03	
Greece	2002/10/10	
Hungary		
Ireland		
Italy	2001/11/14	2006/08/02
Latvia		2004/07/28
Lithuania	2002/12/12	2005/02/24
Luxembourg	2002/12/11	
Malta		
Netherlands		2005/02/08
Poland	2002/12/12	2005/04/04
Portugal	2002/09/03	
Romania		2004/04/16
Slovakia	2002/08/26	2004/08/21
Slovenia	2001/11/15	2004/05/21
Spain		2007/02/09
Sweden	2002/01/10	
United Kingdom	2002/05/06	

It is important to note that even if a European country has not signed the UN Firearms Protocol (such as France), they will have to transpose the European Directive into the domestic legislation within 2 years following the adoption date of the Directive.

[29] See Annex C or http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52000DC0837:EN:HTML on April 16, 2009
[30] Note that CIFTA includes only States within the Americas and does not apply to the European Union.
[31] http://europa.eu/abc/european_countries/eu_members/index_en.html on March 24, 2009
[32] Please note that blank cells mean that the country did not sign and/or ratify the UN Firearms Protocol.

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Firearms Markings

The European Union is signatory to the UN Firearms Protocol. The organization signed the Protocol in January 2002 on behalf on the European Community. Since the signing, the European Union has led several initiatives to comply with the UN Firearms Protocol. In July 2008, the European Commission adopted Directive 2008/51 about the marking, tracing and record-keeping of firearms.

For the purpose of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm, either:[33]

> (a) require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trademark. For these purposes, the Member States may choose to apply the provisions of the Convention of July, 1 1969 on Reciprocal Recognition of Proofmarks on Small Arms; or
>
> (b) maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.

The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.

Please note that markings at importation are addressed in article (5) of this directive:

> "The Firearms, their parts and ammunition, when imported from third countries, are subject to Community legislation and, accordingly, to the requirements of Directive 91/477/EEC".

The Directive demands that imported firearms meet the same requirements as manufactured firearms. However, the directive does not provide any specific requirements concerning the country of importation and the year of importation.

Not all European countries are at the same stage regarding marking regulations. Some countries are already working on National legislation for the marking of firearms. For example, Italy has already adopted some regulations.

[33] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:179:0005:01:EN:HTML on March 25, 2009

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Box no 6: Italian marking legislation[34]

Italy

As demonstrated in report no 2 – Marking and Tracing, Italy is the second largest provider of firearms to the Canadian market. Italy has already implemented domestic regulations regarding the marking of manufactured and imported firearms. In summary, marking has been introduced to permit the identification of each firearm using some key information, such as: a unique serial number, the year of import, the country of origin and the marking of the Italian Republic (or other marking in case of firearms imported from a country outside the EU). The following markings are required for the civil/sport market for firearms manufactured in Italy:

1. **Model;**
2. **Caliber or Gauge;**
3. **Name of manufacturer;**
4. **Logo of manufacturer;**
5. **Country of origin;**
6. **Serial number;**
7. **If applicable, national catalog number as per Italian law 110/75;**
8. **National Proofing House Stamp evidencing:**
   a. **Year of manufacture**
   b. **Overpressure Test; and**
9. **Name, city and State of the importer for U.S. market only.**

Record Keeping[35]

As per Directive 2008-51: "Member States shall, by December 31, 2014, ensure the establishment and maintenance of a computerized data-filing system, either a centralized system or a decentralized system which guarantees that those authorized have access to the data-filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain, for not less than 20 years, each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.

Throughout their period of activity, dealers shall be required to maintain a register of all firearms subject to this Directive. The register records firearms which are received or disposed of, as well as certain particulars which enable the firearm to be identified and traced. This includes the particular type, make, model, caliber, serial number, and the names and addresses of the persons supplying and acquiring the firearm. Upon cessation of activities, the dealer shall deliver the register to the national authority responsible for the filing system.

Member States shall ensure that all firearms may be linked to their owner at any moment. However, as regards firearms classified in category D, Member States shall, as from 28 July 2010, put into place appropriate tracing measures, including, as from 31 December 2014, measures enabling linking at any moment to the owner of firearms placed on the market after 28 July 2010."

[34] http://disarmament.un.org/cab/nationalreports/2007/Italy.pdf
[35] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:179:0005:01:EN:HTML on March 25, 2009

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Other:

As discussed during the interview with the European Union representative, the European Union is not facing any resistance regarding the marking of firearms and, more specifically, the Directive adopted in 2008 (2008/51). This is probably due to the tradition of Proof House markings in many European Countries. *(Please see special note about Proof Houses below.)*

Each Member State has two years to implement the Directive domestically. According to the EU representative consulted, the adoption of Directive 2008-51 went very smoothly.

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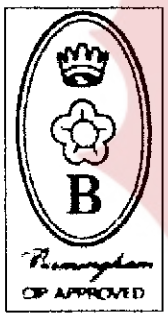
Special note about Proof Houses

Permanent International Commission for Firearms Testing

The marking of firearms is not a new subject. The Commission internationale permanente pour l'épreuve des armes à feu portatives (Permanent International Commission for Firearms Testing - commonly known as C.I.P. or CIP) is an international organization with 14 member states which are mainly, but not uniquely, European.[36] The Commission's objective is to establish uniform rules for the proofing of firearms and ammunition, and ensure a reciprocal recognition of other members' proofs marks. When testing is successful, a stamp is marked on the firearm to indicate that it is not defective. In summary, the C.I.P. requires that the main parts of SALW manufactured or imported be submitted to a proof test in order to ensure the safety of the firearms.

The images below show examples of the proof testing stamps marked during post-manufacturing; one stamp is from the United Kingdom and the other is from Belgium. The proof house from the United Kingdom is the Birmingham Gun Barrel Proof House (http://www.gunproof.com/). "P.V" is the official proof mark of Belgium.



Proof House and CIP mark

The member states of the C.I.P. are as follows:

1. Austria
2. Belgium
3. Chile
4. Czech Republic
5. Finland
6. France
7. Germany
8. Hungary
9. Italy
10. Russia
11. Slovakia
12. Spain
13. United Arab Emirates
14. United Kingdom

In all available C.I.P documentation, there is no mention of the method of marking or the technical requirements to mark post-manufactured firearms. However, the fact that no method was found does not necessarily indicate that no standard specification exists.

[36] http://www.cip-bp.org/index.php?id=accueil

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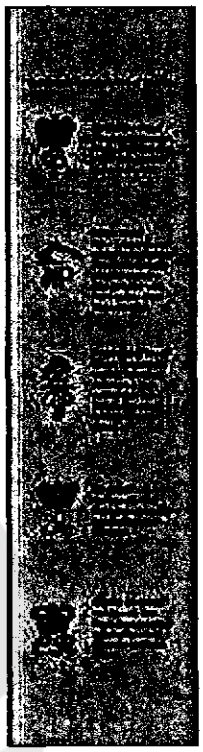
London Proof House

Proofing is the process of testing the safety of a gun barrel. Proofing is still done as it has been since the beginning of gunmaking in the 1600s: by firing the gun with an over-pressurized charge of powder. If the gun withstands the test, it will be safe to shoot. If the gun does not withstand the test, then it is deemed unsafe. Although modern non-destructive inspection techniques enable the visualization of the internal metal structure to a high degree of accuracy, there is still no better way of determining which cracks and imperfections in the structure might prove dangerous than this traditional practical test.[37]



At the London Proof House, proofing is carried out in three steps:

- **Physical examination**. The barrel and action are inspected to ensure that there are no visible signs of weakness or undue wear. The barrels are also measured and gauged to ensure that they conform to precise dimensions and tolerances.

- **Proof firing**. Guns that pass examination are taken to an enclosed firing room, where they are secured in a holding device, which is aimed into a "snail" bullet catcher, a box containing a lubricated and hardened steel spiral that can safely dissipate the momentum of a bullet. The snails used at the London Proof House are safe for bullets upwards of .50 calibre. The gun is then loaded with a proof cartridge that, depending on the type of gun, will produce 25 percent to 50 percent more than the theoretical maximum service pressure. The firing chamber is closed, and the gun is fired remotely.

- **Proof marks**. After re-inspection and gauging, guns that pass the test, and the vast majority do, are then marked with the London proof mark. Typically, this consists of the initials GP beneath a crown, although there are special marks for unusual tests and circumstances.

Representative from Public Safety Canada visited the London Proof House in March 2009. Although the London Proof House was not interviewed directly by GCS. The researcher provided a list of questions for Public Safety Canada to obtain information from the London Proof House concerning its experience with marking-related issues. Public Safety Canada provided GCS with the responses from the London Proof House.

All firearms in the United Kingdom must bear the stamp of the London or Birmingham Proof House before being considered legal. The London Proof House uses either stamping (hand stamp and a hammer) or engraving to mark firearms. Based on their experience it takes about one minute to stamp and about five minutes to engrave a firearm. No special expertise is required for the technicians to apply the mark(s). The stamps are marked at the most convenient place on the gun to ensure that it is inconspicuous and does not reduce the value of the firearm.

Based on the experience of the London Proof House, the marking process does not corrode or damage a firearm. Any damage typically occurs as a result of poor maintenance of firearms which is the responsibility of the owner.

[37] From the London Proof House website. http://www.gunmakers.org/proofhouse.html on June 30, 2009.

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4.4. Australia[38]

Firearms Regulations

In Australia's federal system of government, the six State and two Territory governments have direct legislative responsibility for the control of firearms (including the possession, ownership, use, production and domestic transfer of firearms, their parts, accessories and ammunition). The Australian Government is responsible for controlling the import, export and transit of firearms, their parts, accessories and ammunition. The Australian government, as well as State and Territory governments, have concluded the following three agreements on firearms since 1996, which together form the foundation of Australia's firearm controls:

1. The National Firearms Agreement (NFA) of 1996:
2. The National Firearms Trafficking Policy Agreement (NFTPA) of 2002:
3. The National Handgun Agreement (NHA) of 2002:

Protocols

Australia is not part of CIFTA.

Australia is a signatory to the UN Firearms Protocol since 2001, but has not yet ratified it.

Firearms Markings

Australia is currently reviewing its marking practices in the following contexts:

- Taking the steps necessary to ratify the Un Firearms Protocol
- Supplementing the United Nations Convention against Transnational Organized Crime (the UN Firearms Protocol) and the International Tracing Instrument.

Relatively few firearms are manufactured in Australia. Governments in Australia are reviewing their approach to regulations in this area.

All imported firearms manufactured after 1900 must bear a unique identification mark (i.e., a serial number). The Australian Customs Service monitors compliance with this requirement as part of import procedures.

The Australian Crime Commission (ACC) undertakes the tracing of firearms within the criminal market. In 2007, the ACC and the United States Department of Justice, Bureau of Alcohol, Tobacco and Firearms (ATF) signed a Memorandum of Understanding (MOU) on the sharing of information relating to firearm

[38] Information is from the UN national report http://disarmament.un.org/cab/bms3/1BMS3Pages/1National%20Reports%202008.html on March 3 2009 and from an interview with Mr. Fleetwood from the Crime Commission of Australia.

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trafficking issues. The ACC has a strong relationship with both the national and international firearms industry which supports the timely tracing of illicit firearms. Gathering historical records, the ACC is establishing a database of firearm transaction records which indicate if a located firearm was ever in the licit market. This identifies situations in which firearms are legally imported into Australia, where no factory records exist. Some 700,000 historical records have been entered into the ACC firearms database in four years. The ACC is also establishing a firearm serial number structure guide, which will aid investigators and registry staff in identifying the make and model of firearms by a serial number. Some 10,000 types of serial numbers have been included thus far, with the release of the first book expected in January 2009.

Record Keeping

All Australian jurisdictions require compulsory registration of firearms and licensing of firearm owners. Export and import procedures require that all details of firearms be provided to Customs. Police services have access to firearm registration and licensing details through the maintenance of individual State and Territory firearm registry systems, and also through the National Firearms Licensing and Registration System.

Australian governments are working on ways to improve the quality and availability of firearm data at the national level.

Other

Discussions about the marking of firearms are in the early stages in Australia. Since the marking of firearms is under provincial/ territorial jurisdiction, the first challenge is to negotiate a uniform marking regulation within the province/ territory.

The second aspect is the firearms industry and, more specifically, the importers of firearms. As indicated, relatively few firearms are manufactured in Australia. Therefore, Australian authorities are currently conducting consultations with the largest importers in the country. The results of these consultations are planned to be available in 2009. The issues being raised thus far are similar to the concerns voiced in Canada, namely:

1. Cosmetic issues;
2. Damage to historical firearms; and
3. Technical challenges associated with marking certain types of firearms.

Given that the discussions are at a preliminary stage, concerns about marking techniques and who will be entitled to mark firearms have not yet been addresses.

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ANNEX A - G8 Hokkaido Toyako Summit Leaders

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ANNEX B - G8 Justice and Home Affairs Ministerial Meeting - Concluding Declaration

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ANNEX C – EUROPEAN UNION DIRECTIVE

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ANNEX D – CIFTA

Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, And Other Related Materials

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ANNEX E – UN FIREARMS PROTOCOL

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International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

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G8 Hokkaido Toyako Summit Leaders Declaration

Hokkaido Toyako, 8 July 2008

World Economy

Global Growth

1.We remain positive about the long-term resilience of our economies and future global economic growth. Emerging market economies are still growing strongly though our growth has moderated. However, the world economy is now facing uncertainty and downside risks persist. Among others, we express our strong concern about elevated commodity prices, especially of oil and food, since they pose a serious challenge to stable growth worldwide, have serious implications for the most vulnerable, and increase global inflationary pressure. We are determined to continuously take appropriate actions, individually and collectively, to ensure stability and growth in our economies and globally.

Financial market conditions have improved somewhat in the past few months. But serious strains still exist. While good progress has been made in implementing the recommendations by the Financial Stability Forum (FSF) in April, we urge private-sector players, national supervisory authorities and international bodies to rapidly implement all FSF recommendations to strengthen resilience of the financial system. We underscore the importance of implementing the FSF report's recommendations, as set out by the G8 Finance Ministers' Statement in Osaka.

2.We are mindful of the inter-related nature of the issues surrounding the world economy. We remain committed to promoting a smooth adjustment of global imbalances through sound macroeconomic management and structural policies in our countries as well as in emerging economies and oil producing countries. In some emerging economies with large and growing current account surpluses, it is crucial that their effective exchange rates move so that necessary adjustment will occur. We will promote continued consultation with our partner countries.

3. Globalization is a key driver for global economic growth and strong, prosperous economies, supported by shared values of political democracy, economic freedom and accountable institutions. Globalization and open markets offer great opportunities for our societies, emerging economies and developing countries. We are strongly committed to use these opportunities for the benefit of our citizens and global growth. At the same time, we will address various political, economic and social challenges for extending globalization's benefits to all.

4. We invite international organizations, in particular the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO), the International Labor Organization (ILO) and the Organisation for Economic Co-operation and Development (OECD), to enhance their cooperation and to improve coherence.

Trade and Investment

5. We will resist protectionist pressures against international trade and investment in all its manifestations.

A successful conclusion of an ambitious, balanced and comprehensive WTO Doha agreement is critical to economic growth and development. Given the crucial stage of negotiations, we reiterate our determination to work as a matter of urgency toward the conclusion of the

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negotiations and call on all WTO Members to make substantial contributions with a view to establishing modalities for Agriculture and NAMA (Non-Agricultural Market Access) and achieving positive and tangible results on Services. We welcome the convening of a ministerial meeting starting on 21 July. We also support the holding of a Signaling Conference on Trade in Services on the same occasion.

For the purpose of striking an overall balance, we stress the need for making progress and delivering meaningful outcomes in all the areas within the single undertaking.

6. Open trade and investment policies strengthen economies. All countries should take steps to develop, maintain and promote regimes that welcome foreign investment, guarantee non-discriminatory treatment for foreign investment, and ensure freedom to transfer capital and returns from investment. Any foreign investment restrictions should be very limited, focusing primarily on national security concerns, and should adhere to the principles of transparency and predictability, proportionality, and accountability. Furthermore, we note the importance of high standards of investment protection in international agreements including fair and equitable treatment, prompt, adequate and effective compensation in the event of expropriation, and access to international arbitration to resolve disputes. We are equally committed to high liberalization standards, such as national treatment and most-favored-nation treatment, in bilateral agreements in relation to investment.

7. Open and competitive capital markets can promote economic growth. We encourage actions by financial markets regulators through various approaches that can facilitate cross-border capital markets services, including through the ongoing discussion of mutual recognition of comparable securities regimes.

8. Sovereign wealth funds (SWFs) are increasingly important participants in the world economy and we welcome recent commitments by some SWFs to greater transparency. We encourage the work of the IMF and the OECD to identify best practices for SWFs and recipient countries respectively, and in this context, welcome the Declaration on Sovereign Wealth Funds and Recipient Country Policies at the OECD Ministerial Council Meeting.

9. Reaffirming our Heiligendamm commitments, we will promote Corporate Social Responsibility (CSR) including through encouragement of voluntary adherence to the relevant international instruments, standards and principles by companies from all countries. We recognize and commend efforts by private businesses for undertaking socially responsible investments. We will encourage good corporate governance practices.

10. We welcome the joint statement of the G8 Business Summit held in April, and are determined to enhance our cooperation with all stakeholders including business communities, consumer associations, workers and trade unions in tackling various challenges we face.

Energy Security

11. We reaffirm our commitment to the St. Petersburg Global Energy Security Principles and the implementation of its Plan of Action and invite other countries to embrace these Principles. We therefore compiled national reports, with the assistance of the International Energy Agency (IEA), evaluating our efforts to adhere to those principles and welcome the corresponding overview provided by the IEA. We are committed to updating our reports for 2009 Summit.

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12. We have strong concerns about the sharp rise in oil prices, which poses risks to the global economy. Concerted efforts are needed to address the underlying causes for the benefit of all. On the supply side, production and refining capacities should be increased in the short term. Joint efforts are also necessary to expand upstream and downstream investment in the medium term. Oil-producing countries should ensure transparent and stable investment environments conducive to increasing the production capacity needed to meet rising global demand. On the demand side, it is important to make further efforts to improve energy efficiency as well as pursue energy diversification.

In reconfirming the shared interest and responsibility of energy producing and consuming countries in promoting global energy security, we will enhance further dialogue and partnership. In this regard, as a follow-up to the recent Jeddah Energy Meeting, we look forward to the meeting to be held in London later this year. Also, we encourage major countries that are not IEA members to deepen their dialogue with the IEA, including through active participation in IEA programs, as appropriate.

13. To enhance energy security, we propose holding an energy forum to focus on energy efficiency and new technologies, which could also contribute to dialogue between producers and consumers.

14. Greater transparency will lead to better functioning energy markets and hence a better balance between supply and demand. Therefore, we need to improve collection and timely reporting of market data on oil and develop shared analysis of oil market trends and outlook. We therefore continue to strongly support the Joint Oil Data Initiative (JODI) as a significant contribution in the efforts for information sharing including on oil stocks among energy producers and consumers. We support the efforts of the JODI partner organizations including the International Energy Forum (IEF) to realize further progress of JODI in terms of quality, completeness and timeliness of information. We stress the importance of energy markets which send undistorted price signals and are free from any political pressure. We welcome the G8 Finance Ministers' request to the IMF and the IEA to jointly carry out further analysis of real and financial factors behind the recent surge in oil and commodity prices, their volatility, and the effects on the global economy. We also welcome the efforts taken by relevant national authorities for increased transparency of commodity futures markets and encourage further cooperation between them.

Raw Materials

15. To promote improved transparency, accountability, good governance and sustainable economic growth in the extractive sector, and to address the natural resource dimensions of armed conflict and post-conflict situations, we:

(a) continue to support initiatives such as the Extractive Industries Transparency Initiative (EITI) and call for its full implementation and for candidate countries to complete the validation process in a timely manner. We encourage emerging economies and their companies to support the initiative;

(b) promote improved resource management including fiscal transparency and legislative oversight by resource-rich countries through supporting international financial institutions' efforts to develop international standards and codes to be voluntarily adopted by those countries, and technical assistance, as appropriate; and

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(c) support international efforts to respond more effectively to the natural resource dimensions of conflict and post-conflict situations, and would welcome additional analysis on the issue by the OECD Development Assistance Committee (DAC), the United Nations Secretary General, and the World Bank.

16. We affirm the importance of open raw materials markets as the most efficient mechanism for resources allocation. We call on our trading partners to strictly comply with WTO rules and to enhance the transparency and predictability of their measures in this area.

Protection of Intellectual Property Rights (IPR)

17. Effective promotion and protection of IPR are critical to the development of creative products, technologies and economies. We will advance existing anti-counterfeiting and piracy initiatives through, inter alia, promoting information exchange systems amongst our authorities, as well as developing non-binding Standards to be Employed by Customs for Uniform Rights Enforcement (SECURE) at the World Customs Organization. We encourage the acceleration of negotiations to establish a new international legal framework, the Anti-Counterfeiting Trade Agreement (ACTA), and seek to complete the negotiation by the end of this year. We will promote practical cooperation between our countries to develop tools to combat new techniques in counterfeiting and piracy and spread best practices. We reaffirm our commitment on government use of software in full compliance with the relevant international agreements and call on other countries to follow our commitment.

18. Firmly believing that an efficient and well-functioning IP system benefits countries at all stages of development, we:

(a) reaffirm the importance of global patent harmonization and expanding international patent collaboration, including accelerated discussions on the Substantive Patent Law Treaty; and

(b) welcome the progress achieved in the G8 technical assistance pilot plans as well as the launch of additional pilot plans and joint outreach programs for public awareness in these countries.

Corruption

19. We call for the ratification of the United Nations Convention against Corruption (UNCAC) by all countries and a strong and consistent follow-up of the Bali Conference by ensuring effective implementation of UNCAC, including the development of a review mechanism. Reaffirming our previous commitments, we will redouble our efforts to deny safe havens through our national laws to public officials found guilty of corruption and strengthen international cooperation on asset recovery including supporting initiatives of relevant international organizations such as the Stolen Asset Recovery(StAR) Initiative promoted by the World Bank and United Nations Office on Drugs and Crime (UNODC). We also recognize the importance of technical assistance to partner countries in their own efforts to implement the Convention.

We will also strengthen enforcement of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions with the commitment to continue effective monitoring through the implementation of a rigorous and permanent peer review mechanism and call for accession to the Convention by emerging countries. We endorsed an enhanced accountability report detailing actions of each G8 member to implement the anticorruption commitments we have undertaken in the G8, and agreed to update it annually.

Abuses of the Financial System

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20. We urge all countries that have not yet fully implemented the OECD standards of transparency and effective exchange of information in tax matters to do so without further delay, and encourage the OECD to strengthen its work on tax evasion and report back in 2010.

Heiligendamm Process

21. We welcome the progress of the Heiligendamm Process, the topic-driven political dialogue on an equal footing between the members of the G8 and major emerging economies to enhance mutual confidence and understanding and to develop a true partnership focusing on investment, innovation, energy efficiency and development. We look forward to discussing these issues reflected in the interim report with the leaders of Brazil, China, India, Mexico and South Africa on 9 July. We reiterate our commitment to the Process and look forward to receiving a comprehensive concluding report at the G8 Summit in 2009. We appreciate the OECD for providing organizational and technical support for the dialogue.

Environment and Climate Change

Climate Change

22. We reconfirm the significance of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) as providing the most comprehensive assessment of the science and encourage the continuation of the science-based approach that should guide our climate protection efforts. We reaffirm our commitment to take strong leadership in combating climate change and in this respect, welcome decisions taken in Bali as the foundation for reaching a global agreement in the United Nations Framework Convention on Climate Change (UNFCCC) process by 2009. We are committed to its successful conclusion. Enhanced commitments or actions by all major economies are essential for tackling climate change. Therefore, we endorse the positive contribution of the Major Economies Leaders Meeting to the UNFCCC.

23. We are committed to avoiding the most serious consequences of climate change and determined to achieve the stabilization of atmospheric concentrations of global greenhouse gases consistent with the ultimate objective of Article 2 of the Convention and within a time frame that should be compatible with economic growth and energy security. Achieving this objective will only be possible through common determination of all major economies, over an appropriate time frame, to slow, stop and reverse global growth of emissions and move towards a low-carbon society. We seek to share with all Parties to the UNFCCC the vision of, and together with them to consider and adopt in the UNFCCC negotiations, the goal of achieving at least 50% reduction of global emissions by 2050, recognizing that this global challenge can only be met by a global response, in particular, by the contributions from all major economies, consistent with the principle of common but differentiated responsibilities and respective capabilities. Substantial progress toward such a long-term goal requires, inter alia, in the near-term, the acceleration of the deployment of existing technologies, and in the medium- and long-term, will depend on the development and deployment of low-carbon technologies in ways that will enable us to meet our sustainable economic development and energy security objectives. In this regard, we emphasize the importance and urgency of adopting appropriate measures to stimulate development and deployment of innovative technologies and practices.

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24. Making progress towards the shared vision, and a long-term global goal will require mid-term goals and national plans to achieve them. These plans may reflect a diversity of mitigation and adaptation approaches. Sectoral approaches are useful tools among others for achieving national emission reduction objectives. We look forward to discussing this issue with leaders of other major economies tomorrow and to continuing the discussions among the major economies and in the UNFCCC negotiations over the coming months. We recognize that what the major developed economies do will differ from what major developing economies do, consistent with the principle of common but differentiated responsibilities and respective capabilities. In this respect, we acknowledge our leadership role and each of us will implement ambitious economy-wide mid-term goals in order to achieve absolute emissions reductions and, where applicable, first stop the growth of emissions as soon as possible, reflecting comparable efforts among all developed economies, taking into account differences in their national circumstances. We will also help support the mitigation plans of major developing economies by technology, financing and capacity-building. At the same time, in order to ensure an effective and ambitious global post-2012 climate regime, all major economies will need to commit to meaningful mitigation actions to be bound in the international agreement to be negotiated by the end of 2009.

25. Sectoral approaches can be useful tools to improve energy efficiency and reduce GHG emissions through dissemination of existing and new technologies in a manner compatible with economic growth. We ask the IEA to enhance its work on voluntary sectoral indicators through improved data collection, complemented by business initiatives.

We emphasize the importance of expeditious discussions in the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) for limiting or reducing GHG emissions in the international aviation and maritime sectors, bearing in mind the distinct processes under the UNFCCC toward an agreed outcome for the post-2012 period.

26. We recognize the importance of setting mid-term, aspirational goals for energy efficiency. In national goals and objectives, as well as in country specific action plans, we will maximize implementation of the IEA's 25 recommendations on energy efficiency.

We welcome the recent decision to establish the International Partnership for Energy Efficiency Cooperation (IPEEC), of which the terms of association will be determined by the end of this year, as a high level forum for enhancing and coordinating our joint efforts to accelerate the adoption of sound energy efficiency improvement practices.

We invite all interested countries to join those efforts.

27. We promote clean energy, given its importance in tackling climate change and for the enhancement of energy security, by setting national goals and formulating action plans followed by appropriate monitoring. We believe that there are significant and growing economic and employment opportunities in this sector.

We recognize the important role of renewable energy in tackling climate change and in the long term reducing our dependency on fossil fuels.

We underscore the importance of sustainable biofuel production and use. The same should apply for the broader use of biomass for fuel, heat and electricity. We support the work of the "Global Bioenergy Partnership" (GBEP) and invite it to work with other relevant stakeholders to develop science-based benchmarks and indicators for biofuel production and use. We are committed to continuing research and development of second generation biofuel technologies.

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28. We witness that a growing number of countries have expressed their interests in nuclear power programs as a means to addressing climate change and energy security concerns. These countries regard nuclear power as an essential instrument in reducing dependence on fossil fuels and hence greenhouse gas emissions. We reiterate that safeguards (nuclear nonproliferation), nuclear safety and nuclear security (3S) are fundamental principles for the peaceful use of nuclear energy. Against this background, an international initiative proposed by Japan on 3S-based nuclear energy infrastructure will be launched. We affirm the role of the International Atomic Energy Agency (IAEA) in this process.

29. Recognizing the linkage between the potential impacts of climate change and development, mitigation and adaptation strategies should be pursued as part of development and poverty eradication efforts. A successful global response to climate change requires a partnership between developing and developed countries. Developing countries' efforts to put in place appropriate national mitigation and adaptation plans to build low carbon, climate resilient economies, should be supported by scaled up assistance from developed countries.

30. Recognizing that poorer countries are among the most vulnerable to the adverse impacts of climate change, we will continue and enhance cooperation with developing countries, in particular least developed countries (LDCs) and small island developing states, in their efforts to adapt to climate change including disaster risk reduction. To address this issue, we commit to support urgent actions to mainstream adaptation into broader development strategies and encourage developing countries themselves to integrate adaptation into their development policies. The early start of activities under the UNFCCC Adaptation Fund should make an important contribution in this respect. We call on the multilateral development banks and other development agencies to support countries in this endeavor.

31. We will establish an international initiative with the support of the IEA to develop roadmaps for innovative technologies and cooperate upon existing and new partnerships, including carbon capture and storage (CCS) and advanced energy technologies. Reaffirming our Heiligendamm commitment to urgently develop, deploy and foster clean energy technologies, we recognize and encourage a wide range of policy instruments such as transparent regulatory frameworks, economic and fiscal incentives, and public/private partnerships to foster private sector investments in new technologies. We strongly support the launching of 20 large-scale CCS demonstration projects globally by 2010, taking into account various national circumstances, with a view to beginning broad deployment of CCS by 2020.

To accelerate these and other efforts, we are committed to increasing investment in both basic and applied environmental and clean energy technology research and development (R&D), and the promotion of commercialization including through direct government funding and fiscal measures to encourage private sector investment. In this respect, G8 members have so far pledged over the next several years over US$ 10 billion annually in direct government-funded R&D. We also agree to take various policy and regulatory measures to provide incentives for commercializing these technologies.

We note the opportunity to promote research on complementary technological approaches which may contribute towards maintaining a stable climate.

To respond to the growing demand for Earth observation data, we will accelerate efforts within the Global Earth Observation System of Systems (GEOSS), which builds on the work of UN specialized agencies and programs, in priority areas, inter alia, climate change and water

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resources management, by strengthening observation, prediction and data sharing. We also support capacity building for developing countries in earth observations and promote interoperability and linkage with other partners.

32. Substantial finance and investments will be needed to meet the urgent challenges of mitigation, adaptation and access to clean energy in developing countries. While the main sources of finance will be the private sector, public resources are essential to help the poorest and to leverage private resources, notably by financing incremental costs and can be very effective in inducing emissions reduction when national policies provide incentives for low carbon investment. In this regard, we welcome and support the establishment of the Climate Investment Funds (CIF) including the Clean Technology Fund (CTF) and the Strategic Climate Fund (SCF), administered by the World Bank. G8 members have thus far pledged approximately US$ 6 billion as an ODA contribution to the funds and welcome commitments from other donors. The CIF will scale up public and private finance. They will have broad-based and inclusive governance mechanisms and, as an interim measure, fill an immediate financial gap for urgent actions until a new financial architecture under the post-2012 regime is effective. The CTF will aim to promote low-carbon economies by helping to finance deployment in developing countries of commercially available cleaner energy technologies through investments in support of credible national mitigation plans that include low-carbon objectives. The SCF will help more vulnerable countries develop climate-resilient economies and take actions to prevent deforestation, and could provide helpful lessons in the context of discussions on post-2012 financing arrangements. These funds will complement existing multilateral efforts, including the Global Environmental Facility (GEF), which plays the key role as the main financial instrument of the UNFCCC and which we are committed to reinforcing. We also welcome various bilateral financial initiatives taken by G8 members, including public/private partnerships capable of generating additional investment. We expect such financial assistance to be delivered in a coordinated manner and encourage active engagement by developing countries in an effective post-2012 framework.

33. Market mechanisms, such as emissions-trading within and between countries, tax incentives, performance-based regulation, fees or taxes and consumer labeling can provide pricing signals and have the potential to deliver economic incentives to the private sector. We also recognize that they help to achieve emission reductions in a cost effective manner and to stimulate long-term innovation. We intend to promote such instruments in accordance with our national circumstances and share experience on the effectiveness of the different instruments. In this regard, we welcome the Action Plan for Climate Change to Enhance the Engagement of Private and Public Financial Institutions adopted by our Finance Ministers.

34. Efforts in the WTO negotiations to eliminate tariffs and non-tariff barriers to environmental goods and services should be enhanced with a view to disseminating clean technology and skills. Additionally, consideration should be given to the reduction or elimination of trade barriers on a voluntary basis on goods and services directly linked to addressing climate change. We also agree to encourage initiatives contributing to climate change mitigation including purchasing and investment policies and practices that promote and support the cleaner and more efficient products and services that can contribute to lower carbon emissions.

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35. We welcome the final report of the Gleneagles Dialogue on Climate Change, Clean Energy and Sustainable Development. We also welcome the reports submitted by the IEA and the World Bank on their work related to the Gleneagles Plan of Action and continue to cooperate with those organizations. We value the useful exchange of views both between member countries and also business and civil society participants and acknowledge the role that further exchanges of this nature can play in supporting action on climate change and the UNFCCC process.

We note the significant progress made by the multilateral development banks on the Clean Energy Investment Framework (CEIF) agreed at Gleneagles and welcome their joint level of ambition to mobilize public and private investments of over US$ 100 billion up to 2010 from within existing resources. We call upon these Banks to build on the CEIF to develop comprehensive strategies to guide the integration of climate change into their development work and to set specific targets for low carbon investments like renewable energy.

Forest

36. We encourage actions for Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) including the development of an international forest monitoring network building on existing initiatives. Recognizing the urgent need to curb illegal logging and its associated trade, we welcome the G8 Forest Experts' Report on Illegal Logging. We will follow up, as appropriate, its preliminary list of options. We will make all possible efforts by ensuring close coordination among various fora and initiatives with a view to promoting effective forest law enforcement and governance and sustainable forest management worldwide. We will also consider ways to enhance our cooperation to combat forest fires.

Biodiversity

37. Recognizing the crucial importance of the conservation and the sustainable use of biodiversity as highlighted at the 9th meeting of the Conference of the Parties of the Convention on Biological Diversity held in Bonn, we share the concerns regarding the vulnerability of biodiversity. We endorse the Kobe Call for Action for Biodiversity and reiterate our commitment to increase our efforts to reduce the rate of biodiversity loss significantly in order to achieve the globally agreed 2010 Biodiversity Target, including by reducing threats from the illicit trade in wildlife. We will promote a co-benefits approach that will lead to reducing greenhouse gas emissions and conservation and sustainable use of biodiversity as well. We note the importance of improving the interface between research activities and the public and policy makers.

3R

38. In implementing the principles of the 3Rs (Reduce, Reuse, Recycle), we recognize the importance of how we use resources throughout their life cycles to a thriving global economy and environment. To this end, we endorse the Kobe 3R Action Plan. We will set targets as appropriate taking into account resource productivity, based on the work of the OECD in furthering efforts to optimize resource cycles. We recognize the importance of information sharing, stakeholder partnerships, and the inclusion of 3R viewpoint in project development and investment. We recognize the significance of reducing barriers to trade in remanufactured goods and for the G8 members to the WTO to support the recently submitted proposal to liberalize trade in remanufactured goods under the WTO Doha Round. We support the international circulation of reusable and recyclable materials and resources in an environmentally sound manner consistent with the Basel Convention.

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Education for Sustainable Development

39. We promote Education for Sustainable Development (ESD) by supporting the UNESCO and other organizations in the field of ESD and through knowledge networks among relevant institutions including universities to encourage actions by the public leading to a more sustainable and low carbon society.

Development and Africa

Development

40. At the mid-point to the Millennium Development Goals (MDGs), although progress has been made, significant challenges remain. We renew our commitment to these goals by reinvigorating our efforts, and by strengthening our partnerships with, as well as encouraging the efforts of, the developing countries based on mutual accountability. The OECD/DAC estimated the global increase of official development assistance (ODA) by 2010 at around US$ 50 billion a year. We are firmly committed to working to fulfill our commitments on ODA made at Gleneagles, and reaffirmed at Heiligendamm, including increasing, compared to 2004, with other donors, ODA to Africa by US$ 25 billion a year by 2010. We commend the successful replenishments of the resources of the International Development Association, the African Development Fund and the Asian Development Fund in which G8 countries provided nearly 75% of donor's contributions and we acknowledge that ODA from G8 and other donors to Africa should be reassessed and may need to be increased for the period after 2010, beyond our current commitments. We expect that the UN High-level Meeting on MDGs in September will provide a timely and important opportunity to demonstrate commitment, to review progress, and to identify remaining challenges and necessary coordinated international and country-led actions to overcome them. We look forward to the UN Secretary-General's MDG Africa Steering Group's recommendations. We also reiterate that our focus on development cooperation should be on the promotion of good governance and self-sustained, private sector-led economic growth in developing countries.

41. In tackling the development agenda, we will take a multi-faceted approach, promoting synergies among MDG-related development sectors particularly among health, water and education, in a framework of sustainable development. In this regard, our work will be grounded in the set of core principles of development policy that we endorsed at Heiligendamm, including promoting good governance based on transparency and rule of law and broad-based private sector-led growth. We will promote a 'participatory approach', involving all key players and stakeholders. We will work together, and with other countries, in a complementary manner, to address global health priorities and deliver on existing health commitments. We will also work to improve human security through protection and empowerment of individuals and communities. In addition, we emphasize the importance of education, science and technology as a means to facilitate development. We will promote gender equality and women's empowerment as a principle in our development cooperation through mainstreaming and specific actions. We will reaffirm during the Third High Level Forum on Aid Effectiveness our commitment to make our aid more effective based on the Paris Declaration principles. We continue to encourage innovative approaches to leverage private investments in connection with domestic public financing and official development assistance.

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42. We renew our commitment to support the development agenda agreed in the Monterrey Conference on Financing for Development which underscored the importance of mobilizing all available sources for development including ODA, foreign direct investment and other private flows, trade, debt relief, innovative financing, and domestic resources. We will contribute to the success of the Follow-up Conference on Financing for Development in Doha thereby giving fresh impetus to the Monterrey Agenda and the global partnership launched there.

43. Peace and security are fundamental to states' ability to meet the needs of their people. Fragile and post-conflict states remain farthest from reaching the MDGs. Overcoming fragility and successful recovery requires comprehensive, integrated and sustained international assistance, including peacekeeping and peacebuilding efforts where necessary, tailored to the particular context. Coherent and complementary responses of all relevant countries including the G8, and international organizations can break the cycle of misery and despair and help set countries on the track to MDG attainment.

44. We acknowledge the importance of facilitating remittance flows given their development impacts. The G8 conference on remittances in Berlin in November 2007 reviewed the actions agreed at the Sea Island Summit in 2004. In this context, we will follow-up the seven recommendations adopted at the Berlin conference on improving data, development impact, remittance services, access to finance, innovative channels and on the creation of a Global Remittances Working Group. We appreciate the work done by international financial institutions in this regard and invite the World Bank to facilitate the work of the group and provide for coordination.

Health

45. As a result of its growing political and financial commitment to fight infectious diseases, the G8 has raised international awareness on global health issues and contributed to remarkable improvements on health in partner countries, notably access to HIV/AIDS prevention, treatment and care; stabilization of tuberculosis incidence; increased coverage of innovative tools such as insecticide-treated nets against malaria; impressive falls in measles deaths; and considerable progress on polio which is closer to eradication than ever before. Investment through the Global Fund to Fight AIDS, Tuberculosis and Malaria together with national efforts, bilateral and other multilateral programs has enabled recipient countries to save more than 2.5 million lives to date. The Second Voluntary Replenishment Conference held in Berlin in 2007 raised US$ 9.7 billion for expanded activities during the period 2008-2010. But many challenges remain toward reaching the health-related MDGs. G8 members are determined to honor in full their specific commitments to fight infectious diseases, namely malaria, tuberculosis, polio and working towards the goal of universal access to HIV/AIDS prevention, treatment and care by 2010. In this regard, we welcome the report submitted by our health experts along with its attached matrices, showing G8 implementation of past commitments to ensure accountability. Building on the Saint Petersburg commitments to fight infectious diseases, the experts' report sets forth the 'Toyako Framework for Action', which includes the principles for action, and actions to be taken on health, drawing on the expertise of international institutions. We also agreed to establish a follow-up mechanism to monitor our progress on meeting our commitments.

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46. In view of sustainability we aim at ensuring that disease-specific and health systems approaches are mutually reinforcing and contribute to achieving all of the health MDGs, and will focus on the following:

(a) We emphasize the importance of comprehensive approaches to address the strengthening of health systems including social health protection, the improvement of maternal, newborn and child health, the scaling-up of programs to counter infectious diseases and access to essential medicines, vaccines and appropriate health-related products. We reiterate our support to our African partners' commitment to ensure that by 2015 all children have access to basic health care (free wherever countries choose to provide this). We underline the need for partner countries to work toward sustainable and equitable financing of health systems. We also welcome the efforts of the Providing for Health Initiative as well as the International Health Partnership and the Catalytic Initiative. We reiterate our commitment to continue efforts, to work towards the goals of providing at least a projected US$ 60billion over 5 years, to fight infectious diseases and strengthen health. Some countries will provide additional resources for health systems including water.

(b) Reliable health systems require a reliable health workforce. To achieve quantitative and qualitative improvement of the health workforce, we must work to help train a sufficient number of health workers, including community health workers and to assure an enabling environment for their effective retention in developing countries. In this regard, we encourage the World Health Organization (WHO) work on a voluntary code of practice regarding ethical recruitment of health workers. The G8 members will work towards increasing health workforce coverage towards the WHO threshold of 2.3 health workers per 1000 people, initially in partnership with the African countries where we are currently engaged and that are experiencing a critical shortage of health workers. We will also support efforts by partner countries and relevant stakeholders, such as Global Health Workforce Alliance, in developing robust health workforce plans and establishing specific, country-led milestones as well as for enhanced monitoring and evaluation, especially for formulating effective health policies. In this context, we take note of the Kampala Declaration and Agenda for Global Action adopted in March 2008 at the First Global Forum on Human Resources for Health.

(c) We note that in some developing countries, achieving the MDGs on child mortality and maternal health is seriously off-track, and therefore, in country-led plans, the continuum of prevention and care, including nutrition should include a greater focus on maternal, new born and child health. Reproductive health should be made widely accessible. The G8 will take concrete steps to work toward improving the link between HIV/AIDS activities and sexual and reproductive health and voluntary family planning programs, to improve access to health care, including preventing mother-to-child transmission, and to achieve the MDGs by adopting a multisectoral approach and by fostering community involvement and participation.

(d) As part of fulfilling our past commitments on malaria, we will continue to expand access to long-lasting insecticide treated nets, with a view to providing 100 million nets through bilateral and multilateral assistance, in partnership with other stakeholders by the end of 2010.

(e) To maintain momentum towards the historical achievement of eradicating polio, we will meet our previous commitments to maintain or increase financial contributions to support the Global Polio Eradication Initiative, and encourage other public and private donors to do the same.

(f) To build on our commitments made on neglected tropical diseases at St Petersburg, we will work to support the control or elimination of diseases listed by the WHO through such measures as research, diagnostics and treatment, prevention, awareness-raising and enhancing access to safe

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water and sanitation. In this regard, by expanding health system coverage, alleviating poverty and social exclusion as well as promoting adequate integrated public health approaches, including through the mass administration of drugs, we will be able to reach at least 75% of the people affected by certain major neglected tropical diseases in the most affected countries in Africa, Asia, and Latin America, bearing in mind the WHO Plan. With sustained action for 3-5 years, this would enable a very significant reduction of the current burden with the elimination of some of these diseases.

(g) We support ongoing work to review travel restrictions for HIV positive people with a view to facilitating travel and we are committed to follow this issue.

Water and Sanitation

47. Good water cycle management is crucial in order to address the issue of water, which has a cross-sectoral nature. In this regard, acknowledging the need to accelerate the achievement of the internationally agreed goals on water and sanitation, we will reinvigorate our efforts to implement the Evian Water Action Plan and will review it on the basis of a progress report prepared by our water experts by the next Summit. We will discuss with African partners the development of an enhanced implementation strategy. Moreover, we will promote integrated water resource management and the concept of 'Good Water Governance', with particular focus on Sub-Saharan Africa and Asia-Pacific, by taking necessary actions such as strengthening of trans-boundary basin organizations, sharing of water-related expertise and technology with developing countries, support for capacity building for water-related initiatives, promotion of data collection and utilization, and adaptation to climate change. We also acknowledge that ensuring adequate water supplies for human, industrial and environmental uses while minimizing the impacts of extreme hydrological variability are critical to protecting human health, promoting sustainable economic growth, and ensuring peace and security.

(a) We call upon national governments, in this International Year of Sanitation, to prioritize access to sanitation, building on the initiatives agreed at conferences on sanitation in Asia-Pacific and Africa. In this regard, we support the leadership role of the African Ministers' Council on Water and the action of the African Development Bank.

(b) We will support efforts to improve the governance of the water and sanitation sector with a view to ensure that monitoring and reporting, at the international and national levels, are improved and that institutions responsible for delivering water and sanitation services are more capable, accountable and responsive to the needs of users.

Education

48. Strengthening the capacity of individuals, organizations, institutions and societies is the key to sustainable development and growth, therefore education in developing countries should be reinforced at all levels. Accordingly, we attach importance to life-long learning and a holistic approach to the education system, namely, continuing to prioritize universal completion of quality primary education by boys and girls, while responding to the need for striking a good balance between primary and post-primary education in relation with national constraints and economic needs. We are committed to addressing the issues of shortage, retention and management of teachers in Africa as well as improving learning outcomes. We will work further to improve access to and the quality of education through capacity development of teachers as well as community involvement. Teacher training should be intensified emphasizing the development of needed competencies and skills. Since school health and school feeding could

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improve both school enrolment and children's wellbeing, we will promote synergies with other development sectors.

49. We remain committed to Education for All(EFA) and the international agencies which implement it and support the efforts of the Fast Track Initiative(FTI) for universal primary education. We, along with other donors, will continue efforts to mobilize bilateral and multilateral resources to meet the shortfalls of FTI- endorsed countries estimated by the FTI Secretariat at around US$1billion for 2008, while supporting the improvement of its effectiveness through an external evaluation. There should be a strong emphasis placed on the quality of education and program effectiveness. We will pay specific attention to countries affected by conflicts or crisis, to girls and to marginalized populations who remain mostly excluded from school. G8 progress to support FTI, including meeting shortfalls, will be monitored through a report to be delivered at the 2009 Summit.

Towards a Vibrant Africa

50. Africa in recent years has made an impressive rise with an average annual growth rate of more than 5%, attracting increased foreign investment and trade flows. We encourage African countries to improve their investment climate and to continue their efforts for economic and governance reform to stimulate the increased flows of private capital, domestic and foreign, necessary to sustain their growth and vibrancy, to make their progress on development irreversible. We are committed to working with Africans to create conditions that can lead to an increase of private investment through various measures including strategies to build institutional capacity in financial markets, public private partnerships to develop infrastructure, financial and technical assistance and risk-sharing guarantees for entrepreneurs, and support of investment funds. In this regard, we endorse the G8 Action Plan for Private Sector Led Growth adopted by the G8 Finance Ministers. This will also help countries take advantage of the opportunities and address challenges of growing capital inflows.

51. Reaffirming that principles of ownership and partnership are essential for African development, we agree that the following points, inter alia, are critical both to generating private sector-led economic growth and achieving the MDGs:

(a) working with other donors and international organizations to support appropriate, country-led strategies aimed at increased rates of sustainable growth,
(b) improvement of business environment, and strengthening the financial sector including increase of domestic savings and SMEs access to financial services,
(c) improvement of domestic revenue generation capacity by African countries and of transparency in the use of resources,
(d) development of infrastructure, in particular road and power networks, focusing on trans-national solutions and coordination through the Infrastructure Consortium for Africa together with private financing,
(e) increasing access to electricity in order to overcome energy poverty,
(f) support for agriculture and sustainable land-use and natural resource management mainly through the Comprehensive Africa Agricultural Development Programme(CAADP), and productivity enhancement through development of agriculture infrastructure (irrigation etc), new crop varieties such as NERICA rice, livestock systems, post-harvest processing and research, human resources, and improvements to link small farmers to markets while encouraging African governments to increase investment in agriculture in line with the Maputo Declaration,

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(g) facilitation of free and open trade through the multilateral trade system with due consideration of the African situation, effective implementation of the financial commitments regarding spending on Aid for Trade including trade related technical assistance, made at the WTO Hong Kong Ministerial Conference, which we expect to increase to US$4billion including the support for marketing of African products. We are fully committed to provide duty-free and quota-free market access for products originating from Least Developed Countries (LDCs) as agreed at the Hong Kong Conference,
(h) support to continental and regional integration and cooperation will be a key element to build larger integrated market, attract more investment, and address challenges with a trans-national dimension,
(i) encourage companies to consider how, in pursuing their business objectives, they can contribute to poverty reduction, and
(j) support for good governance, including promotion of anti-corruption measures, through the African Peer Review Mechanism.

52. We welcome the important contributions of the Fourth Tokyo International Conference on African Development (TICAD IV) which adopted the Yokohama Declaration. In the spirit of partnership which characterizes our relations, we will reflect views of African partners in our future cooperation.

53. We endorse the progress report on our cooperative efforts for African development submitted by our Africa Personal Representatives (APRs). We encourage them to strengthen the G8-Africa partnership and to discuss the possible evolution of the Africa Partnership Forum together with other participants. We have asked our APRs to enhance reporting on actions and progress on commitments by G8 members.

Peace and Security in Africa

54. Peace and security in Africa is fundamental to its sustainable development. Therefore we will promote peace and security through supporting the African Union and Regional Economic Communities in enhancing Africa's peacekeeping capabilities in particular the African Peace Security Architecture (APSA), including the African Standby Force (ASF) including training and equipment; through working with the African Union on assuring sustainable and flexible funding for African-led peace support operations; as well as through enabling seamless peacebuilding support, including to humanitarian, reconciliation, stabilization, recovery and reconstruction efforts and increased capacity of deployable civilian expertise. In this context, we look forward to the recommendations of the UN-AU High Level Panel that will consider solutions for enhanced support to the AU.

Expanding Partnership for Development

55. Better coordination among various partners, particularly with the private sector, along with emerging donors and NGOs, is of vital importance for more effective aid in the context of new sources of assistance. The G8 will therefore strengthen ties with those partners by deepening aid dialogues. In dialogues with emerging donors, in particular as members of the G8 through the Heiligendamm Process, we will properly address such issues as good governance, aid effectiveness in line with the Paris Declaration, aid transparency and debt sustainability. Debt cancellation initiatives by the G8 have extensively relieved many African countries of their unsustainable debt burdens. Developing countries long-term external debt sustainability should

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be supported by encouraging lenders and borrowers to pursue sustainable lending practices. Cooperation between developing countries and joint efforts bringing together developing countries, emerging economies and developed countries into a partnership should also be promoted.

International Institutions

56. In the 21st century we face new challenges with global impacts, including those we have addressed at this Summit. In responding to these challenges, international institutions have a key role to play, and we reaffirm our commitment to supporting them. We encourage ongoing open dialogue and work on reforming and adapting international institutions so that they be able to respond effectively.

Political Issues

Non Proliferation

57. We are determined to make every effort to overcome the danger of the proliferation of weapons of mass destruction (WMD) and their delivery means and to prevent acquisition of WMD by terrorists, by upholding, strengthening and universalizing all relevant multilateral non-proliferation and disarmament instruments.

58. We are committed to resolving regional proliferation challenges by diplomatic means. We express our continuous support for the Six-Party process towards the verifiable denuclearization of the Korean Peninsula and the eventual normalization of relations between the relevant Six-Party members through the full implementation of the Joint Statement of 19 September 2005, including the resolution of the outstanding issues of concern such as the abduction issue.

Noting the progress made through the Six-Party process since last year, we welcome, though long overdue, the Democratic People's Republic of Korea (DPRK)'s provision of a declaration as a step toward the full implementation of the Joint Statement. Comprehensive verification of the declaration is of utmost importance, and we look forward to an early agreement on the principles/regime of the verification. We urge the DPRK to fully cooperate in the verification process, including its effective implementation. We also emphasize the importance of swift disablement of all existing nuclear facilities and the abandonment of all nuclear weapons and existing nuclear programmes by the DPRK. We also urge the DPRK to fully comply with United Nations Security Council Resolutions (UNSCRs) 1695 and 1718, including abandoning all its nuclear weapons and existing nuclear programmes as well as all other existing WMD and ballistic missile programmes in a complete, verifiable and irreversible manner, and to return to full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and IAEA safeguards at an early date.

59. We express our serious concern at the proliferation risks posed by Iran's nuclear programme and Iran's continued failure to meet its international obligations. We urge Iran to fully comply with UNSCRs 1696, 1737, 1747 and 1803 without further delay, and in particular to suspend all enrichment-related activities. We also urge Iran to fully cooperate with the IAEA, including by

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providing clarification of the issues contained in the latest report of the IAEA Director General. We firmly support and cooperate with the efforts by China, France, Germany, Russia, the United Kingdom and the United States supported by the High Representative of the EU to resolve the issue innovatively through negotiation, and urge Iran to respond positively to their offer delivered on 14 June 2008. We also commend the efforts by other G8 members, particularly the high-level dialogue by Japan, towards a peaceful and diplomatic resolution of the issue. We welcome the work of the Financial Action Task Force to assist states in implementing their financial obligations under the relevant UNSCRs.

60. We will work collectively to achieve a successful outcome of the 2010 NPT Review Conference. In this context, we reaffirm our full commitment to all three pillars (non-proliferation, peaceful uses of nuclear energy and disarmament) of the NPT and pledge ourselves to redouble our efforts to uphold and strengthen the Treaty. We welcome all nuclear disarmament efforts, notably the ongoing reductions of nuclear weapons that the nuclear-weapon States among G8 members have made so far and call on all nuclear-weapon States to undertake such reductions in a transparent manner.

61. We urge all states concerned to observe a moratorium on nuclear weapon test explosions or any other nuclear explosions. We strongly support immediate commencement and early conclusion of negotiation of a Fissile Material Cut-off Treaty in the Conference on Disarmament. We urge all states concerned to declare without delay and uphold a moratorium on production of fissile material for weapons purposes.

62. We welcome the current progress of the Biological and Toxin Weapons Convention and the Chemical Weapons Convention (CWC), namely the successful outcome of the CWC 2nd Review Conference and reiterate the vital importance of their full and effective implementation.

We stress the importance of and remain committed to the Hague Code of Conduct against Ballistic Missile Proliferation and urge all states to subscribe to the Code without delay.

63. Preventing and countering proliferation requires all states to implement effective measures. We will redouble our efforts to work together to that end in a more harmonized and coordinated manner. In this context we welcome the extension of the mandate of the 1540 Committee and stress the importance of full implementation of UNSCR 1540.

We further stress the importance of:

- effective export controls,
- strengthening of IAEA safeguards and the universalization of the IAEA Additional Protocol,
- the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and
- supporting the activities of the Global Initiative to Combat Nuclear Terrorism and the Proliferation Security Initiative which has just celebrated its 5th anniversary.

64. We are determined to accomplish priority projects under the Global Partnership against the Spread of Weapons and Materials of Mass Destruction that was launched at the Kananaskis Summit in 2002. Since the risks of the spread of weapons and materials of mass destruction exist worldwide, we agree that the Partnership will address these global challenges particularly in areas where the risks of terrorism and proliferation are greatest.

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65. We reaffirm the inalienable right of all parties to the NPT to the peaceful uses of nuclear energy in conformity with all their Treaty obligations. We are committed to and promote the highest possible standards on nuclear non-proliferation, safeguards, safety and security (3S) including the IAEA Additional Protocol. In this context, we appreciate various initiatives in the field of multilateral approaches to the nuclear fuel cycle and assurance of nuclear fuel supply and encourage all efforts to further develop them. In relation to nuclear safety, we reaffirm commitments of previous summit meetings with regard to Chernobyl and have decided to organize jointly a pledging event for this purpose in 2008.

66. We welcome the significant progress made by the Nuclear Suppliers Group (NSG) in moving toward consensus on a criteria based approach to strengthen controls on transfers of enrichment and reprocessing equipment, facilities and technology. We support the NSG effort to reach consensus on this important issue. Additionally, we agree that transfers of enrichment equipment, facilities and technology to any additional state in the next year will be subject to conditions that, at a minimum, do not permit or enable replication of the facilities; and where technically feasible reprocessing transfers to any additional state will be subject to those same conditions.

Transnational Organized Crime

67. In a globalized world, characterized by massive flows of people, goods, money and information, swift and malicious exploitation of those changes by criminal organizations threatens the safety of our citizens and the well-being of our societies and institutions. We reaffirm our commitment to preventing and combating transnational organized crime using all means at our disposal, while ensuring the rule of law and respect for human rights. We will strengthen our cooperation, including experience-sharing, to fight against transnational organized crime, including trafficking in persons, smuggling of migrants, illicit manufacturing of and trafficking in firearms, illicit traffic in narcotic drugs and psychotropic substances, cybercrime and money laundering.

68. Recognizing the diversified threats and methods of transnational organized crime, we will reinforce our efforts to tackle a wide range of threats including the abuse of information and communication technology as well as identity-related crime. We will continue to assist countries in their capacity building efforts to address threats of transnational organized crime, bilaterally and multilaterally, in cooperation with the United Nations Office on Drugs and Crime (UNODC) and other multilateral organizations. In this regard, we reiterate our strong support for full implementation of the UN Convention against Transnational Organized Crime and its protocols.

Peacekeeping/Peacebuilding

69. We commit to strengthen humanitarian, stabilization, military and reconstruction assistance, consistent with our national laws, to the areas of urgent need. To that end, we will improve our individual and collective efforts and capability for peacekeeping and peacebuilding.

70. We underscore the need for a comprehensive approach, in particular, through better coordination among military and civilian activities, stressing the importance of security sector reform, good governance and the local ownership. We will also maximize our efforts to ensure the security of civilians. We support the key role of the UN, including the Security Council and peace support operations, and work towards enhancing the effectiveness of the Peacebuilding

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Commission. We are also determined to strengthen our cooperation with regional organizations and, inter alia, to support the capacity building of AU.

71. In this context, to fulfill or exceed our Sea Island and subsequent commitments, we commit to enhance the capacity in the three interlinking areas of focus, namely, military, police, and civilians worldwide. We will, in particular: (a) build capacity for peace support operations including providing quality training to and equipping troops by 2010, with focus on Africa, as well as enhance logistics and transportation support for deployment; (b) strengthen assistance both in quality and quantity to train and equip police in countries in and emerging from conflict, as well as continue to develop global capacity for police peacekeeping including stability/formed police units, and; (c) strengthen our domestic endeavor to develop civilian human resources to play core roles in peacebuilding.

72. We task our experts to discuss G8 efforts including the implementation of the initiatives above, in cooperation with the UN and regional organizations, and to submit a progress report prior to the Summit in 2009.

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G8 Justice and Home Affairs Ministerial Meeting - Concluding Declaration

We, the Justice and Home Affairs Ministers of the G8 States, at the invitation of Ministers Kunio Hatoyama and Shinya Izumi of the Japanese Presidency, met in Tokyo and, together with a European Commission representative, discussed matters of shared concerns. Ministers of the EU Presidency (Slovenia) and the Secretary General of the International Criminal Police Organization (INTERPOL) were present as our guests. We also heard presentations from the Executive Director of the United Nations Office on Drugs and Crime (UNODC) and the Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI).

We focused on various measures taken by the G8 states to counter transnational organized crime and international terrorism and discussed how we can collaborate and enhance our efforts. We also discussed the importance of capacity building assistance to countries that require support in developing more effective legal systems and law enforcement capacity.

Conclusions

Counter-Terrorism

International terrorism continues to present a global threat, despite concerted efforts across the globe to prevent it. Since 11 September 2001, large-scale terrorist attacks in New York, Washington D.C., Madrid, Moscow, London and other areas around the world have highlighted the continuing danger and evolving nature of terrorism. We reaffirm our strong condemnation of all terrorist acts, including bomb attacks, hijackings, kidnappings, and abductions, irrespective of their motivation, whenever and by whomever committed. Such acts represent one of the most serious threats to international peace and security, as well as the rule of law. Mindful of our responsibility in the fight against terrorism in the international community, we affirmed that it is necessary to continue to support and strengthen our concerted counter-terrorism efforts, to share the knowledge and experience that the G8 states possess, and to further promote active, targeted counter-terrorism efforts in order to win the global fight against terrorism. We also affirmed that respect for fundamental human rights is a key component of global efforts against terrorism.

We are deeply concerned not only about acts committed by terrorist organizations but about the increasing tendency throughout many countries for individuals with no affiliation to terrorist organizations to become radicalized and subsequently perpetrate terrorist acts. The London terrorist bombings of 2005 and other attacks or attempted attacks in locations such as Glasgow and Barcelona demonstrate an alarming trend that must be thoroughly challenged. The threat of terrorism by radicalized individuals remains grave, and addressing radicalization leading to violence is an issue that requires the cooperation of the G8 states, and partner countries around the world.

Each G8 state has analyzed trends in radicalization leading to violence, and based on these analyses, new countermeasures have been identified. In this way, we have advanced activities to strengthen the safety and security of our citizens and the international community. Due to the development and spread of modern information and communications technologies such as the Internet, it has become increasingly easy to access and disseminate violent extremist ideas, to acquire knowledge about bomb-making methods, and to network and recruit for violent purposes. Given the ever advancing sophistication of this enabling environment for radicalization leading to violence, the G8 states are making a variety of efforts to address this issue, which include working to enhance community policing efforts and community outreach, and developing and maintaining good relationships with local communities, as well as striving to prevent radicalization leading to violence and to detect its signs at an early stage.

We welcome the work done by the Roma-Lyon Group in analyzing individual cases of radicalization leading to violence in the G8 states. We also affirmed the necessity to continue efforts to prevent terrorism by radicalized individuals.

Terrorist organizations are seeking to expand their influence by enhancing mutual linkages. In particular, there have been cases where terrorist organizations which had primarily been active in a domestic context have now received support from

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international terrorist organizations, or have decided to affiliate themselves with such organizations. As a result, we have seen an increase in the range of terrorist targets, using methods designed to maximize disruption and causalities. These developments not only increase the threat of terrorism in these regions, but also point to the expanding global influence of terrorist organizations, which makes the issue of international terrorism even more serious.

We affirmed the necessity of paying special attention to these trends in terrorist organizations. In order to tackle such trends, we recognize the importance of further promoting intelligence gathering by relevant authorities in the G8 states and continuing to share information among them comprehensively and rapidly.

We confirmed the necessity to provide special protection for critical energy infrastructure against terrorist threats, given the large-scale damage that would be incurred in the event of a terrorist attack on such infrastructure. At the same time, we confirmed the necessity of similar protection measures for critical information infrastructure, due to the fact that our society and the economy are increasingly dependent on such infrastructure including the Internet. We note that the G8 has taken a leadership role in the protection of critical information infrastructure for over five years, and has addressed the issue of infrastructure protection for rail, pipelines and energy.

We welcome the Roma-Lyon Group's efforts to compile a set of best practices for addressing critical infrastructure protection, and request that the Group continues with related activities and measures.

ID-Related Crime

We discussed a phenomenon often referred to as identity-related crime. "ID-related crime" is not a formal legal concept, and here it is meant to broadly cover unlawful conduct involving abuse of identities. It includes falsification, alteration, as well as unauthorized acquisition, transfer, possession or use of identification documents and identification information. Referring to these activities collectively as ID-related crime does not imply that every aspect of such conduct has already been made a criminal offense or that it should be criminalized.

The ability to uniquely identify individuals constitutes a critical element of modern societies. Various forms of identification documents and identification information are used in a broad range of public and private activities; as a result, the impact of their abuse can be far-reaching and enormous. In the G8 states and around the world, the misuse of identification documents and identification information is employed as an instrument of economic fraud, as well as a method by which criminals destroy evidence, avoid detection or punishment, and conceal their proceeds. Telecommunications and computer technology innovations and the widespread use of the Internet have added further dimensions to the problem. While these developments have made commerce and communication much easier and faster, increasing distance between crimes, criminals, and victims has opened up new opportunities for those who engage in ID-related crime to exploit. Available statistical and empirical data are limited, but criminals are found to generate significant profits from ID-related crime, and we share the perception that, collectively, economic consequences of ID-related crime are enormous. Importantly, the available data also suggests that ID-related crime is linked to certain types of organized crime and terrorist activity. These links are disturbing and causes for serious concern.

Vigorous actions are being taken to counter the problem, and we shared experiences and exchanged views on the methods by which identity criminals operate and on the measures and approaches taken to prosecute and punish them. In addition to actively pursuing and tracking down these criminals, the G8 states are implementing and enhancing preventive measures as well.

We also discussed various legislative approaches taken by G8 states to address ID-related crime. G8 states apply fraud, forgery or other general provisions to punish criminal conduct committed through abuses of identity. Some have supplemented this traditional approach by specifically criminalizing certain conduct at earlier stages; acquisition, transfer or storing of electromagnetic data of credit cards and banking cards for illicit purposes being one such example. Some others have focused on basic abuses of identity as such, and have enacted or are developing statutes that criminalize the acquisition of identifying information itself as well as its transfer or sale, if committed with criminal intent. Regardless of differences in legislative approaches, we are in complete accord that ID-related crime is an alarming global issue and constitutes a new challenge to criminal justice and law enforcement. We need to develop better understanding of the nature, scope and extent of this emerging problem, and for that purpose, we recognize the usefulness of experience-sharing and discussions in international forums. In this regard, an important study has been done by the Intergovernmental Experts Group at the United Nations, and our experts at the Roma/Lyon Group have produced a best practices document aimed at strengthening the domestic identification and certification system. Our experts are also working to study further the problems of criminal misuse of identifying documents and identifying information. We commend these efforts made so far, and instruct our Roma/Lyon experts to continue advancing their work to prevent and combat ID-related crime and, to the extent desirable, to share their work product widely, as this problem is not limited to our own countries, but rather is global in scope.

ID-related crime with respect to travel documents is another area of concern that merits special attention. Our ability to effectively control national borders and block known terrorists and organized criminals from moving across them depends in large part on the accuracy of personal identification and verification made at the port of entry and during the passport and visa application processes. States have begun utilizing biometric information in order to improve the accuracy of such identification and verification and to assist in the detection of tampering and falsification of travel documents. While privacy and other interests of legitimate travelers must be respected, we are convinced that, properly administered, the use of biometrics can facilitate smoother, safer, stricter and securer border control.

We reiterate that ID-related crime is a pressing global issue, both old and new at the same time. We will continue with our

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efforts to counter it, while at the same time facilitating and protecting the legitimate activities of governments, individuals and public and private entities.

Countermeasures Against Drug Crimes

We recognized that although drug crimes differ in various regions depending upon the major drugs of abuse and their trafficking routes, the trafficking of illicit drugs across international borders is a significant source of income for organized crime groups and some terrorist organizations. Given the severe impact illicit drugs have on public health, we affirmed that in this area too, it is necessary for the G8 to continue to contribute to the promotion of international cooperation with other countries.

We remain concerned about the regional security implications of the heroin trade in Afghanistan and the cocaine trade in Latin America, and we expressed strong support for the Governments of Afghanistan and Colombia in their fight against illicit drug cultivation. In addition, we are concerned about the growth of new illicit synthetic drugs and the precursor chemicals required to produce these drugs. Unlike illicit drugs such as cocaine and heroin, the production and trafficking of synthetic drugs are notoriously difficult to assess. In order to combat these developments we decided to actively utilize all measures, both domestic and international at our disposal, including scientific methods, such as impurity profiling.

We are also concerned that the distribution of illegal drugs still exists in all regions of the world, and by the threat that this poses to the health of our citizens and to the integrity and stability of states affected by drug production and transit. We affirmed that in order for the G8 states to break these drug distribution networks and achieve sustainable reductions in the availability of illegal drugs, it would be beneficial for each G8 state to further promote measures to enhance international cooperation, and to continue to share the results and achievements of such cooperation.

The upcoming High-Level Segment of the Commission on Narcotic Drugs (CND) is scheduled to be held in March 2009 and will engage in follow-up and assessment of the United Nations General Assembly Special Session on Drugs that was held at United Nations Headquarters in New York in June 1998. We affirmed that in the forum of the G8 Justice and Home Affairs Ministerial Meeting, in view of the importance of gaining opportunities to share knowledge about measures to tackle drug crimes, it is necessary for the G8 states to accelerate effective counter measures against drug crimes including the accurate cognizance and analysis of the drug situation, and effective law enforcement cooperation to dismantle illicit drug trafficking organizations.

Universal Networking Against Transnational Organized Crime

We recognize our common concern that transnational organized crime, which threatens civil society and has a severe impact on the rule of law and market economy, is further expanding in the international community.

We acknowledged the important role played by INTERPOL in recent years in the development of investigative infrastructure. INTERPOL has provided the foundation for the development of the G8-led initiative on a DNA I-24/7 Search Request Network and developed INTERPOL Stolen and Lost Travel Documents (SLTD) database, and its global and operational role continues to grow in importance each year. In order to make these and other investigative infrastructures of INTERPOL even more effective, we decided to provide the necessary cooperation and assistance to the extent that circumstances allow in each G8 state. From that perspective, we welcome the efforts of INTERPOL to construct the database on international intellectual property (DIIP) crime.

We confirmed our views that in efforts to crack down on transnational organized crime it is of the utmost importance to utilize effectively the variety of information held by relevant authorities such as the police, immigration, and customs, considering personal information protection system of each state. We decided that we will continue to exchange knowledge about our respective systems or mechanisms to integrate information.

Mindful that the development and spread of modern information and communications technologies has allowed many criminals greater opportunities to perpetrate their crimes with a higher degree of anonymity, reach victims anywhere in the world, and that the electronic evidentiary trail they leave is often short-lived, we share concerns that the tracking capabilities of law enforcement authorities are falling behind the capabilities of criminals abusing modern communication technologies. Under those concerns, we confirmed that law enforcement authorities should continue to enhance their capabilities so that they can identify and prosecute such criminals anywhere in the world. This year the Roma/Lyon Group has addressed this issue with regard to telecommunications with the goal of sharing beneficial information among the member states. This work has resulted in the recommendation to ensure the closer cooperation between the telephone industry and the law enforcement agencies. We highly value this work and anticipate that law enforcement agencies and the communication industries in each state will work to build a more cooperative relationship.

We also recognized the importance of close co-operation among law enforcement agencies, service providers and other civil organizations in conjunction with "Hotlines" which receive reports of illegal content on the Internet in order to deal with criminal use of the Internet. Regarding this issue, we highly appreciate a set of the outcomes developed by Roma-Lyon Group.

Finally, we note the continued expansion and successful use of the G8's 24/7 High Tech Crime Point of Contact Network, now comprised of countries from around the world, which has facilitated international cooperation particularly where electronic evidence is involved. We commend efforts to further expand, strengthen and train this Network.

Capacity Building Assistance

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Transnational organized crime and international terrorism are global issues that require global responses. It is vital for all countries, extending well beyond the G8 states, to ratify and fully implement the universal legal instruments designed to tackle these issues more effectively; namely, the United Nations Convention on Transnational Organized Crime and its supplementary protocols, the United Nations Convention against Corruption, the thirteen counter-terrorism conventions and protocols, as well as the Council of Europe Convention on Cybercrime.

We reaffirm the importance of G8 leadership in promoting their ratification and implementation.

We shared experiences and good practices in providing assistance to countries that require support in developing legislation to fight transnational organized crime and international terrorism, promoting domestic implementation of relevant conventions, protocols and resolutions, building police and law enforcement capacity, and strengthening mechanisms for international legal cooperation such as extradition and mutual legal assistance. Recognizing the importance of providing such assistance, today we have issued a separate declaration, entitled the "G8 Justice and Home Affairs Ministerial Declaration on Capacity Building Assistance." We also spoke of Afghanistan and reached common recognition that rebuilding Afghanistan is in the interests of global and regional stability.

We also exchanged views regarding the fundamental importance of assistance for justice-sector institution building. An independent and effective justice system is not only a prerequisite for effective countermeasures against organized crime and terrorism, but is also an invaluable public asset in its own right. We firmly believe that justice-sector technical assistance in developing judicial systems and basic laws and training the legal profession is an equally important endeavor.

We reaffirm our commitment to continue our efforts, through appropriate bilateral, regional or multilateral channels, in providing assistance within the scope of our authority and improving the quality of the assistance delivered. We also call upon our partners around the world to join us in these important efforts.

The Fight Against Sexual Exploitation of Chrildren

We strongly condemn and denounce all forms of sexual exploitation of children, including the practice of persons traveling abroad and engaging in sexual conduct with children, as well as the alarming flood of images of sexual abuse of children – so-called "child pornography" - on the Internet. G8 states have, with an unwavering will, continued with their efforts to improve their ability to prevent, investigate and prosecute these heinous crimes against children.

We have continued to discuss these subjects at our annual meetings, and last year in Munich, we took them up as one of the main topics of discussion. We also issued a separate declaration entitled "Reinforcing the International Fight Against Child Pornography" that highlighted the importance of the issue.

We followed up on these discussions, and provided updates and shared new developments. In this respect, the adoption of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse represents considerable progress in the effort to protect children. We also acknowledge with appreciation the important initiatives our experts have continued to advance in this area. They are organizing an international research symposium to examine the effects on children of the spread of images of child sexual abuse and are developing a G8 International "Most Wanted" website: a mechanism to more efficiently find and trace child sex offenders across borders and around the world. They are also working to improve training for law enforcement officials and to enhance international law enforcement cooperation to better combat the sexual exploitation of children, particularly in the forms of "sex tourism" and child pornography which is nothing more than a permanent record of the sexual abuse of children. Moreover, they have undertaken examinations of law enforcement responses to the phenomenon of child abduction for the purposes of sexual exploitation, as well as how our respective legal regimes address "child abduction" with a view to maximizing our capacity to cooperate in this area. We welcome these efforts and instruct the Roma-Lyon Group to pursue them diligently, and we renew our own pledge to continue with the fight against sexual exploitation of children.

2009 Official Site

2008 Official Site

Date Modified: 2008-12-04

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DIRECTIVES

DIRECTIVE 2008/51/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 May 2008

amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1].

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) Directive 91/477/EEC [3] established an accompanying measure for the internal market. It creates a balance between on the one hand the undertaking to ensure a certain freedom of movement for some firearms within the Community, and on the other the need to control this freedom using security guarantees suited to this type of product.

(2) In accordance with Council Decision 2001/748/EC of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime [4], the Commission signed that Protocol (hereinafter referred to as the Protocol) on behalf of the Community on 16 January 2002.

(3) The accession of the Community to the Protocol requires amendments to certain provisions of Directive 91/477/EEC. Indeed, it is important to ensure the coherent, effective and rapid application of the international commitments affecting that Directive. Furthermore, it is necessary to take the opportunity of this revision in order to improve that Directive by addressing certain issues, in particular those that were identified in the report of the Commission to the European Parliament and the Council of 15 December 2000 on the implementation of Directive 91/477/EEC.

(4) Police intelligence evidence shows an increase in the use of converted weapons within the Community. It is therefore essential to ensure that such convertible weapons are brought within the definition of a firearm for the purposes of Directive 91/477/EEC.

(5) Firearms, their parts and ammunition, when imported from third countries, are subject to Community legislation and, accordingly, to the requirements of Directive 91/477/EEC.

(6) The notions of illicit manufacturing and trafficking of firearms, their parts and ammunition, as well as the notion of tracing, should therefore be defined for the purposes of Directive 91/477/EEC.

(7) Furthermore, the Protocol establishes an obligation to mark weapons at the time of manufacture and at the time of transfer from government stocks to permanent civilian use, whereas Directive 91/477/EEC refers only indirectly to the marking obligation. In order to facilitate the tracing of weapons, it is necessary to use alphanumeric codes and to include in the marking the year of manufacture of the weapon (if not part of the serial number). The Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms should, to the greatest extent possible, be used as a reference for the marking system in the Community as a whole.

(1) OJ C 318, 23.12.2006, p. 83.
(2) Opinion of the European Parliament of 29 November 2007 (not yet published in the Official Journal) and Council Decision of 17 April 2008.
(3) OJ L 256, 13.9.1991, p. 51. Text as corrected by OJ L 54, 5.3.1993, p. 22.
(4) OJ L 280, 24.10.2001, p. 5.

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(8) Moreover, while the Protocol provides that the period during which registers containing information on weapons are to be kept must be increased to at least 10 years, it is necessary, in view of the dangerous nature and durability of weapons, to extend this period up to a minimum of 20 years in order to allow the proper tracing of firearms. It is also necessary that Member States keep a computerised data-filing system, either a centralised system or a decentralised system which guarantees access to authorised authorities to the data-filing systems in which the necessary information regarding each firearm is recorded. Access by police, judicial and other authorised authorities to the information contained in the computerised data-filing system must be subject to compliance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(9) In addition, the brokering activities referred to in Article 15 of the Protocol should be defined for the purposes of Directive 91/477/EEC.

(10) In some serious cases, compliance with Articles 5 and 6 of the Protocol requires the application of criminal sanctions and the confiscation of the weapons.

(11) With regard to the deactivation of firearms, point (a) of Part III of Annex I to Directive 91/477/EEC simply refers to national legislation. The Protocol sets out more explicit general principles for the deactivation of weapons. Annex I to Directive 91/477/EEC should therefore be amended.

(12) Due to the special nature of the activity of dealers, it is necessary that Member States exercise a strict control over this activity, in particular by verifying the professional integrity and abilities of dealers.

(13) The acquisition of firearms by private individuals by means of distance communications, for example via the Internet should, where authorised, be subject to the rules laid down in Directive 91/477/EEC and, as a general rule, the acquisition of firearms by persons convicted by a final court judgment of certain serious criminal offences should be prohibited.

(14) The European firearms pass functions in a satisfactory way on the whole and should be regarded as the main document needed by hunters and marksmen for the possession of a firearm during a journey to another Member State. Member States should not make the acceptance of the European firearms pass conditional upon the payment of any fee or charge.

(15) In order to facilitate the tracing of firearms and efficiently to combat the illicit trafficking and manufacturing of firearms, their parts and ammunition, it is necessary to improve the exchange of information between Member States.

(16) The processing of information is subject to compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1] and does not prejudice the level of protection of individuals with regard to the processing of personal data under Community and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC.

(17) The measures necessary for the implementation of Directive 91/477/EEC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [2].

(18) Several Member States have simplified the way they classify firearms by switching from four categories to the following two: prohibited firearms and firearms subject to authorisation. Member States should fall into line with this simplified classification, although Member States which divide firearms into a further set of categories may, in accordance with the principle of subsidiarity, maintain their existing classification systems.

(19) Authorisations for the acquisition and possession of firearms should, as far as possible, involve a single administrative procedure.

(20) Article 2(2) of Directive 91/477/EEC among other things excludes from the scope of application of that Directive the acquisition or possession of weapons and ammunition in accordance with national law by collectors and bodies concerned with the cultural and historical aspects of weapons and recognised as such by the Member State in whose territory they are established.

(21) In accordance with point 34 of the Interinstitutional Agreement on better law-making [3], Member States should draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and make them public.

[1] OJ L 281, 23.11.1995, p. 31, Directive as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).
[2] OJ L 184, 17.7.1999, p. 23, Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).
[3] OJ C 321, 31.12.2003, p. 1.

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(22) Directive 91/477/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 91/477/EEC

Directive 91/477/EEC is hereby amended as follows:

1. Article 1 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. For the purposes of this Directive, "firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant, unless it is excluded for one of the reasons listed in Part III of Annex I. Firearms are classified in part II of Annex I.

For the purposes of this Directive, an object shall be considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

— it has the appearance of a firearm, and

— as a result of its construction or the material from which it is made, it can be so converted.';

(b) the following paragraphs shall be inserted:

'1a. For the purposes of this Directive, "part" 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.

1b. For the purposes of this Directive, "essential component" shall mean the breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

1c. For the purposes of this Directive, "ammunition" shall mean the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the relevant Member State.

1d. For the purposes of this Directive, "tracing" shall mean the systematic tracking of firearms and, where possible, their parts and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of Member States in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

1e. For the purposes of this Directive, "broker" shall mean any natural or legal person, other than a dealer, whose trade or business consists wholly or partly in the buying, selling or arranging the transfer of weapons.';

(c) paragraph 2 shall be replaced by the following:

'2. For the purposes of this Directive, "dealer" shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, trade, exchange, hiring out, repair or conversion of firearms, parts and ammunition.';

(d) the following paragraphs shall be inserted:

'2a. For the purposes of this Directive, "illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and ammunition:

(i) from any essential component of such firearms illicitly trafficked;

(ii) without an authorisation issued in accordance with Article 4 by a competent authority of the Member State where the manufacture or assembly takes place; or

(iii) without marking the assembled firearms at the time of manufacture in accordance with Article 4(1).

2b. For the purposes of this Directive, "illicit trafficking" shall mean the acquisition, sale, delivery, movement or transfer of firearms, their parts or ammunition from or across the territory of one Member State to that of another Member State if any one of the Member States concerned does not authorise it in accordance with the terms of this Directive or if the assembled firearms are not marked in accordance with Article 4(1).';

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(e) paragraph 4 shall be replaced by the following:

'4. A "European firearms pass" shall be issued on request by the authorities of a Member State to a person lawfully entering into possession of and using a firearm. It shall be valid for a maximum period of five years, which may be extended, and shall contain the information set out in Annex II. It shall be non-transferable and shall record the firearm or firearms possessed and used by the holder of the pass. It must always be in the possession of the person using the firearm and any change in the possession or characteristics of the firearm, as well as the loss or theft thereof, shall be indicated on the pass.':

2. Article 4 shall be replaced by the following:

'*Article 4*

1. Member States shall ensure either that any firearm or part placed on the market has been marked and registered in compliance with this Directive, or that it has been deactivated.

2. For the purpose of identifying and tracing each assembled firearm, Member States shall, at the time of manufacture of each firearm, either:

(a) require a unique marking, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number). This shall be without prejudice to the affixing of the manufacturer's trademark. For these purposes, the Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms; or

(b) maintain any alternative unique user-friendly marking with a number or alphanumeric code, permitting ready identification by all States of the country of manufacture.

The marking shall be affixed to an essential component of the firearm, the destruction of which would render the firearm unusable.

Member States shall ensure that each elementary package of complete ammunition is marked so as to provide the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition. For these purposes Member States may choose to apply the provisions of the Convention of 1 July 1969 on Reciprocal Recognition of Proofmarks on Small Arms.

Furthermore, Member States shall ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by States of the transferring country.

3. Member States shall make the pursuit of the activity of dealer within their territory conditional upon authorisation on the basis of at least a check of the private and professional integrity and of the abilities of the dealer. In the case of a legal person, the check shall be on the person who directs the undertaking.

4. Member States shall, by 31 December 2014, ensure the establishment and maintenance of a computerised data-filing system, either a centralised system or a decentralised system which guarantees to authorised authorities access to the data-filing systems in which each firearm subject to this Directive shall be recorded. This filing system shall record and maintain for not less than 20 years each firearm's type, make, model, calibre and serial number, as well as the names and addresses of the supplier and the person acquiring or possessing the firearm.

Throughout their period of activity, dealers shall be required to maintain a register in which all firearms subject to this Directive and which are received or disposed of by them shall be recorded, together with such particulars as enable the firearm to be identified and traced, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the persons supplying and acquiring it. Upon the cessation of his activities, the dealer shall deliver the register to the national authority responsible for the filing system provided for in subparagraph 1.

5. Member States shall ensure that all firearms may be linked to their owner at any moment. However, as regards firearms classified in category D, Member States shall, as from 28 July 2010, put into place appropriate tracing measures, including, as from 31 December 2014, measures enabling linking at any moment to the owner of firearms placed on the market after 28 July 2010.':

3. the following articles shall be inserted:

'*Article 4a*

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms only by persons who have been granted a licence or, with respect to categories C or D, who are specifically permitted to acquire and possess such firearms in accordance with national law.

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Article 4b

Member States shall consider establishing a system for the regulation of the activities of brokers. Such a system might include one or more measures such as:

(a) requiring the registration of brokers operating within their territory;

(b) requiring the licensing or authorisation of the activity of brokering.';

4. Article 5 shall be replaced by the following:

'*Article 5*

Without prejudice to Article 3, Member States shall permit the acquisition and possession of firearms only by persons who have good cause and who:

(a) are at least 18 years of age, except in relation to the acquisition, other than through purchase, and possession of firearms for hunting and target shooting, provided that in that case persons of less than 18 years of age have parental permission, or are under parental guidance or the guidance of an adult with a valid firearms or hunting licence, or are within a licenced or otherwise approved training centre;

(b) are not likely to be a danger to themselves, to public order or to public safety. Having been convicted of a violent intentional crime shall be considered as indicative of such danger.

Member States may withdraw authorisation for possession of a firearm if any of the conditions on the basis of which it was granted are no longer satisfied.

Member States may not prohibit persons resident within their territory from possessing a weapon acquired in another Member State unless they prohibit the acquisition of the same weapon within their own territory.';

5. in Article 6, the following paragraph shall be added:

'Member States shall ensure that, except with respect to dealers, the acquisition of firearms and their parts and ammunition by means of distance communication, as defined in Article 2 of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (*), shall, where authorised, be strictly controlled.

(*) OJ L 144, 4.6.1997, p. 19. Directive as last amended by Directive 2005/29/EC (OJ L 149, 11.6.2005, p. 22).';

6. in Article 7, the following paragraphs shall be added:

'4. Member States may consider granting persons who satisfy the conditions for the granting of an authorisation for a firearm a multiannual licence for the acquisition and possession of all firearms subject to authorisation, without prejudice to:

(a) the obligation to notify the competent authorities of transfers;

(b) the periodic verification that those persons continue to satisfy the conditions; and

(c) the maximum limits for possession laid down in national law.

5. Member States shall adopt rules to ensure that persons holding authorisations for firearms of category B in force under national law as at 28 July 2008 do not need to apply for a licence or permit regarding firearms they hold in categories C or D due to the entry into force of Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 (*). However, any subsequent transfer of firearms of categories C or D shall be subject to the transferee obtaining or having a licence or being specifically permitted to possess those firearms in accordance with national law.

(*) OJ L 179, 8.7.2008, p. 5.';

7. in Article 11(3), the second subparagraph shall be replaced by the following:

'Prior to the date of transfer, the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2. Those authorities shall carry out inspections, where appropriate on the spot, to verify the correspondence between the information communicated by the dealer and the actual characteristics of the transfer. The information shall be communicated by the dealer within a period allowing sufficient time.';

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8. in Article 12(2), the first subparagraph shall be replaced by the following:

'Notwithstanding paragraph 1, hunters, in respect of categories C and D, and marksmen, in respect of categories B, C and D, may, without prior authorisation, be in possession of one or more firearms during a journey through two or more Member States with a view to engaging in their activities, provided that they are in possession of a European firearms pass listing such firearm or firearms and provided that they are able to substantiate the reasons for their journey, in particular by producing an invitation or other proof of their hunting or target shooting activities in the Member State of destination.

Member States may not make acceptance of a European firearms pass conditional upon the payment of any fee or charge.';

9. Article 13(3) shall be replaced by the following:

'3. For the purposes of the efficient application of this Directive, Member States shall exchange information on a regular basis. To this end, the Commission shall set up, by 28 July 2009, a contact group for the exchange of information for the purposes of applying this Article. Member States shall inform each other and the Commission of the national authorities responsible for transmitting and receiving information and for complying with the obligations set out in Article 11(4).';

10. the following article shall be inserted:

'*Article 13a*

1. The Commission shall be assisted by a committee.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

(*) OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).';

11. Article 16 shall be replaced by the following:

'*Article 16*

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.';

12. Article 17 shall be replaced by the following:

'*Article 17*

The Commission shall, by 28 July 2015, submit a report to the European Parliament and the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.

The Commission shall, by 28 July 2012, carry out research and submit a report to the European Parliament and the Council on the possible advantages and disadvantages of a reduction to two categories of firearms (prohibited or authorised) with a view to the better functioning of the internal market for the products in question by means of possible simplification.

The Commission shall, by 28 July 2010, submit a report to the European Parliament and the Council presenting the conclusions of a study of the issue of the placing on the market of replica firearms in order to determine whether the inclusion of such products within the scope of this Directive is possible and desirable.';

13. Annex I shall be amended as follows:

(a) in Part I, the first indent shall be replaced by the following:

'— any firearm as defined in Article 1 of the Directive,';

(b) Part III shall be amended as follows:

(i) point (a) shall be replaced by the following:

'(a) have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or a modification that would permit the firearm to be reactivated in any way';

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(ii) the following paragraph shall be inserted after the first paragraph:

'Member States shall make arrangements for the deactivation measures referred to in point (a) to be verified by a competent authority in order to ensure that the modifications made to a firearm render it irreversibly inoperable. Member States shall, in the context of this verification, provide for the issuance of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm. The Commission shall, acting in accordance with the procedure referred to in Article 13a(2) of the Directive, issue common guidelines on deactivation standards and techniques to ensure that deactivated firearms are rendered irreversibly inoperable.'.

Article 2

Transposition

1. Member States shall, by 28 July 2010, bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such references are to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 21 May 2008.

For the European Parliament	*For the Council*
The President	*The President*
H.-G. PÖTTERING	J. LENARČIČ

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INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS [1]

THE STATES PARTIES,

AWARE of the urgent need to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, due to the harmful effects of these activities on the security of each state and the region as a whole, endangering the well-being of peoples, their social and economic development, and their right to live in peace;

CONCERNED by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and by the serious problems resulting therefrom;

REAFFIRMING that States Parties give priority to preventing, combating, and eradicating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials because of the links of such activities with drug trafficking, terrorism, transnational organized crime, and mercenary and other criminal activities;

CONCERNED about the illicit manufacture of explosives from substances and articles that in and of themselves are not explosives--and that are not addressed by this Convention due to their other lawful uses--for activities related to drug trafficking, terrorism, transnational organized crime and mercenary and other criminal activities;

CONSIDERING the urgent need for all states, and especially those states that produce, export, and import arms, to take the necessary measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

CONVINCED that combating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials calls for international cooperation, exchange of information, and other appropriate measures at the national, regional, and international levels, and desiring to set a precedent for the international community in this regard;

STRESSING the need, in peace processes and post-conflict situations, to achieve effective control of firearms, ammunition, explosives, and other related materials in order to prevent their entry into the illicit market;

MINDFUL of the pertinent resolutions of the United Nations General Assembly on measures to eradicate the illicit transfer of conventional weapons and on the need for all states to guarantee their security, and of the efforts carried out in the framework of the Inter-American Drug Abuse Control Commission (CICAD);

RECOGNIZING the importance of strengthening existing international law enforcement support mechanisms such as the International Weapons and Explosives Tracking System (IWETS) of the International Criminal Police Organization (INTERPOL), to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

RECOGNIZING that international trade in firearms is particularly vulnerable to abuses by criminal elements and that a "know-your-customer" policy for dealers in, and producers, exporters, and importers of, firearms, ammunition, explosives, and other related materials is crucial for combating this scourge;

RECOGNIZING that states have developed different cultural and historical uses for

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[1] Extracted from OAS website (www.oas.org) on October 10, 2008

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firearms, and that the purpose of enhancing international cooperation to eradicate illicit transnational trafficking in firearms is not intended to discourage or diminish lawful leisure or recreational activities such as travel or tourism for sport shooting, hunting, and other forms of lawful ownership and use recognized by the States Parties;

RECALLING that States Parties have their respective domestic laws and regulations in the areas of firearms, ammunition, explosives, and other related materials, and recognizing that this Convention does not commit States Parties to enact legislation or regulations pertaining to firearms ownership, possession, or trade of a wholly domestic character, and recognizing that States Parties will apply their respective laws and regulations in a manner consistent with this Convention;

REAFFIRMING the principles of sovereignty, nonintervention, and the juridical equality of states,

HAVE DECIDED TO ADOPT THIS INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS:

Article I
Definitions

For the purposes of this Convention, the following definitions shall apply:

1. "Illicit manufacturing": the manufacture or assembly of firearms, ammunition, explosives, and other related materials:

   a. from components or parts illicitly trafficked; or

   b. without a license from a competent governmental authority of the State Party where the manufacture or assembly takes place; or

   c. without marking the firearms that require marking at the time of manufacturing.

2. "Illicit trafficking": the import, export, acquisition, sale, delivery, movement, or transfer of firearms, ammunition, explosives, and other related materials from or across the territory of one State Party to that of another State Party, if any one of the States Parties concerned does not authorize it.

3. "Firearms":

   a. any barreled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or

   b. any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine.

4. "Ammunition": the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in any firearm.

5. "Explosives": any substance or article that is made, manufactured, or used to produce an explosion, detonation, or propulsive or pyrotechnic effect, except:

   a. substances and articles that are not in and of themselves explosive; or

   b. substances and articles listed in the Annex to this Convention.

6. "Other related materials": any component, part, or replacement part of a firearm, or an accessory which can be attached to a firearm.

7. "Controlled delivery": the technique of allowing illicit or suspect consignments of firearms, ammunition, explosives, and other related materials to pass out of, through, or into the territory of one or more states, with the knowledge and under the supervision of

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their competent authorities, with a view to identifying persons involved in the commission of offenses referred to in Article IV of this Convention.

Article II
Purpose

The purpose of this Convention is:

to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

to promote and facilitate cooperation and exchange of information and experience among States Parties to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

Article III
Sovereignty

1. States Parties shall carry out the obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of states and that of nonintervention in the domestic affairs of other states.

2. A State Party shall not undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved to the authorities of that other State Party by its domestic law.

Article IV
Legislative Measures

1. States Parties that have not yet done so shall adopt the necessary legislative or other measures to establish as criminal offenses under their domestic law the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. Subject to the respective constitutional principles and basic concepts of the legal systems of the States Parties, the criminal offenses established pursuant to the foregoing paragraph shall include participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counseling the commission of said offenses.

Article V
Jurisdiction

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense in question is committed in its territory.

2. Each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense is committed by one of its nationals or by a person who habitually resides in its territory.

3. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the alleged criminal is present in its territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal.

4. This Convention does not preclude the application of any other rule of criminal jurisdiction established by a State Party under its domestic law.

Article VI
Marking of Firearms

1. For the purposes of identification and tracing of the firearms referred to in Article I.3.a,

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States Parties shall:

a. require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;

b. require appropriate markings on imported firearms permitting the identification of the importer's name and address; and

c. require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

2. The firearms referred to in Article I.3.b should be marked appropriately at the time of manufacture, if possible.

Article VII
Confiscation or Forfeiture

1. States Parties undertake to confiscate or forfeit firearms, ammunition, explosives, and other related materials that have been illicitly manufactured or trafficked.

2. States Parties shall adopt the necessary measures to ensure that all firearms, ammunition, explosives, and other related materials seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of private individuals or businesses through auction, sale, or other disposal.

Article VIII
Security Measures

States Parties, in an effort to eliminate loss or diversion, undertake to adopt the necessary measures to ensure the security of firearms, ammunition, explosives, and other related materials imported into, exported from, or in transit through their respective territories.

Article IX
Export, Import, and Transit Licenses or Authorizations

1. States Parties shall establish or maintain an effective system of export, import, and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials.

2. States Parties shall not permit the transit of firearms, ammunition, explosives, and other related materials until the receiving State Party issues the corresponding license or authorization.

3. States Parties, before releasing shipments of firearms, ammunition, explosives, and other related materials for export, shall ensure that the importing and in-transit countries have issued the necessary licenses or authorizations.

4. The importing State Party shall inform the exporting State Party, upon request, of the receipt of dispatched shipments of firearms, ammunition, explosives, and other related materials.

Article X
Strengthening of Controls at Export Points

Each State Party shall adopt such measures as may be necessary to detect and prevent illicit trafficking in firearms, ammunition, explosives, and other related materials between its territory and that of other States Parties, by strengthening controls at export points.

Article XI
Recordkeeping

States Parties shall assure the maintenance for a reasonable time of the information necessary to trace and identify illicitly manufactured and illicitly trafficked firearms to

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enable them to comply with their obligations under Articles XIII and XVII.

Article XII
Confidentiality

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

Article XIII
Exchange of Information

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

   a. authorized producers, dealers, importers, exporters, and, whenever possible, carriers of firearms, ammunition, explosives, and other related materials;

   b. the means of concealment used in the illicit manufacturing of or trafficking in firearms, ammunition, explosives, and other related materials, and ways of detecting them;

   c. routes customarily used by criminal organizations engaged in illicit trafficking in firearms, ammunition, explosives, and other related materials;

   d. legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

   e. techniques, practices, and legislation to combat money laundering related to illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall provide to and share with each other, as appropriate, relevant scientific and technological information useful to law enforcement, so as to enhance one another's ability to prevent, detect, and investigate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and prosecute those involved therein.

3. States Parties shall cooperate in the tracing of firearms, ammunition, explosives, and other related materials which may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests.

Article XIV
Cooperation

1. States Parties shall cooperate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall identify a national body or a single point of contact to act as liaison among States Parties, as well as between them and the Consultative Committee established in Article XX, for purposes of cooperation and information exchange.

Article XV
Exchange of Experience and Training

1. States Parties shall cooperate in formulating programs for the exchange of experience and training among competent officials, and shall provide each other assistance that would facilitate their respective access to equipment or technology proven to be effective

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for the implementation of this Convention.

2. States Parties shall cooperate with each other and with competent international organizations, as appropriate, to ensure that there is adequate training of personnel in their territories to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. The subject matters of such training shall include, inter alia:

a. identification and tracing of firearms, ammunition, explosives, and other related materials;

b. intelligence gathering, especially that which relates to identification of illicit manufacturers and traffickers, methods of shipment, and means of concealment of firearms, ammunition, explosives, and other related materials; and

c. improvement of the efficiency of personnel responsible for searching for and detecting, at conventional and nonconventional points of entry and exit, illicitly trafficked firearms, ammunition, explosives, and other related materials.

Article XVI
Technical Assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties that so request receive the technical assistance necessary to enhance their ability to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including technical assistance in those matters identified in Article XV.2.

Article XVII
Mutual Legal Assistance

1. States Parties shall afford one another the widest measure of mutual legal assistance, in conformity with their domestic law and applicable treaties, by promptly and accurately processing and responding to requests from authorities which, in accordance with their domestic law, have the power to investigate or prosecute the illicit activities described in this Convention, in order to obtain evidence and take other necessary action to facilitate procedures and steps involved in such investigations or prosecutions.

2. For purposes of mutual legal assistance under this article, each Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements. The central authorities shall be responsible for making and receiving requests for mutual legal assistance under this article, and shall communicate directly with each other for the purposes of this article.

Article XVIII
Controlled Delivery

1. Should their domestic legal systems so permit, States Parties shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in the offenses referred to in Article IV and to taking legal action against them.

2. Decisions by States Parties to use controlled delivery shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

3. With the consent of the States Parties concerned, illicit consignments under controlled delivery may be intercepted and allowed to continue with the firearms, ammunition,

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explosives, and other related materials intact or removed or replaced in whole or in part.

Article XIX
Extradition

1. This article shall apply to the offenses referred to in Article IV of this Convention.

2. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty in force between or among the States Parties. The States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any offense to which this article applies.

4. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offenses to which this article applies as extraditable offenses between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the Requested State or by applicable extradition treaties, including the grounds on which the Requested State may refuse extradition.

6. If extradition for an offense to which this article applies is refused solely on the basis of the nationality of the person sought, the Requested State Party shall submit the case to its competent authorities for the purpose of prosecution under the criteria, laws, and procedures applied by the Requested State to those offenses when they are committed in its own territory. The Requested and Requesting States Parties may, in accordance with their domestic laws, agree otherwise in relation to any prosecution referred to in this paragraph.

Article XX
Establishment and Functions of the Consultative Committee

1. In order to attain the objectives of this Convention, the States Parties shall establish a Consultative Committee responsible for:

   a. promoting the exchange of information contemplated under this Convention;

   b. facilitating the exchange of information on domestic legislation and administrative procedures of the States Parties;

   c. encouraging cooperation between national liaison authorities to detect suspected illicit exports and imports of firearms, ammunition, explosives, and other related materials;

   d. promoting training and exchange of knowledge and experience among States Parties and technical assistance between States Parties and relevant international organizations, as well as academic studies;

   e. requesting from nonparty states, when appropriate, information on the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

   f. promoting measures to facilitate the application of this Convention.

2. Decisions of the Consultative Committee shall be recommendatory in nature.

3. The Consultative Committee shall maintain the confidentiality of any information it receives in the exercise of its functions, if requested to do so.

Article XXI

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Structure and Meetings of the Consultative Committee

1. The Consultative Committee shall consist of one representative of each State Party.

2. The Consultative Committee shall hold one regular meeting each year and shall hold special meetings as necessary.

3. The first regular meeting of the Consultative Committee shall be held within 90 days following deposit of the 10th instrument of ratification of this Convention. This meeting shall be held at the headquarters of the General Secretariat of the Organization of American States, unless a State Party has offered to host it.

4. The meetings of the Consultative Committee shall be held at a place decided upon by the States Parties at the previous regular meeting. If no offer of a site has been made, the Consultative Committee shall meet at the headquarters of the General Secretariat of the Organization of American States.

5. The host State Party for each regular meeting shall serve as Secretariat pro tempore of the Consultative Committee until the next regular meeting. When a regular meeting is held at the headquarters of the General Secretariat of the Organization of American States, a State Party that will serve as Secretariat pro tempore shall be elected at that meeting.

6. In consultation with the States Parties, the Secretariat pro tempore shall be responsible for:

   a. convening regular and special meetings of the Consultative Committee;

   b. preparing a draft agenda for the meetings; and

   c. preparing the draft reports and minutes of the meetings.

7. The Consultative Committee shall prepare its own internal rules of procedure and shall adopt them by absolute majority.

Article XXII
Signature

This Convention is open for signature by member states of the Organization of American States.

Article XXIII
Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article XXIV
Reservations

States Parties may, at the time of adoption, signature, or ratification, make reservations to this Convention, provided that said reservations are not incompatible with the object and purposes of the Convention and that they concern one or more specific provisions thereof.

Article XXV
Entry into Force

This Convention shall enter into force on the 30th day following the date of deposit of the second instrument of ratification. For each state ratifying the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the 30th day following deposit by such state of its instrument of ratification.

Article XXVI
Denunciation

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1. This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After six months from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State, but shall remain in force for the other States Parties.

2. The denunciation shall not affect any requests for information or assistance made during the time the Convention is in force for the denouncing State.

Article XXVII
Other Agreements and Practices

1. No provision in this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other existing or future international, bilateral, or multilateral agreements, or of any other applicable arrangements or practices.

2. States Parties may adopt stricter measures than those provided for by this Convention if, in their opinion, such measures are desirable to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

Article XXVIII
Conference of States Parties

Five years after the entry into force of this Convention, the depository shall convene a conference of the States Parties to examine the functioning and application of this Convention. Each conference shall determine the date on which the next conference should be held.

Article XXIX
Dispute Settlement

Any dispute that may arise as to the application or interpretation of this Convention shall be resolved through diplomatic channels or, failing which, by any other means of peaceful settlement decided upon by the States Parties involved. Article XXX Deposit

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify the member states of the Organization of the signatures, of the deposits of instruments of ratification and denunciation, and of any reservations.

ANNEX

The term "explosives" does not include: compressed gases; flammable liquids; explosive actuated devices, such as air bags and fire extinguishers; propellant actuated devices, such as nail gun cartridges; consumer fireworks suitable for use by the public and designed primarily to produce visible or audible effects by combustion, that contain pyrotechnic compositions and that do not project or disperse dangerous fragments such as metal, glass, or brittle plastic; toy plastic or paper caps for toy pistols; toy propellant devices consisting of small paper or composition tubes or containers containing a small charge or slow burning propellant powder designed so that they will neither burst nor produce external flame except through the nozzle on functioning; and smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and Very signal cartridges designed to produce visible effects for signal purposes containing smoke compositions and no bursting charges.

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General Assembly

Distr.: General
8 June 2001

Fifty-fifth session
Agenda item 105

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/55/383/Add.2)*]

55/255. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify that work in order to complete it in 2000,

Recalling further its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves, as well as the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of that right,

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1. *Takes note* of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its twelfth session,[1] and commends the Ad Hoc Committee for its work;

2. *Adopts* the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, annexed to the present resolution, and opens it for signature at United Nations Headquarters in New York;

3. *Urges* all States and regional economic organizations to sign and ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto as soon as possible in order to ensure the speedy entry into force of the Convention and the protocols thereto.

101st plenary meeting
31 May 2001

Annex

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

Preamble

The States Parties to this Protocol,

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

Convinced, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Bearing in mind the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

[1] A/55/383/Add.2.
[2] Resolution 2625 (XXV), annex.

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Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

Have agreed as follows:

I. General provisions

Article 1
Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2
Statement of purpose

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Article 3
Use of terms

For the purposes of this Protocol:

(*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;

(*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;

(*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;

(*d*) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

(i) From parts and components illicitly trafficked;

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(ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or

(iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;

(*e*) "Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

(*f*) "Tracing" shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

Article 4
Scope of application

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Article 5
Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

(*a*) Illicit manufacturing of firearms, their parts and components and ammunition;

(*b*) Illicit trafficking in firearms, their parts and components and ammunition;

(*c*) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:

(*a*) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

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(*b*) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

Article 6
Confiscation, seizure and disposal

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

II. Prevention

Article 7
Record-keeping

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(*a*) The appropriate markings required by article 8 of this Protocol;

(*b*) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

Article 8
Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(*a*) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(*b*) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and

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enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(*c*) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

Article 9
Deactivation of firearms

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(*a*) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(*b*) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(*c*) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

Article 10
General requirements for export, import and transit licensing or authorization systems

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(*a*) That the importing States have issued import licences or authorizations; and

(*b*) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the

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countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

Article 11
Security and preventive measures

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(*a*) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(*b*) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

Article 12
Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(*a*) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(*b*) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(*c*) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

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(*d*) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

Article 13
Cooperation

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

Article 14
Training and technical assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

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Article 15
Brokers and brokering

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

(*a*) Requiring registration of brokers operating within their territory;

(*b*) Requiring licensing or authorization of brokering; or

(*c*) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

III. Final provisions

Article 16
Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 17
Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

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2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 18
Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

Article 19
Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of

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votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 20
Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 21
Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

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International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

Preamble

States,

Noting that in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] States identified the tracing of illicit small arms and light weapons as a key mechanism for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons and committed themselves to strengthening the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons,

Noting also that the tracing of illicit small arms and light weapons, including but not limited to those manufactured to military specifications, may be required in the context of all forms of crime and conflict situations,

Recalling the report on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,[2] prepared by the Group of Governmental Experts established pursuant to General Assembly resolution 56/24 V of 24 December 2001,

Recalling also General Assembly resolution 58/241 of 23 December 2003, in which the Assembly, pursuant to the recommendation of the Group of Governmental Experts, decided to establish an open-ended working group to negotiate such an instrument,

Noting that, pursuant to resolution 58/241, this instrument is complementary to, and not inconsistent with, the existing commitments of States under relevant international instruments, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[3]

Noting also that, pursuant to resolution 58/241, this instrument takes into account the national security and legal interests of States,

Convinced of the need for an effective international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons,

Stressing that all aspects relating to illicit small arms and light weapons should be addressed in a coordinated and comprehensive manner,

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[1] See *Report of the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), para. 24.

[2] A/58/138.

[3] General Assembly resolution 55/255, annex.

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Stressing also the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts to effectively implement this instrument,

Have agreed henceforth as follows:

I. General provisions

1. The purpose of this instrument is to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

2. The purpose of this instrument is also to promote and facilitate international cooperation and assistance in marking and tracing and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

3. This instrument does not restrict the right of States to acquire, manufacture, transfer and retain small arms and light weapons for their self-defence and security needs, as well as for their capacity to participate in peacekeeping operations, in a manner consistent with the Charter of the United Nations.

II. Definitions

4. For the purposes of this instrument, "small arms and light weapons" will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

(a) "Small arms" are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) "Light weapons" are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

5. For the purposes of this instrument, "tracing" is the systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit.

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6. For the purposes of this instrument, small arms and light weapons are "illicit" if:

(a) They are considered illicit under the law of the State within whose territorial jurisdiction the small arm or light weapon is found;

(b) They are transferred in violation of arms embargoes decided by the Security Council in accordance with the Charter of the United Nations;

(c) They are not marked in accordance with the provisions of this instrument;

(d) They are manufactured or assembled without a licence or authorization from the competent authority of the State where the manufacture or assembly takes place; or

(e) They are transferred without a licence or authorization by a competent national authority.

III. Marking

7. The choice of methods for marking small arms and light weapons is a national prerogative. States will ensure that, whatever method is used, all marks required under this instrument are on an exposed surface, conspicuous without technical aids or tools, easily recognizable, readable, durable and, as far as technically possible, recoverable.

8. For the purpose of identifying and tracing illicit small arms and light weapons, States will:

(a) At the time of manufacture of each small arm or light weapon under their jurisdiction or control, either require unique marking providing the name of the manufacturer, the country of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture; and encourage the marking of such additional information as the year of manufacture, weapon type/model and calibre;

(b) Taking into account that import marking is a requirement for the States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, require to the extent possible appropriate simple marking on each imported small arm or light weapon, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the small arm or light weapon; and require a unique marking, if the small arm or light weapon does not already bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of small arms and light weapons for verifiable, lawful purposes, nor for the permanent import of museum artefacts;

(c) Ensure, at the time of transfer from government stocks to permanent civilian use of a small arm or light weapon that is not marked in a manner that allows tracing, the appropriate

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marking permitting identification of the country from whose stocks the transfer of the small arm or light weapon is made;

(d) Take all necessary measures to ensure that all small arms and light weapons in the possession of government armed and security forces for their own use at the time of adoption of this instrument are duly marked. Markings on these small arms and light weapons do not necessarily have to meet the requirements of subparagraph 8 (a) above;

(e) Encourage manufacturers of small arms and light weapons to develop measures against the removal or alteration of markings.

9. States will ensure that all illicit small arms and light weapons that are found on their territory are uniquely marked and recorded, or destroyed, as soon as possible. Pending such marking, and recording in accordance with section IV of this instrument, or destruction, these small arms and light weapons will be securely stored.

10. States will ensure that every small arm or light weapon always receives the unique markings prescribed in subparagraph 8 (a) above. A unique marking should be applied to an essential or structural component of the weapon where the component's destruction would render the weapon permanently inoperable and incapable of reactivation, such as the frame and/or receiver, in compliance with paragraph 7 above. States are encouraged, where appropriate to the type of weapon, also to apply the marking prescribed in subparagraph 8 (a) above or other markings to other parts of the weapon such as the barrel and/or slide or cylinder of the weapon, in order to aid in the accurate identification of these parts or of a given weapon.

IV. Record-keeping

11. The choice of methods for record-keeping is a national prerogative. States will ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory and maintained in accordance with paragraph 12 below in order to enable their competent national authorities to trace illicit small arms and light weapons in a timely and reliable manner.

12. From the time of the adoption of this instrument, records pertaining to marked small arms and light weapons will, to the extent possible, be kept indefinitely, but in any case a State will ensure the maintenance of:

(a) Manufacturing records for at least 30 years; and

(b) All other records, including records of import and export, for at least 20 years.

13. States will require that records pertaining to small arms and light weapons held by companies that go out of business be forwarded to the State in accordance with its national legislation.

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V. Cooperation in tracing

General

14. While the choice of tracing systems will remain a national prerogative, States will ensure that they are capable of undertaking traces and responding to tracing requests in accordance with the requirements of this instrument.

15. States receiving information related to tracing illicit small arms and light weapons in accordance with the provisions of this instrument and in the context of a tracing request will respect all restrictions placed on its use. Furthermore, States will guarantee the confidentiality of such information. Restrictions on use may include, inter alia:

(a) The information exchanged will be released only to competent authorities designated by the requesting State and/or authorized personnel, to the extent necessary for the effective implementation of this instrument;

(b) The information exchanged will be used only for purposes consistent with this instrument; or

(c) The information exchanged may not be released to anyone else without the prior consent of the State providing that information.

Where for legal, constitutional or administrative reasons, the confidentiality of the information cannot be guaranteed or the restrictions placed on its use in accordance with the present paragraph cannot be maintained by the requesting State, the requested State will be so informed at the time the tracing request is made.

Tracing requests

16. A State may initiate a tracing request in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit under the provisions of paragraph 6 above.

17. To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information, including, inter alia:

(a) Information describing the illicit nature of the small arm or light weapon, including the legal justification therefor and, to the extent possible, the circumstances under which the small arm or light weapon was found;

(b) Markings, type, calibre and other relevant information to the extent possible;

(c) Intended use of the information being sought.

Responses to tracing requests

18. States will provide prompt, timely and reliable responses to tracing requests made by other States.

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19. States receiving a tracing request will acknowledge receipt within a reasonable time.

20. In responding to a tracing request, the requested State will provide, subject to paragraph 22 below, all available information sought by the requesting State that is relevant for the purpose of tracing illicit small arms and light weapons.

21. The requested State may seek additional information from the requesting State where a tracing request does not contain the information required in paragraph 17 above.

22. States may delay or restrict the content of their response to a tracing request, or refuse to provide the information sought, where releasing the information would compromise ongoing criminal investigations or violate legislation providing for the protection of confidential information, where the requesting State cannot guarantee the confidentiality of the information, or for reasons of national security consistent with the Charter of the United Nations.

23. If a State delays or provides a restricted response to a tracing request, or refuses to provide the information sought, on the grounds identified in paragraph 22 above, it will inform the requesting State of the reasons for this. The requesting State may subsequently seek clarification of this explanation.

VI. Implementation

General

24. In accordance with their constitutional processes, States will put in place, where they do not exist, the laws, regulations and administrative procedures needed to ensure the effective implementation of this instrument.

25. States will designate one or more national points of contact to exchange information and act as a liaison on all matters relating to the implementation of this instrument.

26. States will cooperate on a bilateral and, where appropriate, on a regional and international basis to support the effective implementation of this instrument.

International cooperation and assistance

27. States in a position to do so will, upon request, seriously consider rendering technical, financial and other assistance, both bilaterally and multilaterally, in building national capacity in the areas of marking, record-keeping and tracing, in order to support the effective implementation of this instrument by States.

28. States in a position to do so are also encouraged to seriously consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

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29. States will encourage initiatives, within the framework of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote the implementation of this instrument by States.

United Nations

30. States will cooperate, as appropriate, with the United Nations to support the effective implementation of this instrument.

31. States will, as soon as possible after the adoption of this instrument, provide the Secretary-General, through the Department for Disarmament Affairs of the Secretariat, with the following information, updating it when necessary:

(a) Name and contact information for the national point(s) of contact;

(b) National marking practices related to markings used to indicate country of manufacture and/or country of import as applicable.

32. States hereby request the Secretary-General to collate the information provided by States pursuant to paragraph 31 above and to issue it to States Members of the United Nations, providing the assistance requested for the implementation of the instrument by States, as well as assisting States to interact on a bilateral basis.

International Criminal Police Organization

33. States, where appropriate, will cooperate with the International Criminal Police Organization (Interpol) to support the effective implementation of this instrument.

34. States that are members of Interpol will promote the implementation of this instrument when participating in Interpol's organs.

35. States, where appropriate, in accordance with Interpol's statutory rules, are encouraged to make full use of Interpol's mechanisms and facilities in implementing this instrument. Interpol may, at the request of the concerned State, assist in the following areas:

(a) Facilitation of tracing operations conducted within the framework of this instrument;

(b) Investigations to identify and trace illicit small arms and light weapons;

(c) Wherever possible, building national capacity to initiate and respond to tracing requests.

VII. Follow-up

36. States will report on a biennial basis to the Secretary-General on their implementation of this instrument including, where appropriate, national experiences in tracing illicit small arms

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and light weapons as well as measures taken in the field of international cooperation and assistance. This report may form part of a State's national report on its implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

37. States will meet on a biennial basis to consider the reports mentioned in paragraph 36 above. These meetings will be held within the framework of relevant meetings convened for the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, where such meetings are in fact convened.

38. States will review the implementation and future development of this instrument within the framework of conferences that review the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

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Government Consulting Services

Services conseils du gouvernement

MARKING OF FIREARMS

Report no. 4 – Summary of Meetings

Prepared for: Public Safety Canada

SECRET DOCUMENT

Project Number: 000299.001

By Isabelle Côté, Principal Consultant

July 16, 2009

Public Works and Government Services Canada

Travaux publics et Services gouvernementaux Canada

Canada

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ANNEX A – QUESTIONNAIRE

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1 Executive Summary

This portion of the study presents the findings from a series of interviews undertaken with 11 representatives of different organizations across Canada. The organizations were chosen because they were likely to either support or challenge the *Firearms Markings Regulations*. The only organization contacted outside of Canada was Sotheby's Auction House in the United Kingdom where a firearm's specialist based in London works for Sotheby's.

The purpose of these interviews was to obtain a better understanding of the possible implications of the marking of firearms for the various Canadian organizations. The objective was to gather facts about the benefits and constraints regarding the marking of firearms.

As a result of the 11 interviews conducted with these organizations, it is clear that representatives from all organizations have strong opinions on the subject; there were no neutral perspectives. Answers varied from one end of the spectrum to the other. It was not possible to discern any form of consensus among the organizations interviewed on any aspect of the marking of firearms.

Law Enforcement Groups - As demonstrated in this study's previous reports, it has been confirmed through the interviews that law enforcements groups will derive the greatest positive impact from the Canadian *Firearms Marking Regulations*. The marking of firearms is a key element enabling the successful tracing of firearms. With the ability to trace illegal firearms to their source, police investigators are better equipped to fight against criminal groups and related activities such as prostitution, drug and guns trafficking, etc. Respondents also mentioned that gun crime is a growing concern in a number of Canadian cities, as shown by recent events in Vancouver.

As indicated by some law enforcement groups, Canada should require more markings than what is proposed in the current *Firearms Marking Regulations*. Such groups are of the viewpoint that Canada should implement markings that are as detailed as the marking regulations in the United States.

Firearms Industry - On the other hand, the Canadian *Firearms Marking Regulations* place the greatest responsibility on the Canadian importers of firearms. Importers are responsible for ensuring that firearms comply with the marking regulations. The Regulations will definitely change the dynamic among the firearm industry stakeholders. Depending on how each importer decides to comply with the Regulations, in some cases importers will need to hire engravers or develop agreements with manufacturers to mark firearms at the point of manufacture.

It was observed during the interviews conducted with organizations representing the firearms industry and firearm owners that these representatives are very well informed about the process of marking firearms. Some of these individuals have been involved since the early stages of discussions concerning the marking of firearms within the United Nations and the Government of Canada.

Possessor/Owner of Firearms – The impact on the possessor/owner of firearms will be minimal. The additional cost of marking firearms will likely be passed on to buyers.

However, the common perception that additional marking will greatly diminish the value of firearms does not appear to be the case. Given that the Canadian Regulations allow for the exemption of rare firearms, the impact on the value of firearms is limited. As for newly manufactured collectibles, if the markings are done properly, they become part of the history of the firearm, and therefore should not affect its value. In addition, the markings applied at importation provide assurance to collectors that the firearms were legally imported.

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General Public – The general public encompasses all Canadians. The greatest impact of the Regulations will be to provide greater public safety for all Canadians. If law enforcement groups are better able to demonstrate a link between crime guns and criminal groups, then court cases are likely to be successful and appropriate sentencing will be applied. Also, if law enforcement officers can trace crime guns to a specific source, then they will be able to take measures to stop the trafficking of firearms originating from this source. These outcomes will offer a more secure environment for all Canadians.

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2 INTRODUCTION

2.1 Purpose

This is the fourth in the series on Marking of firearms. The purpose of this report is to summarize and analyze the information gathered from interviews held with different Canadian organizations regarding the *Firearms Marking Regulations*, as approved by the Governor-in-Council in 2004. Note that the other reports in this series establish the broader context of the marking of firearms in Canada.

In order to ensure candid responses, the identity of all respondents has been protected. As a result, the outcomes of the meetings are reported without attributing comments directly to an interviewee. It is also important to mention that the details presented in this report are gathered from the information collected from interviews with the organizations listed in section 3. The information presented in the previous reports, which were based on research and interviews with experts, may or may not align with what the respondents said during the interviews.

2.2 Methodology

Interviews were undertaken with 11 representatives of mainly Canadian organizations, each likely to either support or challenge the *Firearms Marking Regulations*. Most interviews were conducted face-to-face. However, some interviews were conducted over the phone due to availability, distance or budget constraints.

The following factors were considered when selecting organizations:

1. Inclusion of non-governmental organizations - NGOs with a knowledge of the benefits and constraints associated with the marking of firearms;

2. Balanced representation – Representatives were sought from sectors in Canada which are affected by the marking of firearms issues, including:

   - Associations
   - Businesses
   - Law Enforcement

3. Due to project budget constraints, travel was limited. Groups were not removed from the list of key organizations based on their location. However, when it was not feasible to arrange face-to-face interviews in Montreal, Ottawa or Toronto, telephones interviews were conducted.

The complete list of interviews held is list in *Section no. 3 – Organizations & individuals interviewed.*

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2.3 Scope and Limitations

The meetings focused on the *Firearms Marking Regulations* in order to get a better understanding of the possible implications of the marking of firearms. The objective was to gather facts about the benefits and constraints regarding the marking of firearms, from the perspective of different organizations concerned directly or indirectly with the issue across Canada.

Excluded from the scope of these meetings were all forms of ownership, possession and use of firearms as well as the marking of the other components or parts of firearms or ammunition. Also excluded from the scope of the meetings were all other topics related to firearm activities.

The number of interviews conducted was determined by the budget allocated for interviews.

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3 ORGANIZATIONS AND INDIVIDUALS INTERVIEWED

1. **Sothebys – Auction House**
   Mr. Gavin Gardiner
   Director, Modern and Vintage Sporting Guns
   London, United Kingdom

2. **Ottawa Police Department**
   Mr. Craig Bridgeman
   Lieutenant-Detective, Organized Crime Section
   Ottawa, Ontario

3. **Service de Police de la Ville de Montréal (SPVM)**
   Mr. Mario H. Frappier
   Lieutenant - Armurerie
   Montreal, Quebec

4. **Toronto Police Service**

   Mr. Michael Press
   Special Constable, Sr. Firearms Office
   Toronto, Ontario

   Mr. Colin McDonald
   Detective
   Organized Crime Section, Gun & Gang Task Force
   Toronto, Ontario

5. **Coalition for Gun Control**
   Mrs. Wendy Cukier
   President
   Toronto, Ontario

6. **Project Plougshares**
   Mr. Ken Epps
   Senior Program Associate
   Waterloo, Ontario

7. **Canadian Police Association (CPA)**

   Mr. Pierre Collin
   Communication Officer
   Ottawa, Ontario

   Mr. David Griffin
   Executive Officer
   Ottawa, Ontario

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8. **National Firearms Association**
   Mr. Blair Hagen
   National President
   Vancouver, British Colombia

9. **Canadian Historical Arms Society**
   Mr. Paul McCormack, RSO
   President
   Edmonton, Alberta

10. **Canadian Shooting Sports Association and Canadian Institute for Legislative Action**
    Mr. Tony Bernardo
    Executive Director
    Vaughan, Ontario

11. **Canadian Sporting Arms and Ammunition Association**
    Mr. John Mock
    Director
    Whitby, Ontario

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4 RESULTS OF INTERVIEWS

4.1 Awareness of the Firearms Marking Regulations

Prior to the interviews, all interviewees were aware of the UN Firearms Protocol. All interviewees but one were aware of the *Firearms Marking Regulations* approved by the Governor-in-Council in 2004. Only one interviewee was unaware of the Canadian *Firearms Marking Regulations*, but was aware of the United Nations Firearms Protocol.

The interviewees were aware of the Canadian *Firearms Marking Regulations* due to the following reasons:

1. No specific reason – common knowledge;
2. Have been following the United Nations Firearms Protocol;
3. Members of the Canadian Firearms Advisory Committee at Public Safety Canada;
4. Involvement in discussions with the Department of Foreign Affairs and International Trade (DFAIT);
5. Involvement in discussions with Public Safety Canada.

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4.2 Consultations

The extent of the involvement of organizations in discussions or consultations regarding the UN Firearms Protocol and the Canada *Firearms Marking Regulations* varies considerably. Some organizations are very active players at United Nations and at the national level. Other organizations simply follow events through the regulatory process.

In particular, the organizations protecting the interests of the firearms industry and the possessors or owners of firearms are considerably more active in discussions about the marking of firearms than are the other organizations.

The interviewees mentioned that they have been involved in discussions or consultations with the United Nations negotiations regarding the UN Firearms Protocol or with the Government of Canada and its Departments/ Agencies regarding the Canadian *Firearms Marking Regulations*: Their involvement can be summarized as follows:

1. Member of the Canadian Firearms Advisory Committee at Public Safety Canada;
2. Speaker on the marking regulations at the United Nations;
3. Involved in discussions with the Department of Foreign Affairs and International Trade (DFAIT);
4. Involved in discussions with Public Safety Canada;
5. Met with the Minister of Public Safety Canada;
6. Part of the Canadian delegation at the United Nations;
7. Member of an NGO protecting its members' interests at the United Nations ; and
8. Member of Parliament is a member of the association.

Most of the organizations interviewed which are not involved in representing the firearms industry, or the interests of firearm owner's, had been first consulted by representatives of the Government of Canada concerning the *Firearms Marking Regulations*.

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4.3 The impacts of the marking regulations

Viewpoints on the anticipated impact of the marking regulations vary from one end of the spectrum to the other, depending on the organization being interviewed. A perceived advantage of the marking regulations from the perspective of one organization is viewed as a disadvantage by another organization.

The following table reports information collected from the representatives of the organizations interviewed:

PERCEIVED IMPACTS OF THE MARKING REGULATIONS	
POSITIVE IMPACTS	**NEGATIVE IMPACTS**
The marking regulations will:	
• Facilitate the identification of the source of where the firearms come from. • Reinforce the link between record keeping and marking. • Enable authorities to determine whether the firearms came into Canada legally (legitimately). • Reduce the time it takes to trace firearms. • Prove whether a firearm was stolen. • Support law enforcement investigation techniques. • Help in the fight against organized crime and will promote more appropriate sentencing. • Increase Public Safety. • Promote improved regulation of the movement of Small Arms & Light Weapons (SALW). • Enhance the credibility of Canada internationally. • Allow Canada to ratify CIFTA (OAS), UN Firearms Protocol and the International Tracing Instrument. *Note: One respondent mentioned that there is an impact of not implementing the marking regulations. The source of the problem is organized crime, not the firearms themselves. Improved methods of tracing will help to pinpoint the source of illegal firearms.*	• Be catastrophic for the industry. • Increase the time it take to prepare a firearm for sale. • Increase the space required to import or manufacture firearms. • Force businesses to shut down, causing job losses. • Cause major logistics issues for the importers. • Destroy the firearms industry. • Increase costs which will be passed on to buyers. • Reduce profitability of businesses and decrease the markup on sales.

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During the interviews, it was important to gain an understanding of what each organization will have to do in order to comply with the *Firearms Marking Regulations.* The interviewees indicated that their organizations would have to do the following:

Firearms Industry

- Determine how they will deal with the Regulations.
- Negotiate with manufacturers to add markings at the production site.
- Mark the firearms.
- Resolve logistical issues associated with marking the firearms.
- Manufacturers will be required to separate the production of firearms for the Canadian market and other markets.
- Hire new staff to apply the markings: if markings are not done by the manufacturer, the importers will need to hire laser engravers or gunsmiths.
- Determine how to deal with drop-shipping *(firearms sent directly from a foreign manufacturer to a Canadian dealer or retailer).*

Law Enforcement

- Communicate the information regarding firearm markings to all enforcement groups in order to take full advantage of the information.

Other

- Draw attention to the fact that Canada is implementing this long awaited law.

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4.4 Advantages and disadvantages of marking firearms

As was the case with the anticipated impact of the marking regulations, the perspective of interviewees regarding the advantages and disadvantages of marking firearms varied depending on the mandate of the organization. An advantage for one organization was viewed as a disadvantage for another.

The following table summarizes the advantages and disadvantages of marking firearms which were identified during the interviews. The list of advantages and disadvantages were based on markings that would indicate the name of the manufacturer, serial number, country and year of importation.

PERCEIVED ADVANTAGES AND DISADVANTAGES OF MARKING FIREARMS	
ADVANTAGES	**DISADVANTAGES**
• Better identification of the sources of illegal firearms • Improved understanding of the movement of firearms between the legal and illegal market. • Enhanced effectiveness of tracing and monitoring • Better control on firearms coming into Canada • Improved understanding of where firearms are diverted into the illegal market • Reduced tracing time • Reduced costs associated with tracing • Increased substantiation for the sentencing of organized crime • Durability; even if obliterated, markings can be restored • Assures buyers that firearms came into Canada legally; the markings provide a form of "branding" assurance	• Increased cost • Higher prices for firearms in Canada vs. United States • Financial impact for the importers • Destruction of the Canadian firearms industry • Cosmetic/ esthetic impact on the firearm • Risk of damaging the firearm • Risk of corrosion where the marking are applied • Impact on the value of antique or collector's firearms • Impact on the warranty when importers add markings to new firearms • The year of importation will "date" firearms.

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4.5 Value of firearms

One assumption discussed with some experts is that the markings will affect the value of firearms. Interviewees were asked two questions regarding the impact on the value on the firearms. The intent of the questions was to understand how interviewees assessed the likely impact on the value of firearms by applying the markings on:

- newly manufactured firearms
- used firearms

When responding to these questions, interviewees sometimes confused the notion of impact on cost and impact on the value of firearms. Given that information on cost (as opposed to value) is also relevant to this study, information on the cost impacts gathered in response to these questions is explained later in this report.

One person interviewed is an expert in assessing the value of firearms. The subject of the impact on the value of firearms was discussed at length with this individual. Obviously, adding markings to antiques or firearms with historical significance will affect the value of such firearms on the Collector's market. It can lower the value from 40 to 50 percent. Note that the Canadian *Firearms Marking Regulations* has a provision for the exception of certain types of firearms, such as ones which are rare.

If the markings are applied at the point of manufacture, this individual does not foresee any impact on the value of firearms by adding markings. In this scenario, the markings become part of the history of the firearm and do not affect their value. Also, if markings are applied after manufacture in a professional and discreet manner, this individual does not believe they will affect the value of firearms.

Another aspect mentioned by the same expert is that the markings at importation can legitimize firearms. A collector could not guarantee the resale value of a firearm if it was purchased on the grey or black market. Having the markings at importation would provide some assurance that the firearm has been imported legally.

One final aspect mentioned is that, in the United Kingdom, post-manufacture markings have been applied since the year 1600. Currently, all firearms in the United Kingdom must go through a series of tests by authorized Proof Houses. The purpose of these tests is to ensure that the firearm may be safely used by the owner or possessor. When tests are successful, a mark is stamped on the firearm. Refer to Report no. 3, Examination of International Practice; *see section 4.3 – Special note about Proof House* for more information about this type of test.

That being said, if an antique firearm is imported into the United Kingdom from another country, such as the United States, the firearms must go through the same test procedure. In such cases, the buyer in the United Kingdom is advised that the value of the firearms may be affected by the Proof House markings. Consequently, the expert in assessing the value of firearms observed that collectible firearms tend to remain in their country of origin. For example, the majority of American collectors collect firearms manufactured in the United States.

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The pros and cons, collected during the interviews about the impact on the value of firearms, are summarized in the tables below.

PERCEIVED IMPACT OF MARKINGS ON VALUE AND COST NEWLY MANUFACTURED FIREARMS	
MINIMAL NEGATIVE IMPACTS OR POSITIVE IMPACTS	**NEGATIVE IMPACTS**
The application of markings:	
• May increase manufacturing costs but the impact on the retail price will be minimal. • May increase the value of firearms because the markings may be perceived as an indication of uniqueness (limited availability or limited edition). • Will be perceived as a branding indicating that the firearm is "legal" (i.e., purchased through legal cannels). • If applied in a professional and discreet manner, will not impact the value of the firearms (whether applied during manufacturing or post manufacturing); the markings will become part of the "history" of the firearms.	• Will increase costs which will be passed on to buyers. • Will decrease the value of very expensive firearms.

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PERCEIVED IMPACT OF MARKINGS ON VALUE AND COST USED FIREARMS	
MINIMAL NEGATIVE IMPACTS OR POSITIVE IMPACTS	**NEGATIVE IMPACTS**
The application of markings:	
• Will be perceived as a branding indicating that the firearm is "legal" (i.e., purchased through legal channels). • If applied in a professional and discreet manner, will not impact the value of the firearms. • Very low impact on modern firearm if done properly (i.e.: discreet and well done).	• Will drastically reduce the value of collector's firearms. • Will reduce the value of firearms if the markings are not done professionally. • Will drastically affect the profitability of the industry. • Will increase the resale price of used firearms. • May decrease the value of an antique or historic firearm by 40 to 50 percent.

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4.6 Marking techniques[1]

The *Firearms Marking Regulations* require that firearms be marked using engraving or stamping techniques. The interviewees were asked to comment on the marking techniques required by the Regulations and any problems that could arise. In general, the respondents indicated that there is no problem with the required techniques. However, representatives of laws enforcements groups said that the success rate of restoring obliterated markings is much higher when the stamping techniques are used.[2]

Also, one interviewee from the firearm industry mentioned that, in some cases, importers will have to disassemble firearms to add markings on the frame and receiver. The same individual also mentioned that it is not possible to add markings to polymer firearms after manufacture.

4.7 International Cooperation[3]

The international cooperation among countries is a key component of the UN Firearms Protocol. To eradicate trafficking of firearms, cooperation between countries is mandatory. The International Tracing Instrument is a complementary initiative for cooperation among States in tracing and marking.

During the interviews, the representatives were asked to comment about how the marking regulations will affect international cooperation between countries. Some individuals responded that there would be no impact at, all whereas other indicated that there would be a huge impact on Canada's credibility internationally.

Those representing the firearm industry and the owners or possessors of firearms indicated that the UN Firearms Protocol and the Canadian *Firearms Marking Regulations* will have no effect on international cooperation. On the other hand, those representing other organizations indicated, if Canada does not implement the *Firearms Marking Regulations* or does not ratify the UN Firearms Protocol, that it would be perceived on the international stage that Canada is failing to support its international commitments and efforts to curtail firearms trafficking.

[1] * Please note that this section reports the opinions expressed by the respondents. These comments should not be attributed to the author of this report.
** The information presented in the three other reports may or may not align with what the respondents said during the interviews.
[2] Please refer to *Report no 2 – section 5 Obliteration of marking* for more information about restoration of tampered markings on seized firearms.
[3] * Please note that this section reports the opinions expressed by the respondents. These comments should not be attributed to the author of this report.
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4.8 Small arms trade

The intent of the United Nations Firearms Protocol is to reduce the trade in small arms. Interviewees were asked to comment about the advantages and disadvantages of the marking regulations on the firearms trade internationally.

The advantages and disadvantages of the markings in the small arms trade collected during the interviews are summarized in the table below.

PERCEIVED IMPACT OF MARKINGS ON THE FIREARMS TRADE	
POSITIVE IMPACTS	**NEUTRAL OR NEGATIVE IMPACTS**
The markings:	
• Will help fight organized crime. • Will promote better regulation of the movement of SALW. • Will promote greater public safety. • Will provide another tool in the kit to trace weapons. • If done properly, will improve the success-rate of tracing and control.	• Will not reduce smuggling because firearms do not originate from Canada. • Will offer no advantages because Canada is not a hostile region. • Will decrease the availability of legal firearms, but will have no affect on illegal firearms.

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4.9 Advantages and disadvantages for different Stakeholders

Stakeholders in the administration and control of firearms are likely to be affected in some way by the marking regulations. One of the objectives of the interviews with the different organizations was to identify the benefits and constraints associated with the Regulations from the perspective of different stakeholders, and to determine the extent to which stakeholders will be affected.

- ***Government of Canada***

All representatives interviewed were asked what would be the advantages and disadvantages of the marking regulations for the Government of Canada and its affected departments and agencies.

Based on interviews conducted, the advantages and disadvantages of the marking regulations for the Government of Canada and its departments and agencies are summarized in the following table.

GOVERNMENT OF CANADA PERCEIVED ADVANTAGES AND DISADVANTAGES OF THE MARKING REGULATIONS	
ADVANTAGES	**DISADVANTAGES**
• Given that the current Government is pro-firearms, *if the new Regulations are* implemented, it will send a message internationally that Canada is responsible domestically • The Regulations will boost Canada's international credibility • Canada will be in a better position to support the control of SALW if improved firearm controls are implemented in Canada • The implementation of the Regulations will enhance the image of the lead department.	• Given that Canada has already signed the CIFTA and UN Firearms Protocol, Canada's voice will be weaker by not implementing Regulations domestically. • The Regulations will cause a division between the Government of Canada and the firearms industry (including owners of firearms). • The implementation of the Regulations will reduce the confidence of Canadian's in the regulatory system.

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- ***Importers***

All representatives interviewed were asked what would be the advantages and disadvantages of the marking regulations for Canadian importers of firearms.

Based on interviews conducted, the advantages and disadvantages of the marking regulations for Canadian importers are summarized in the following table.

CANADIAN IMPORTERS PERCEIVED ADVANTAGES AND DISADVANTAGES OF THE MARKING REGULATIONS	
ADVANTAGES	**DISADVANTAGES**
• None identified *Note: One representative said that if all importers must follow the same requirements, the Regulations should not affect their competitiveness.*	• The firearms industry does not want any more regulations. • Drive the importers out of business. • Increase the cost of firearms. • Destroy the market for importer's of surplus firearms. • Introduce a number of logistical issues. • Force importers to hire specialists (engravers, gunsmith).

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- ***Foreign Manufacturers***

Given that Canadian manufacturers are already marking the firearms they are producing, the Regulations offer no particular advantages or disadvantages for them. However, if Canadian importers request that foreign manufacturers add markings at the manufacturing site, there will be advantages and disadvantages for the manufacturers.

All representatives interviewed were asked what would be the advantages and disadvantages of the marking regulations for foreign manufacturers of firearms.

Based on interviews conducted, the advantages and disadvantages of the marking regulations for foreign manufacturers are summarized in the following table.

FOREIGN MANUFACTURERS PERCEIVED ADVANTAGES AND DISADVANTAGES OF THE MARKING REGULATIONS	
ADVANTAGES	**DISADVANTAGES**
• Markings can protect the reputation of manufacturers if it can officially be determined that firearms were imported into Canada legally. *Note: One representative said that if all manufacturers must follow the same requirements, the regulations should not affect their competitiveness.*	• The firearm industry does not want any more regulations. • Foreign manufacturers will probably choose to give up on the Canadian market because they will not comply with the Regulations. • Cause manufacturers to increase the price of firearms which will increase the retail cost

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- ***Law enforcement Groups***

All representatives interviewed were asked what would be the advantages and disadvantages of the marking regulations for law enforcement groups, including police forces and border agents.

Based on interviews conducted, the advantages and disadvantages of the marking regulations for law enforcement groups are summarized in the following table.

LAW ENFORCEMENT GROUPS ADVANTAGES AND DISADVANTAGES OF THE MARKING REGULATIONS	
ADVANTAGES	**DISADVANTAGES**
• Assist in substantiating sentencing. • Increase the likelihood of convictions (particularly involving organized crime). • Improve the results from the tracing of firearms. • Improve the efficiency of tracing; they will reduce the time to trace a firearm. • Improve the identification of the sources of crime guns. • Improve the investigation process. • Strengthen the ability of law enforcement groups to trace firearms to criminal activities.	• The effort and cost to include the markings would yield minimal advantages.

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- ***Possessors or Owners of firearms***

All representatives interviewed were asked what would be the advantages and disadvantages of the marking regulations for those who possess or own one or more firearms.

Based on interviews conducted, the advantages and disadvantages of the marking regulations for possessors or owners of firearms are summarized in the following table.

POSSESSORS OR OWNERS OF FIREARMS PERCEIVED ADVANTAGES AND DISADVANTAGES OF THE MARKING REGULATIONS	
ADVANTAGES	**DISADVANTAGES**
• Better protection and increased public safety. • Substantiation that firearms were acquired by legal means (i.e., that they entered Canada legally).	• Possessors or owners of firearms will require an explanation as to why the Regulations are necessary and what are the benefits. • There will be a reduced variety of firearms available (fewer brands and models) because some manufacturers will stop selling to the Canadian market. • Prices of firearms will increase.

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- ***General Public***[4]

In this context, the General Public is defined as all Canadians with the exception of those who possess or own one or more firearms.

Representatives of organizations other than those protecting the interests of the firearm industry or owners of firearms indicated that, from the perspective of the general public, the key advantage of the marking regulations is public safety and provide a better protection. By having the ability to more quickly pinpoint the source of the illegal firearms, organized crime groups will be more easily identified and members of criminal groups will be more likely to receive appropriate sentences. This will offer better protection to Canadians in general.

Organizations representing the interests of the firearm industry or the owner's of firearms indicated that there will be no advantages or disadvantages for the general public.

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ANNEX A – QUESTIONNAIRE

1. What is the mandate of your organization?
2. What is your current role in the organization?
3. How many years have you been in this position?
4. Prior to this meeting, have you heard about the Regulations approved by the Governor-in-Council in 2004 regarding the marking of firearms?
5. How did you hear about the marking regulations?
6. If the marking regulations come into force, how will they impact you or your organization and its members?
7. If the marking regulations come into force, what specifically will you or your organization and its members need to do?
8. Have you or your organization been part of discussions or consultations with the United Nations negotiations regarding the UN Firearms Protocol? If so, what was your involvement and when?
9. Have you or your organization been part of discussions or consultations with the Government of Canada and its departments/agencies regarding the marking regulations? If yes, how and when?
10. Do you have any information that shows that the Regulations would have an impact on the availability of small arms and light weapons? Please explain.
11. What are the practical advantages of the markings? (i.e., name of the manufacturer, serial number, country and year of importation.) Please elaborate.
12. What are the practical disadvantages of the markings? (i.e., name of the manufacturer, serial number, country and year of importation.) Please elaborate.
13. What will be the impact on the value of newly manufactured firearms by applying markings at the site of manufacture?
14. What will be the impact on the value of used firearms by applying markings at the time of importation into Canada?
15. Please explain specific problems that could arise with the marking techniques suggested in the marking regulations? (e.g., stamping or engraving)
16. Describe how the marking regulations will affect international cooperation between countries? What will be the advantages and disadvantages?
17. What will be the advantages and disadvantages of the marking regulations for small arms trade internationally?
18. What will be the advantages and disadvantages of the marking regulations for the Government of Canada or its departments and agencies?
19. What will be the advantages and disadvantages of the marking regulations for the importers of firearms?
20. What will be the advantages and disadvantages of the marking regulations for Canadian manufacturers of firearms?
21. What will be the advantages and disadvantages of the marking regulations for foreign manufacturers of firearms in terms of exporting products into Canada?

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22. What will be the advantages and disadvantages of the marking regulations for law enforcement? (This includes police forces and border agents.)
23. What will be the advantages and disadvantages of the marking regulations for the possessors or owners of firearms?
24. What will be the advantages and disadvantages of the marking regulations for the general public? (i.e., those who are not possessors or owners of a firearm)
25. Are there any other comments that you would like to add to this discussion regarding the marking of firearms?
26. Is there any literature that you would like to share?

END

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