

SaferAfrica and Saferworld

**Arms and Ammunition Act, 1991  
I, Art. 3**

"firearm" means any lethal barrelled weapon of any description other than a harpoon gun, from which any shot, bullet or other missile can be discharged, and includes any component part of any firearm and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

# Strengthening small arms controls:

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

TANZANIA

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

February 2004

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# Contents

<b>Foreword</b>	<b>5</b>
<b>Introduction</b>	<b>7</b>
Comment on conformity	8
Scope of the study	9
<b>Overview of existing legislation and conformity to regional and international agreements</b>	<b>10</b>
<b>How to use the tables</b>	<b>12</b>
<b>Definitions in Tanzania's small arms control legislation</b>	<b>14</b>
<b>Breakdown of Tanzania's small arms control legislation</b>	<b>15</b>
Controls on civilian possession and use	15
Record keeping and marking	19
Import, export and transit	21
Brokering	24
Manufacture	25
Trade	28
Seizure, disposal and enforcement	31
Arms embargoes	32
State-owned small arms	33

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# Foreword

**THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS** is one of the greatest humanitarian challenges. To address it a united and holistic approach is required from governments and civil society. Such an approach is embodied in the 'Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa' which was signed in March 2000. Since then progress towards implementing the Declaration has been made and while slower than desired a degree of momentum is now building.

The Nairobi Secretariat, the regional co-ordination body for small arms in the Great Lakes region and the Horn of Africa has been significantly enhanced in 2003. Most signatories to the Nairobi Declaration have established national co-ordination agencies, known as National Focal Points, and other significant progress has been made at the national level in Kenya, Tanzania and Uganda towards the establishment and implementation of National Action Plans for Arms Management and Disarmament.

Many studies of trafficking of small arms for crime or to support conflict show a variety of ways in which legal small arms can be diverted for illegal purposes if there are inadequate legislative controls. International co-operation, the establishment of effective tracing systems and the enforcement of arms embargoes are essential to reduce and combat the illicit trafficking and misuse of small arms.

Strengthening and harmonising legislation on these issues and others is one of the key tasks that states in the sub-region have committed to address in the Nairobi Declaration and other international small arms agreements. A 'Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa' has been developed by the Eastern Africa Police Chiefs Co-operation Committee and was signed by Chiefs of Police in Tanzania in December 2003. It is important that this is now effectively implemented. This will necessitate national and regional reviews of legislation in order to ensure that there are effective common standards of control on small arms in operation across the region.

This comprehensive and accessible study by Saferworld and SaferAfrica will significantly aid states as they address the issue of legislative controls. At the national level the detailed country tables will assist national governments in identifying areas of weakness that must be addressed and existing best practice. While at the regional level, the regional overview and comparative analysis will aid governments to regionally harmonise their national legislation and to develop rigorous and effective minimum standards of control.

Some states have already begun to examine where and how their small arms legislation must be amended while for others this challenge still remains to be tackled. For all countries, however, this report will provide a valuable point of reference for fine-tuning proposed amendments or as a starting point from which to embark on a process of review.

**Mr Francis Sang**

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# Introduction

**THIS COUNTRY STUDY ON TANZANIA** forms one chapter of a comprehensive study on small arms legislation in the Great Lakes region (GLR) and Horn of Africa (HoA), conducted by Saferworld and SaferAfrica. The report builds on the methodology developed in a similar study conducted on small arms legislation in Southern Africa by Saferworld and SaferAfrica entitled *The Law of the Gun: An Audit of Firearms Control Legislation in the SADC Region*, published in June 2003. This study is intended as a reference document to assist law-makers and others involved in reviewing national small arms legislation.

The full study contains an introductory chapter providing a regional overview of the small arms legislation in nine countries of the GLR and HoA. Each of the following chapters covers one of these nine countries – Burundi, Djibouti, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania and Uganda.<sup>1</sup> These country chapters should be read alongside the regional, introductory chapter which identifies examples of best practice in the region and certain issues which states should consider when reviewing their national legislation. Each of these country chapters contains two sections – a national overview of existing legislation and a table containing a break down of the legislation. The analysis is broken down into analytical categories and indicates how far the national legislation meets, or falls short of (the level of conformity to), the commitments contained in key regional and international small arms agreements for the states of the GLR and HoA.

The analytical categories are:

- Definitions
- Controls on civilian possession and use
- Record keeping and marking
- Import, export and transit
- Brokering
- Manufacture
- Trade
- Seizure, disposal and enforcement
- Arms embargoes
- State-owned small arms
- Penalties (treated as a separate category in the national overview only)

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<sup>1</sup> To date it has not been possible to complete research in the Democratic Republic of Congo (DRC), Ethiopia and Somalia.



The key regional and international small arms agreements are:

- ‘Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime’ (‘UN Firearms Protocol’);
- ‘United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects’ (‘UN Programme of Action’);
- ‘Bamako Declaration on an African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons’ (‘Bamako Declaration’);
- ‘Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Nairobi Declaration’);
- ‘Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Co-ordinated Agenda for Action’);
- ‘Implementation Plan of the Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Implementation Plan’);
- ‘Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa’ (‘Protocol for the GLR and HoA’).

## Comment on conformity

Throughout this report, where we talk of ‘conformity’, ‘commitments’, ‘requirements’ or similar terms, we do so with regard to the importance of fully implementing the provisions of these agreements and the need to ratify them and hasten their entry into force. By noting the ‘conformity’ or otherwise of existing national legislation we are not indicating a legal commitment to the UN Firearms Protocol or Protocol for the GLR and HoA, before these are ratified and have entered into force. Full conformity with the provisions of these regional and international agreements is, nonetheless, important in laying the foundations for the effective control of small arms across the GLR and HoA.

The reader should also note, however, that while the regional and international agreements are very important guides to the action that states must take with regard to the review of legislation, in many areas they require a great deal of detailed elaboration to ensure the implementation of a truly effective legal control regime. Where we provide an overview of each country’s small arms legislation and note some of the key absences, these absences refer solely to those instances where the legislation falls short of the requirements of the regional and international agreements. Indeed, where we talk of full conformity to certain provisions, this does not necessarily indicate that the provisions are adequate to ensure that a strong legal control regime, free of any loopholes, exists.<sup>2</sup>

<sup>2</sup> The comment that we make on conformity also refers solely to the acts that we have been able to obtain and have included in the tabular analysis. The reader should be aware that other pieces of legislation may exist which contain provisions meeting the requirements of the regional and international agreements.

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## Scope of the study

The scope of this study is limited to the legal controls that are laid out in the primary piece of national legislation on small arms control, usually the firearms or arms and ammunition act. Provisions relating to the control of small arms are also likely to be contained in some other pieces of legislation. For instance, controls relating to the use of small arms by police officers may be contained in a police act or statute. In some cases, where information has been readily available, this study has included some of these other laws. However, this study has focused on the primary act relating to small arms control in each country. The primary reason for this is that those people responsible for small arms control in the governments of the region, whom we contacted for assistance in collecting the relevant legislation, were in most cases able to provide only the primary piece of small arms legislation. This in itself illustrates the importance of undertaking legislative review in order to draw all the national legislation pertaining to small arms together in one Act, of which all relevant actors are aware.

This study has also been limited to the legislation itself and does not touch on the *de facto* practice of small arms control; how the laws are actually implemented or issues concerning the capacity to enforce legal controls. The existence of legislative controls does not necessarily mean that an effective control system is being enforced. Conversely, the absence of sufficient legal controls does not necessarily preclude the operation of an effective control regime on the ground. Neither of these two scenarios is, however, desirable. Effective small arms legislation *and* effective controls on the ground should be the objective of all states.

# Tanzania

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

### Definitions

**THE PRIMARY PIECE OF NATIONAL LEGISLATION ON SMALL ARMS CONTROL IN TANZANIA** is the Arms and Ammunition Act of 1991.

The definitions contained in the Arms and Ammunition Act 1991, categorising arms and consequently determining the controls that are applicable to different classes of arms, are adequate and meet the provisions laid out in the international and regional agreements; that is to say that the range of arms included in the definitions, and therefore controlled under this Act, includes the classes of arms detailed in these agreements. The Act also contains definitions for items that are not small arms, including spears, bayonets, daggers, pikes, fighting irons, flick knives, gravity knives and other deadly weapons. Crucially, however, a separate definition for light weapons, which would enable the enacting of the Protocol for the GLR and HoA, which requires a prohibition on their civilian possession, is not included in the Act. In the Act no distinction is made between a small arm and a light weapon and both categories of arms are included under the same definition of 'arms' and 'armaments.'

### Controls on civilian possession and use

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

- A licence is required for the possession, use and carriage of small arms.

However, fundamental absences include:

- No competency testing or age restriction for licence applicants.
- No restriction on the number of small arms that may be licensed to any one civilian.
- No total prohibition on the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.
- Other than a requirement that licences be obtained, no restrictions on how, where and when small arms may be used.
- No provision for the safe storage of civilian owned small arms.
- No controls on the relinquishing of small arms and no prohibition on the pawning and pledging of small arms.

### Record keeping and marking

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

- The Act makes reference to the registering of small arms held in civilian possession, imported for the purpose of sale or deposited in public warehouses or police stations.

However, fundamental absences include:

	<ul style="list-style-type: none"> <li>■ No explicit requirement for the centralised registration of all civilian owned small arms.</li> <li>■ No requirement for the keeping of records on the manufacture of small arms.</li> <li>■ No requirement that records be maintained for not less than ten years.</li> <li>■ No system or requirements for the marking of small arms at the time of manufacture, import or export.</li> <li>■ No provisions making it an offence to alter, falsify or remove markings.</li> </ul>
<b>Import, export and transit</b>	<p>The national legislation conforms to some of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ Licenses are required for the import and export of small arms and transit licences may be granted for the importation of small arms to ‘contiguous States.’</li> <li>■ Arms imported solely for the purpose of sale must be registered as such.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No details on the specific information to be included on import and export licences.</li> <li>■ No requirement for the use of end-user certificates.</li> <li>■ No system or requirement for the marking of small arms at the time of import.</li> <li>■ No requirement for the keeping of records on the export and transit of small arms.</li> </ul>
<b>Brokering</b>	<p>There are no controls over brokering.</p>
<b>Manufacture</b>	<p>The national legislation conforms to some of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ Small arms can only be manufactured or assembled at arsenals established by the Government.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No system or requirement for the marking of small arms at the time of manufacture.</li> <li>■ No requirement for the keeping of records on the manufacture of small arms.</li> </ul>
<b>Trade</b>	<p>The national legislation conforms to some of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ A permit is required to trade in arms.</li> <li>■ Records must be kept on small arms deposited in and withdrawn from private warehouses.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No requirement that records be maintained for not less than ten years.</li> <li>■ No prohibition on the pawning and pledging of small arms.</li> </ul>
<b>Seizure, disposal and enforcement</b>	<p>The national legislation conforms to some of the provisions of the regional and international agreements:</p> <ul style="list-style-type: none"> <li>■ The police have the power to search for and seize small arms.</li> </ul> <p>However, fundamental absences include:</p> <ul style="list-style-type: none"> <li>■ No provisions for the disposal or destruction of small arms.</li> <li>■ No controls relating to the re-activation of de-activated small arms.</li> <li>■ No provisions for the monitoring and auditing of small arms licenses.</li> </ul>
<b>Arms embargoes</b>	<p>There are no controls relating to the enforcement of arms embargoes.</p>

**State-owned small arms**

State employees and those acting on behalf of the state are exempted from the Act. The Act contains no controls on state-owned small arms.

**Penalties**

The penalties to be imposed for contravention of the Act are imprisonment for a period of up to six years or a fine not exceeding three million shillings (US\$3,000).

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## How to use the tables

Each table provides a detailed overview of the legislative controls contained in the primary piece of small arms legislation in a country. Where available other regulations, acts and statutes have been referenced.

**Column one – analytical category**

The first column of the table contains the analytical categories. The table is broken down into ten main analytical categories which are then divided into sub-categories and where appropriate further levels of sub-category(s).

For instance: main category ‘Controls on civilian possession and use’; first sub-category ‘Restrictions and conditions for civilian possession’; second sub-category ‘Personal suitability to possess arms’; third sub-category ‘Age restrictions’.

When using the table the reader should first reference the analytical category and any sub-categories as this dictates the content of columns two, three and four; ‘Regional and international agreements’, ‘National legislation’ and ‘Conformity’, respectively.

**Column two – regional and international agreements**

The second column provides information on the requirements of the regional and international agreements. Here the information included is a summary of the requirements from each agreement relating to a specific category and sub-category(s). The name of the agreement and the article or section which contains the requirement(s) is included. The reader should cross-reference this summary with the full text of the article or section which appears in the ‘Regional and international agreements’ table in the regional and national overview section of this report. For each article or section referenced the summary includes only information from that article that is directly relevant to the analytical category under consideration. Where the requirements of two or more agreements are similar or identical a summary may be included that refers to more than one agreement. Where no summary is provided for a particular category or sub-category(s) this indicates that there are no relevant requirements in any of the regional and international agreements.

**Column three – national legislation**

The third column reproduces the exact wording of the national legislation that contains controls relevant to the category and sub-category(s) under consideration. The act and article are referenced. In some cases only part of an article may be reproduced where other parts of the article are not directly relevant to the analytical category under consideration. Where no text is reproduced no relevant controls are contained within the legislation being analysed.

The reader should be aware that any grammatical and typographical errors that may appear in the text of the national legislation are those present in the copies of the legislation obtained by the researchers. In some cases the difficulty in deciphering the

legislation caused by such errors is in itself a factor that demands the review and amendment of the legislation.

The text of the Burundi, Djibouti and Rwanda legislation has had to be translated from the original French. There is therefore a risk that mistakes and misinterpretations may have inadvertently occurred. However, our analysis of the legislation has been checked with government experts from each country, so any misinterpretations should not be substantive.

#### **Column four – conformity**

The fourth and final column provides a comment on the level of conformity<sup>3</sup> of the national legislation (in column three) to the requirements of the regional and international agreements (in column two) for the specific analytical category in question (in column one). A brief outline of how the legislation conforms and does not conform follows this comment on conformity. Comments have only been made for the analytical categories for which there are requirements under the regional and international agreements.

Four levels of conformity have been identified and standard language developed:

- **Level one – language used** ‘The national legislation fully conforms to the regional and international agreements’. The requirements of the regional and international agreements for this category and sub-category(s) are met in full.
- **Level two – language used** ‘The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas’. Here the majority of the requirements of the regional and international agreements are met by the national legislation but a small number are absent (possibly only one).
- **Level three – language used** ‘The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident’. A few (possibly only one) of the requirements of the regional and international agreements will be present but most are not. The existing legislation falls considerably short of full conformity.
- **Level four – language used** ‘The national legislation does not conform to the regional and international agreements’. No provisions relevant to the requirements of the regional and international agreements are present. The reader should note that for a particular analytical category the requirements of the regional and international agreements may only cover some part of that category. Consequently, provisions within the national legislation for the analytical category under consideration may exist, and are thus reproduced in column three, yet these provisions may in no way meet the specific requirements of the regional and international agreement in this area. Hence a comment indicating no conformity will be used despite some provisions within the particular analytical category being present in the national legislation.

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

## Definitions in Tanzania's small arms legislation<sup>4</sup>

Analytical category	Nairobi Declaration	Protocol for the GLR and HoA	UN Firearms Protocol	National Legislation
Firearms		<p><b>Article 1</b>  <b>"firearms"</b>, means</p> <p>(a) any portable barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p> <p>(b) any other weapon or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine</p>	<p><b>Article 3</b>  <b>(a)</b> "Firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;</p>	<p><b>Arms and Ammunition Act, 1991</b>  <b>I, Art. 3</b>  "firearm" means any lethal barrelled weapon of any description other than a harpoon gun, from which any shot, bullet or other missile can be discharged, and includes any component part of any firearm and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;</p> <p>"arms" shall, subject to subsection (2), include –</p> <p>(a) every firearm of any description;</p> <p>(b) every air gun and every other kind of gun from which any shot, bullet or other missile can be discharged;</p> <p>(c) every sword, cutlass, spear, pike, bayonet, dagger, fighting iron, flick-knife, gravity knife or other deadly weapon;</p> <p>(d) every gun, pistol or other propelling or releasing instrument or mechanism, from or by which any shell, cartridge, bomb, grenade, or projectile, containing any gas or chemical, could be discharged;</p>
Ammunition		<p><b>Article 1</b>  "ammunition" means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party;</p>	<p><b>Article 3</b>  <b>(c)</b> "Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;</p>	<p><b>Arms and Ammunition Act, 1991</b>  <b>I, Art. 3</b>  "ammunition" includes –</p> <p>(a) every shell, cartridge case, bomb, hand grenade, or projectile, whether containing any explosive or gas or chemical or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except hand grenades which can be used only for the purpose of extinguishing fires;</p> <p>(b) every part of any such shell, cartridge case, bomb, hand grenade or projectile, whether such shell, cartridge case, bomb, hand grenade or projectile may have been completely formed at any time or not;</p>

<sup>4</sup> Please refer to the explanation contained under 'Use of terms' in the regional and national overview section of this report.

**Definitions** *continued*

Analytical category	Nairobi Declaration	Protocol for the GLR and HoA	UN Firearms Protocol	National Legislation
				<p>(c) every fuse, percussion cap, or priming cap, which could be used for the purpose of exploding any shell, bomb, hand grenade or other projectile;</p> <p>(d) every bullet or cartridge clip;</p> <p>(e) any explosive when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge, charge or complete round of small arms, cannon, or any other weapon, or to form any tube for firing, explosives, or to form a detonator, a projectile, or other contrivance than a firework, which can be used either singly or in suitable combination, as, or in connexion with, a missile;</p> <p>(f) anything which may be declared by the Minister, by notice published in the Gazette, to be ammunition;</p>
<b>Light Weapons/Arms of War</b>		<p><b>Article 1</b></p> <p>"light weapons" shall include the following portable weapons designed for use by several persons as a crew: heavy machine guns, automatic canons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-tank weapons and launchers, and air defense weapons.</p>		<p><b>Arms and Ammunition Act, 1991</b> <b>I, Art. 3</b></p> <p>"armament" means any of the following arms of war, whether complete or in parts and ammunition for them, namely, firearms, artillery of all kinds, apparatus for discharge of all kinds of explosive or gas-diffusing projectiles, flame-throwers, bombs, grenades, machine guns, and rifles, small-fire, breech loading weapons of all kinds;</p>
<b>Small Arms</b>		<p><b>Article 1</b></p> <p>"small arms" are weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.</p>		
<b>Other Related Materials/Parts and Components</b>		<p><b>Article 1</b></p> <p>"other related materials" means any components, parts or replacement parts of a small arm or light weapon, that are essential to its operation.</p>	<p><b>Article 3</b></p> <p>(b) "Parts and components" shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;</p>	



## Breakdown of Tanzania's small arms legislation

### Controls on civilian possession and use<sup>5</sup>

#### Licensing

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of licensing process – how small arms licence is obtained	<p><b>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</b></p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3</b></p> <p>(a) Requires the establishment as criminal offences the</p> <p>(iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p><b>Bamako Declaration Art. 3 A (iii)</b></p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p> <p><b>UN Programme of Action II Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>	<p><b>Arms and Ammunition Act, 1991</b></p> <p><b>Prohibition on carrying or possession of arms or ammunition without licence II, Art. 4</b></p> <p>(1) Subject to this section, and to the other provisions of this Act, no person shall possess, except in a public or private warehouse, or use, carry, have in his possession or under his control any firearms or ammunition, unless he is in possession of an arms licence issued under this Act in relation to such arms or ammunition.</p> <p><b>Grant of licence to carry arms or ammunition II, Art. 5</b></p> <p>(1) The Minister shall, by order published in the Gazette, appoint a person, public officer or department of Government to be the Arms Authority for the purposes of this Act.</p> <p>(2) The Arms Authority may –</p> <p>(a) grant to any person a licence either –</p> <p>(i) to carry arms and ammunition,</p> <p>(ii) to have arms and ammunition in his possession, or</p> <p>(iii) to do both, subject to such conditions as he may deem fit;</p> <p>(b) renew any such licence and, in respect of it, grant days of grace not exceeding fifteen in number if he considers it necessary or expedient to do so; and</p> <p>(c) cancel any such licence.</p> <p>(4) An appeal to the Minister shall lie from any refusal by the Arms Authority to grant or renew such licence or in respect of the cancellation by it of any such licence.</p> <p>(5) The Minister may, by notice published in the Gazette determine the fee payable for the arms licence.</p> <p><b>Provisions in relation to Tanzania Zanzibar II, Art. 6</b></p> <p>(1) Notwithstanding section 5, the Commissioner of Police in charge of the affairs of the police force for Tanzania Zanzibar shall be the Arms Authority for the purposes of this Act.</p> <p>(2) Arms licences granted in Mainland Tanzania shall not be valid for the same purposes in relation to the same or other arms and ammunition in Tanzania Zanzibar; and arms licences granted in relation to any arms or ammunition in Tanzania Zanzibar shall not be valid in Mainland Tanzania in relation to arms or ammunition there unless endorsed by the Arms Authority or an authorized officer appointed for the purpose by the Arms Authority.</p> <p>(3) No person may, in Tanzania Zanzibar, carry, possess or use any arms or ammunition except under and in accordance with the terms of an arms licence granted by the Arms Authority in accordance with the provisions of this Act.</p> <p>(4) For the purposes of the exercise and application of the provisions of this Act to and within Tanzania Zanzibar, the Minister and the Arms Authority shall ever take into account the geographical location of the area and the need to safeguard the national, regional and international interest in regard to public security.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>Licences are required for the possession, use and carriage of small arms, both in mainland Tanzania and Tanzania Zanzibar.</p>

<sup>5</sup> Please refer to the explanation contained under 'Use of terms' in the regional and national overview section of this report.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Personal suitability to possess arms			
■ General conditions			
■ Age restrictions			
■ Competency test	<b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b> Requires provisions for the competency testing of prospective small arms owners.		The national legislation does not conform to the Protocol for the GLR and HoA.
Quantity of weapons	<b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b> Requires a restriction on the number of small arms that may be owned.		The national legislation does not conform to the Protocol for the GLR and HoA.
■ Licensing required for each arm possessed		<b>Arms and Ammunition Act, 1991 II, Art. 4</b> <b>(3)</b> An arms licence shall describe the firearm and ammunition to which it relates by reference to the marks and numbers stamped and registered in pursuance of this Act and shall be in the prescribed form.	
Quantity of ammunition			
Type of weapon	<b>Protocol for the GLR and HoA Art. 3 (c) (ii) and Art. 5 (b) (iii)</b> Requires the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns.		The national legislation does not conform to the Protocol for the GLR and HoA.
Duration of licence and renewal procedure		<b>Arms and Ammunitions Act, 1991 II, Art. 5</b> <b>(3)</b> Unless in any particular case the Arms Authority otherwise directs, such licence shall be issued or renewed for a limited period only, shall be made out in the name of the grantee, shall bear a number and the dates of issue; or renewal, and expiry, shall not be transferable, and shall specify the arms and ammunition which it covers.	
Withholding information or misrepresentation	<b>Protocol for the GLR and HoA Art. 3</b> Prohibits the misrepresentation or withholding of any information given with a view to obtaining any licence or permit.		The national legislation does not conform to the Protocol for the GLR and HoA.
Exemptions		<b>Arms and Ammunitions Act, 1991 II, Art. 4</b> <b>(2)</b> Subsection (1) shall not apply to any exempted person. <b>II, Art. 5</b> <b>(6)</b> The Arms Authority may in his discretion issue a written exemption to any person from the provisions of this section. Such exemption may be confined to any particular weapons or ammunition specified in it, may be subject to such conditions as such Arms Authority may deem fit, may be included if desirable in some other form of licence, authority or document issued by him, and shall be subject to cancellation in the discretion of the Arms Authority.	

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Restrictions on application/use of small arm – when, where, how?</p> <p>Some potential cases include:</p> <ul style="list-style-type: none"> <li>■ resisting arrest</li> <li>■ injure/endanger person or property</li> <li>■ handle small arm under influence of drugs/alcohol</li> <li>■ negligent discharge/use</li> <li>■ point gun without good cause</li> <li>■ restrictions on carriage of small arm (when, where (public place), how (holster, concealed etc))</li> </ul>	<p><b>Nairobi Declaration Art. iv and Implementation Plan Art. 3.1, 3.2.1, 3.3</b></p> <p>Require laws, regulations, standards and prohibitions governing the civilian possession of small arms and light weapons, including home made weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3</b></p> <p>(a) Requires the establishment as criminal offences the</p> <p>(iii) illicit possession and misuse of small arms and light weapons</p> <p>(c) (i) Requires the prohibition of unrestricted civilian possession of small arms</p> <p><b>Bamako Declaration Art. 3 A (iii)</b></p> <p>Recommends establishing as a criminal offence the illegal possession and use of small arms and light weapons.</p> <p><b>UN Programme of Action II Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal possession of small arms and light weapons.</p>		<p>The national legislation does not conform to the regional and international agreements.</p> <p>A licence is required for the possession of small arms.</p> <p>However, there are no further regulations, standards or provisions governing the civilian possession of small arms.</p>
Storage and safekeeping conditions	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for the effective control of small arms and light weapons including the storage thereof.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
<p>Restrictions on/ conditions of relinquishing and regaining possession of small arms</p> <ul style="list-style-type: none"> <li>■ to whom (authorised person, dealer, licence holder, relations)</li> <li>■ deposit in and retrieval of arms from warehouses</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires restrictions on owners' rights to relinquish control, use and possession of small arms.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
■ leasing/lending			
■ pawning/pledging	<p><b>Protocol for the GLR and HoA Art. 3 (c) (x)</b></p> <p>Requires provisions prohibiting the pawning and pledging of small arms and light weapons.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.
■ inheritance/death			
■ other conditions restrictions on/ conditions of relinquishing and regaining possession of small arms			
Notifying authorities of altered circumstances (death, loss, theft, change of address, weapon to gunsmith, disposal, destruction etc)			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Other restrictions on possession and use of small arms including: <ul style="list-style-type: none"> <li>■ carry licence while in possession</li> <li>■ civilian maintenance, repair, loading</li> </ul>			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<b>Protocol for the GLR and HoA Art. 5 (b) (i)</b> Requires the introduction of harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons.	<b>Arms and Ammunitions Act, 1991 II, Art. 4</b> <b>(4)</b> Without prejudice to any other penalty to which a person may be liable under the provisions of this Act, the fee for the renewal of an arms licence which any person fails to renew within three months after the date upon which it should have been renewed shall be increased by fifty per centum of the fee prescribed in relation to it. <b>Arrest without warrant of person carrying arms, etc., or in possession thereof II, Art. 10</b> Any person carrying or having in his possession or moving, or reasonably suspected of carrying or having in his possession or moving, any firearms, ammunition or prohibited arms in contravention of this Act may be arrested without a warrant by any police officer, and shall be conveyed as soon as may be to a police station, to be dealt with according to law.	Implementation of Article 5 (b) (i) will require consultation and agreement on what constitute heavy minimum sentences. The national legislation does not specify the penalties to be imposed for the illicit use, possession or carriage of small arms.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
When? (import/export/transit/manufacture etc)	<b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms. <b>Protocol for the GLR and HoA Art. 3 (c) (vi)</b> Requires provisions ensuring the standardised marking and identification of small arms and light weapons at the time of manufacture, import or export. <b>UN Programme of Action Section II Art. 16</b> Requires the marking and registering of all confiscated, seized or collected small arms prior to their destruction or disposal. <b>UN Firearms Protocol Art. 9</b> <b>(c)</b> Requires the marking of deactivated firearms with a clearly visible mark attesting to its deactivation.	<b>Arms and Ammunition Act, 1991 Registration of arms already in the country II, Art. 23</b> Every person having in his possession or control in the country any arms or ammunition other than the arms and ammunition referred to in the preceding section shall cause them to be registered within the prescribed period and in the prescribed manner, and, if so required, to be stamped or marked by the prescribed person in the prescribed manner. <b>Power to make regulations II, Art. 33</b> <b>(1)</b> The Minister may, after consultation with the Arms Authority for Tanzania Zanzibar, make regulations – <b>(c)</b> regulating the stamping, numbering, and registering of arms and ammunition;	The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident. The national legislation allows for the marking of arms where required, but does not require a standardised marking of arms at the time of import, export and manufacture. Provision is made to make regulations relating to the stamping, numbering and registering of arms.
How? <ul style="list-style-type: none"> <li>■ stamping/engraving?</li> </ul>			
<ul style="list-style-type: none"> <li>■ where on weapon?</li> </ul>	<b>Protocol for the GLR and HoA Art. 7</b> Requires that the marking should be on the barrel, frame and, where applicable, the slide.		The national legislation does not conform to the Protocol for the GLR and HoA.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>with what? (unique alpha-numeric symbol/identifying country and manufacturer?)</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7</b></p> <p>(a) Requires the marking at the time of manufacture with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number.</p> <p>(b) Requires the marking at the time of import with a simple marking identifying the country and year of import and an individual serial number if it does not have one.</p> <p>(c) Requires the marking of small arms and light weapons in possession of the state with a unique mark.</p> <p><b>UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7</b></p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of record keeping specifications:</p> <ul style="list-style-type: none"> <li>what records should be kept?</li> <li>where?</li> <li>how?</li> <li>by whom?</li> <li>for how long?</li> <li>when must authorities be provided with information?</li> </ul>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records of markings for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly manufactured or trafficked arms.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (iii)</b></p> <p>Requires the regulation and centralised registration of all civilian-owned small arms.</p> <p><b>Art. 7 (d)</b></p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p> <p><b>Art. 10</b></p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p> <p><b>Art. 17</b></p> <p>Requires all bodies authorised to hold small arms to ensure standards and procedures are established regarding: inventory management; and accounting control; and accounting of small arms held or transported by operational units or authorized personnel.</p>	<p><b>Arms and Ammunition Act, 1991 Registration of imported arms and ammunition II, Art. 14</b></p> <p>(1) As soon as possible after deposit in a public warehouse, police station or as the case may be, and before withdrawal, every complete arm and, where the arm is not complete, every part of an arm, and every package of ammunition, shall be registered in the prescribed manner according to any existing marks and numbers and, if so required, shall be stamped or marked in the prescribed manner.</p> <p><b>Arms imported for sale to be registered as such II, Art. 15</b></p> <p>All arms and ammunition imported solely for the purpose of sale shall be registered as such when first deposited in a public warehouse or police station and on every transfer thereof to a public or private warehouse or to a police station.</p> <p><b>Registration of arms already in the country II, Art. 23</b></p> <p>Every person having in his possession or control in the country any arms or ammunition other than the arms and ammunition referred to in the preceding section shall cause them to be registered within the prescribed period and in the prescribed manner, and, if so required, to be stamped or marked by the prescribed person in the prescribed manner.</p> <p><b>II, Art. 33</b></p> <p>(1) The Minister may, after consultation with the Arms Authority for Tanzania Zanzibar, make regulations –</p> <p><b>Power to make regulations</b></p> <p>(f) prescribing the form and manner in which any registers or records required by this Act or any regulations under it shall be kept and their inspection;</p>	<p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>The national legislation requires the registering of small arms held in civilian possession, imported for the purpose of sale or deposited in public warehouses or police stations.</p> <p>However, there is no record keeping requirement in relation to the manufacture, holding or export of small arms and the national legislation does not stipulate that records should be maintained for not less than ten years.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Bamako Declaration Art. 3 A (iv)</b> Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>Co-ordinated Agenda for Action Art. 5.3</b> Ensure strict accountability and the effective tracing of all weapons owned by the state</p> <p><b>Art. 5.4</b> Ensure strict accountability and effective control of all weapons owned by private security companies and dealers.</p>		

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (c) and Protocol for the GLR and HoA Art. 3 (a) (iv)</b> Require provisions that explicitly make it an offence to illegally falsify, obliterate or remove or alter the markings on a firearm.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b> Requires provisions relating to interfering with markings for firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p>		The national legislation does not conform to the regional and international agreements.

**Import, export and transit****Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> <li>■ licensing/ registration of persons and transactions?</li> <li>■ competency test of those licensed to import, export or transit arms?</li> <li>■ duration of licences?</li> <li>■ offence withhold information?</li> <li>■ distinction between civilian and commercial transfers?</li> <li>■ specifications of licence – information to be included on licence?</li> <li>■ required documentation – end-user certificates etc?)</li> </ul>	<p><b>Nairobi Declaration Art. iv and Co-ordinated Agenda for Action Preamble</b> Urge states to have in place adequate laws, regulations and administrative procedures to exercise effective control over transfer of small arms and light weapons.</p> <p><b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art. 3.1, 3.2.2</b> Require regulations and standards to govern the import of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (v)</b> Requires standards regarding the import of small arms and light weapons.</p> <p><b>Art. 10 (a) and (c)</b> Requires an effective system of export and import licensing or authorisation and specifies the specific information that must be included on import and export licences and documentation.</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 8</b> (1) After the commencement of this Act, it shall be an offence for any person to export from the United Republic any arms or any ammunition except under a licence issued by an authorized officer, for such or other arms, subject to the other provisions of this section.</p> <p><b>Restrictions on the export of arms and ammunition</b> (2) An authorized officer may, subject to any regulations, grant licences for the export of arms and ammunition not intended for use for warlike purposes to any place specified in the licence; save that before granting the licence, the authorized officer shall satisfy himself that the arms and ammunition are not intended for disposal in any way contrary to the provisions of the Convention.</p> <p>(3) In granting the export licence, the authorized officer may attach to the licence any term and condition consistent with the provisions of this Ordinance and of the Convention which he may think advisable, and in particular may limit the licence to exportation to a named consignee.</p> <p>(4) In the case of arms and ammunition adapted both to warlike and also to other purposes, the Arms Authority may determine from the size, destination and other circumstances of each consignment for what use they are intended, and decide in each case whether or not they are to be regarded as arms or armaments and ammunition.</p>	<p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>Licences are required for the import and export of small arms and transit licences may be granted for the importation of small arms to 'contiguous States.'</p> <p>However, the national legislation does not specify the specific information that must be included on import and export licences, provisions for verifying authority for transit or the need for end-user certificates, and there is and no requirement that export applications are assessed in a</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (1) (b) Art. 10 (1), (2) and (3)</b></p> <p>Requires state parties to adopt legislative measures making the illicit trafficking in firearms illegal.</p> <p>Requires provisions catering for the international transit of firearms.</p> <p>Requires provisions for verifying the issuance of import licences and authority for transit.</p> <p><b>UN Firearms Protocol Art 5 (1) (b) Art 10 (1), (2) and (3) and Protocol for the GLR and HoA Art. 10 (b)</b></p> <p>Require provisions outlining the specific detailed information to be included on export and import licences. These should include a minimum of:</p> <ul style="list-style-type: none"> <li>■ Place and date of issuance</li> <li>■ Date of expiration</li> <li>■ Country of export</li> <li>■ Country of import</li> <li>■ Final recipient</li> <li>■ Description and quantity of goods</li> <li>■ Country of transit, where appropriate.</li> </ul> <p><b>UN Programme of Action Section II Art. 2, Art. 11 and Art. 12</b></p> <p>Requires provisions catering for the international transit of small arms, including the use of authenticated end-user certificates, and requires that export applications are assessed in a manner consistent with existing responsibilities under international law.</p> <p><b>Bamako Declaration Art. 3 A (iii) (vii)</b></p> <p>Recommends establishing as a criminal offence the illegal trafficking of small arms and light weapons.</p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents.</p>	<p><b>II, Art. 9</b></p> <p><b>(1)</b> Except as may be allowed by regulations or by licence granted by the Arms Authority, it shall be unlawful for any person to import into the United Republic or into Tanzania Zanzibar any arms or ammunition of any description.</p> <p><b>Restriction on the import of arms and ammunition</b></p> <p><b>(2)</b> Any arms or ammunition allowed to be imported shall be landed only at the prescribed ports.</p> <p><b>(3)</b> This and the preceding section shall have effect as if they formed part of the East African Customs and Transfer Tax Management Act.</p> <p><b>II, Art. 12</b></p> <p>Notwithstanding anything in this Act contained, transit licences for the importation of arms or ammunition, whether complete or in parts, to contiguous States may be granted, suspended, or refused by the Minister in accordance with the provisions of article 10 of the Convention.</p>	<p>manner consistent with existing responsibilities under international law.</p>

**Import, export and transit: *Marking***

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>Protocol for the GLR and HoA Art. 3 (c) (vi) and Art. 7 (b)</b></p> <p>Requires the standardised marking and identification of small arms and light weapons at the time of import, with information that permits the identification of the country and year of import and with an individual serial number if the small arms or light weapon does not bear one at the time of import.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p> <p><b>UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7 and Art. 8</b></p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of import. Such information must permit identification of country of manufacture and manufacturer.</p> <p>Require provision making it illegal to stockpile, transfer or possess unmarked weapons.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>



**Import, export and transit: Restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Where can arms be imported/exported (specified points of entry)? How (conditions of carriage)? What arms can be imported/exported/transited?			

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What records should be kept? What records must be submitted to authorities, and when?	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records of information on small arms and light weapons for not less than ten years necessary to trace illicitly manufactured or trafficked arms.</p> <p><b>Protocol for the GLR and HoA Art. 7 (d)</b></p> <p>Requires information held to include appropriate markings and specific details of international transactions of small arms and light weapons.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons. Records should be well maintained and organised to facilitate accurate and prompt information retrieval.</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 14</b></p> <p>(1) As soon as possible after deposit in a public warehouse, police station or as the case may be, and before withdrawal, every complete arm and, where the arm is not complete, every part of an arm, and every package of ammunition, shall be registered in the prescribed manner according to any existing marks and numbers and, if so required, shall be stamped or marked in the prescribed manner.</p> <p><b>Arms imported for sale to be registered as such II, Art. 15</b></p> <p>All arms and ammunition imported solely for the purpose of sale shall be registered as such when first deposited in a public warehouse or police station and on every transfer thereof to a public or private warehouse or to a police station.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in a few key areas.</p> <p>Registering requirements exist in relation to small arms imported solely for the purpose of sale or deposited in a public warehouse or police station.</p> <p>However, there is no specification that records be maintained for not less than ten years or relating to records of arms and ammunition imported for purposes other than sale.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Temporary import/export conditions? Conditions for dignitaries, diplomats, tourists or other categories of person?	<p><b>Protocol for the GLR and HoA Art. 10 (f)</b></p> <p>Allows states to adopt simplified procedures for the temporary import and export and the transit of small arms for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.</p>		The national legislation does not stipulate any such simplified procedures and therefore applies in full in these instances.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Co-ordinated Agenda for Action Art. 3.3 and Implementation Plan Art. 3.3</b></p> <p>Requires the establishment as criminal offences under the national law the illicit trafficking in small arms and light weapons, including home made weapons.</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 8</b></p> <p>(1) After the commencement of this Act, it shall be an offence for any person to export from the United Republic any arms or any ammunition except under a licence issued by an authorized officer, for such or other arms, subject to the other provisions of this section.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>It is an offence to import or export small arms without a licence.</p>



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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires a provisions relating to the illicit trafficking and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>	<p><b>Restrictions on the export of arms and ammunition II, Art. 9</b></p> <p>(1) Except as may be allowed by regulations or by licence granted by the Arms Authority, it shall be unlawful for any person to import into the United Republic or into Tanzania Zanzibar any arms or ammunition of any description.</p> <p><b>Restriction on the import of arms and ammunition II, Art. 10</b></p> <p>Any person carrying or having in his possession or moving, or reasonably suspected of carrying or having in his possession or moving, any firearms, ammunition or prohibited arms in contravention of this Act may be arrested without a warrant by any police officer, and shall be conveyed as soon as may be to a police station, to be dealt with according to law.</p>	

**Brokering****Description of brokering controls**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Co-ordinated Agenda for Action Art. 3.2.3 and Implementation Plan Art. 3.2.3</b></p> <p>Require regulations for the effective control of manufacturers, traders, brokers, financiers and transporters of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>"broker" is a person who acts:</p> <p>(a) for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p>(b) to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or</p> <p>(c) as an intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.</p> <p>"brokering" means acting:</p> <p>(a) for a commission, advantage or cause, whether pecuniary or otherwise;</p> <p>(b) to facilitate the transfer, documentation and/or payment in respect of any transaction relating to the buying or selling of small arms and light weapons; or</p> <p>(c) thereby acting as intermediary between any manufacturer, or supplier of, or dealer in small arms and light weapons and any buyer or recipient thereof.</p> <p><b>Art. 3 (c) (xii)</b></p> <p>Requires provisions regulating brokering in the individual State Parties.</p> <p><b>Art. 11</b></p> <p>Requires a national system for regulating dealers and brokers of small arms and light weapons, which includes:</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>(ii) registering all brokers operating within their territory;</p> <p>(iii) ensuring all registered brokers seek and obtain authorisation for each individual transaction taking place;</p> <p>(iv) ensuring that all brokering transactions provide full disclosure on import and export licences or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction;</p> <p>(v) licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.</p> <p><b>Bamako Declaration Art. 3 A (vii) B (iv), UN Firearms Protocol Art. 15 and UN Programme of Action Section II Art. 14</b></p> <p>Require provisions for the control of brokers, including shipping and transit agents.</p> <p><b>UN Firearms Protocol Art. 5 (2) (a) and (b) and Art. 14</b></p> <p>Requires provisions relating to the illicit trafficking in firearms and those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p>Requires adequate legislation regulating the activities of those who engage in small arms and light weapons brokering.</p>		

**Brokering: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity

**Manufacture****Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Description of licensing process:</p> <ul style="list-style-type: none"> <li>■ competency testing of manufacturers?</li> <li>■ duration of licences?</li> <li>■ offence to withhold information?</li> <li>■ specifications of licence – information to be included on licence?</li> <li>■ distinction made between small arm and ammunition manufacturing?</li> <li>■ limits on quantities produced?</li> <li>■ restrictions on types of arms/ammunition produced?</li> </ul>	<p><b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2, 3.2.3 and Implementation Plan Art. 3.1, 3.2.2, 3.2.3</b></p> <p>Require minimum standards to govern and regulations regarding the manufacture of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>“illicit manufacturing” shall mean the manufacturing or assembly of small arms and light weapons:</p> <p><b>(b)</b> without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or</p> <p><b>Art. 3 (a) (ii) and (c) (iv)</b></p> <p>Require establishing as a criminal offence illicit manufacturing of small arms and light weapons and</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 20</b></p> <p>No arms or ammunition shall be manufactured or assembled except at arsenals established by the Government in accordance with the provisions of the Convention.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>No licence is required for the manufacture of small arms. However, manufacture can only occur at arsenals established by the government.</p>

**Manufacture: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>establishing controls over the manufacturing of small arms and light weapons.</p> <p><b>Bamako Declaration Art. 3 A</b></p> <p>(iii) Recommends establishing as a criminal offence the illicit manufacturing of small arms and light weapons.</p> <p><b>UN Firearms Protocol Art. 3</b></p> <p>(d) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:</p> <p><b>Art. 5 (1) (a)</b></p> <p>Requires state parties to adopt legislation making the illicit manufacturing of firearms and ammunition a criminal offence.</p> <p><b>UN Programme of Action II Art. 2</b></p> <p>Requires establishing adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms</p> <p><b>Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal manufacture of small arms and light weapons.</p>		

**Manufacture: Marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
What conditions pertain?	<p><b>Protocol for the GLR and HoA Art. 1</b></p> <p><i>Definitions</i></p> <p>"illicit manufacturing" shall mean the manufacturing or assembly of small arms and light weapons:</p> <p>(c) without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.</p> <p><b>Art. 3 (c) (vi)</b></p> <p>Requires the standardized marking and identification of small arms and light weapons at the time of manufacture.</p> <p><b>Art. 7 (a)</b></p> <p>Requires the marking of each small arm and light weapon at the time of manufacture, with a unique marking providing the name of the manufacturer, the country of place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends establishing at the national level the responsible management of licit arms.</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 23</b></p> <p>Every person having in his possession or control in the country any arms or ammunition other than the arms and ammunition referred to in the preceding section shall cause them to be registered within the prescribed period and in the prescribed manner, and, if so required, to be stamped or marked by the prescribed person in the prescribed manner.</p>	<p>The national legislation conforms in part to the regional and international agreements. Provisions exist in some areas but a number of gaps are evident.</p> <p>The national legislation provides for the marking of small arms where required.</p> <p>However, the national legislation does not explicitly require the standardised marking of all small arms at the time of manufacture, nor does it indicate the information that the mark should contain.</p>

**Manufacture: Marking** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 7 (a), UN Firearms Protocol Art. 8 and UN Programme of Action Section II Art. 7</b></p> <p>Require specific provisions for a unique number to be marked on the barrel, frame or slide at the time of manufacture or import. Such information must permit identification of country of manufacture and manufacturer.</p>		

**Manufacture: Record keeping**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What records should be kept?</p> <p>What records should be submitted to authorities, and when?</p>	<p><b>Protocol for the GLR and HoA Art. 7 (d)</b></p> <p>Requires the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured and to prevent and detect such activities.</p> <p><b>UN Programme of Action Section II Art. 9</b></p> <p>Requires ensuring that accurate records are kept for as long as possible on the manufacture of small arms and light weapons. Records should be maintained and organised to ensure accurate and prompt retrieval of information.</p>		<p>The national legislation does not conform to the regional and international agreements.</p>

**Manufacture: Premises**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Registration of premises?</p> <p>Conditions of storage?</p> <p>Restrictions on type of premises and location?</p>	<p><b>UN Firearms Protocol Art. 11</b></p> <p>Requires state parties to take appropriate measures to ensure the security of firearms, their parts and components and ammunition to prevent theft, loss and diversion.</p> <p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 20</b></p> <p>No arms or ammunition shall be manufactured or assembled except at arsenals established by the Government in accordance with the provisions of the Convention.</p>	<p>The national legislation broadly conforms to the regional and international agreements but falls short in one key area.</p> <p>Small arms can only be manufactured in authorised premises.</p> <p>However, the national legislation does not provide details regarding measures to be taken to ensure the security and safe storage of small arms.</p>

**Manufacture: Restrictions on sale/transfer**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>To whom can manufacturer transfer arms?</p> <p>What arms can manufacturer transfer?</p> <p>Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p>	<p><b>Bamako Declaration Art. 3 A. (vii)</b></p> <p>Requires that states take appropriate measures to control arms transfers by manufacturers.</p>		<p>The national legislation does not conform to the Bamako Declaration.</p>

**Manufacture: Quality control/standards**

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

**Manufacture: Gunsmiths**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Conditions/controls relating to repair and modification		<b>Arms and Ammunition Act, 1991 II, Art. 21</b> No arms other than smooth bore muzzle-loading arms shall be repaired except at Government arsenals or at arsenals or establishments licensed by the Arms Authority for the purpose. Before such a licence is granted guarantees shall be given for the observance of the rules of the Convention in such form as the Minister shall direct.	

**Manufacture: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b> Stipulates including provisions relating to the illicit manufacturing and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.  <b>Protocol for the GLR and HoA Art. 1</b> <i>Definitions</i> "illicit manufacturing" shall mean the manufacturing or assembly of small arms and light weapons: <b>(a)</b> from parts and components illicitly trafficked; <b>(b)</b> without a licence or authorisation from a competent authority of the State Party where the manufacture or assembly takes place; or <b>(c)</b> without marking the small arms and light weapons at the time of manufacture, in accordance with Article 7 of this Protocol.  <b>Art. 3 (a) (ii)</b> Requires establishing as a criminal offence illicit manufacturing of small arms and light weapons.		The national legislation does not conform to the regional and international agreements.  The illicit manufacture of small arms is not explicitly stipulated as an offence.

**Trade****Licensing**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of licensing process: <ul style="list-style-type: none"> <li>■ competency testing of those licensed to trade?</li> <li>■ duration of licences?</li> <li>■ offence to withhold information?</li> </ul>	<b>Nairobi Declaration Art. iv</b> Urges states to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities.  <b>Co-ordinated Agenda for Action Art. 3.1, 3.2.2 and Implementation Plan Art 3.1, 3.2.3</b> Promote minimum standards and regulations for the governing and control the transfer of small arms and light weapons.	<b>Arms and Ammunition Act, 1991 II, Art. 24</b> No person shall sell or transfer or buy or accept any arms or ammunition, either by way of gift or for any consideration, except in accordance with a permit signed by an authorised office.	The national legislation fully conforms to the regional and international agreements.  A licence is required to trade in small arms.

**Trade: Licensing** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<ul style="list-style-type: none"> <li>■ specifications of licence – information to be included on licence?</li> <li>■ limits on quantities traded?</li> </ul>	<p><b>Co-ordinated Agenda for Action 3.2.3</b></p> <p>Requires regulations for the effective control of traders of small arms and light weapons.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires establishing as a criminal offence the illicit trafficking in small arms and light weapons.</p> <p><b>(c) (v)</b> Requires minimum standards regarding the control and transfer of small arms and light weapons.</p> <p><b>Bamako Declaration Art. 3 A (vii)</b></p> <p>Recommends that Member States should take appropriate measures to control arms transfers by traders.</p> <p><b>UN Programme of Action II Art. 3</b></p> <p>Recommends establishing as a criminal offence the illegal trade in small arms and light weapons.</p>		

**Trade: Marking**

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

**Trade: Record keeping**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>What records should be kept?</p> <p>What records should be submitted to authorities?</p>	<p><b>Protocol for the GLR and HoA Art. 7 (d) and UN Firearms Protocol Art. 7</b></p> <p>Require the maintenance of records for not less than ten years of firearms, ammunition and components that are necessary to trace illicitly manufactured arms.</p>		The national legislation does not conform to the regional and international agreements.

**Trade: Premises**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Registration of premises?</p> <p>Conditions of storage?</p> <p>Restrictions on type of premises and location?</p>	<p><b>Protocol for the GLR and HoA Art. 3 (c) (viii)</b></p> <p>Requires provisions for effective control of small arms and light weapons including storage.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.

**Trade: Restrictions on sale/transfer**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>To whom can a licensed trader transfer arms?</p> <p>What arms can a licensed trader transfer?</p> <p>Conditions to be met in transferring arms?</p> <p>What documentation and reporting of transfers is required?</p>	<p><b>Bamako Declaration Art. 3 A. (vii)</b></p> <p>Requires that states take appropriate measures to control arms transfers by traders.</p>		The national legislation does not conform to the Bamako Declaration.

**Trade: Quality control/standards**

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

**Trade: Pawning/pledging restrictions**

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

**Trade: Transfer and possession restrictions**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Restrictions/special conditions for traders for business purposes? ■ Eg possessing/transferring arms without a licence in the course of business		<b>Arms and Ammunition Act, 1991 II, Art. 27</b> <b>(1)</b> No arms or ammunition shall be deposited in or withdrawn from a private warehouse except on written application in the prescribed form and in accordance with a permit signed by an authorized officer.  <b>Deposit and withdrawal of arms</b> <b>(2)</b> If at any time there is found in a private warehouse more arms and ammunition than the quantity which permits to deposit have been granted, the licence shall be guilty of an offence against this Act. <b>(3)</b> If at any time there is found in a private warehouse less arms and ammunition than the quantity which has been deposited in it or than the quantity which according to the register of deposits appears to have been deposited in it, and the deficiency is not accounted for by withdrawals under permits to withdraw, the licensee shall be guilty of an offence against this Act.  <b>II, Art. 28</b> <b>(1)</b> Permits to withdraw arms or ammunition from a private warehouse shall only be granted in the following cases –  <b>Permits for withdrawals from private warehouse</b> <b>(a)</b> where the withdrawal is for the purposes of a sale or transfer in which case the permit for the sale or transfer and the arms licence of the purchaser or transferee must be produced by the applicant; save that where such sale or transfer is of gun power or caps to a local authority or to a person acting on its behalf, the production by such local authority or person acting on its behalf of the permit for the sale or transfer shall be sufficient; <b>(b)</b> for the purposes of export, in which case any licence or permit required must be produced; <b>(c)</b> for the removal from one private warehouse to another or to a public warehouse; <b>(d)</b> for the purpose of exhibition in such premises as may be specified in the permit. <b>(2)</b> Every such permit shall describe the arms and ammunition to which it relates by reference to the marks and numbers stamped and registered in pursuance of the provisions of this Act. <b>(3)</b> Where the permit is given for the purposes of exhibition, the owner shall be responsible for its safe custody, and if any such arms or ammunition are removed from the premises in which they are permitted to be deposited without the permit of an authorized officer, the owner shall be guilty of an offence against this Act.	Special conditions are stipulated for the withdrawal of small arms from private warehouses under certain circumstances.

**Trade: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>UN Firearms Protocol Art. 5 (2) (a) and (b)</b></p> <p>Requires provisions relating to the illicit trafficking in firearms and for those acting as accomplices or who organise, direct, aid, abet, facilitate or counsel the commission of such offences.</p> <p><b>Protocol for the GLR and HoA Art. 3 (a) (i)</b></p> <p>Requires the establishment as a criminal offence the illicit trafficking of small arms and light weapons.</p>		<p>The national legislation does not conform to the regional and international agreements.</p> <p>No penalties are specified in relation to the illicit trade in small arms.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Co-ordinated Agenda for Action Art. 3.2.4, Implementation Plan Art. 3 and Protocol for the GLR and HoA Art. 3 (c) (vii)</b></p> <p>Require provisions for the seizure, confiscation and forfeiture to the State of all small arms manufactured or conveyed in transit and transport without or in contravention of licences, permits or written authority.</p> <p><b>Protocol for the GLR and HoA Art. 9 (a) and UN Firearms Protocol Art. 6 (1)</b></p> <p>Require measures to enable the confiscation of small arms and light weapons that have been illicitly manufactured or trafficked.</p>	<p><b>Arms and Ammunition Act, 1991 II, Art. 37</b></p> <p>Any arms or ammunition and any vessel in respect of or in connection with which an offence has been committed under this Act may, if the court thinks fit, be forfeited to the Government.</p> <p><b>Forfeiture of arms, etc., connected with offence II, Art. 38</b></p> <p>Any arms or ammunition which are found in any building, vessel, aircraft, or place without any apparent owner may whether or not any person is charged with or convicted of any offence in connexion with them, be ordered by the court to be forfeited to the Government.</p> <p><b>Forfeiture of arms or ammunition without apparent owner II, Art. 40</b></p> <p>When any officer or other person executing a search warrant has reasonable cause to believe that any arms or ammunition found by him in any place, ship or vehicle are being kept, conveyed, landed or sold in contravention of this Act or any regulation, he may seize and detain the same until a magistrate has decided whether or not they are liable to be forfeited.</p> <p><b>Seizure of arms II, Art. 41</b></p> <p>Any person acting under such warrant shall not be liable to any suit for seizing or detaining any such arms or ammunition subject or appearing to be subject to the provisions of this Act.</p>	<p>The national legislation fully conforms to the regional and international agreements.</p> <p>The national legislation provides for the seizure of small arms without apparent owners or in connection with which a contravention of the Act has been committed.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Protocol for the GLR and HoA Art. 8</b></p> <p><b>(a)</b> Requires effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws.</p> <p><b>(b)</b> requires that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or re-organisation of armed forces and/or other state</p>		<p>The national legislation does not conform to the regional and international agreements.</p>



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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.</p> <p><b>UN Programme of Action Section II Art. 16 and UN Firearms Protocol Art. 6 (2)</b></p> <p>Specify the need for provisions to ensure the destruction of confiscated, seized or collected firearms where no other form of disposition or use has been officially sanctioned.</p> <p><b>Bamako Declaration Art. 3 A (iv)</b></p> <p>Recommends that Member States should develop and implement programmes for the identification and destruction of surplus, obsolete and seized stocks.</p>		

**Seizure, disposal and enforcement: *Deactivation***

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

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Description of controls/provisions	<p><b>Protocol for the GLR and HoA Art. 3 (c) (ix)</b></p> <p>Requires provisions for the monitoring and auditing of licences.</p>	<p><b>Arms and Ammunitions Act, 1991 II, Art. 39</b></p> <p>Power to stop and search for arms in the street</p> <p>It shall be lawful for any police officer to stop, and to search for arms –</p> <p><b>(a)</b> any person whom he may find in any street or other public place between the hours of p.m. and 6 a.m.; and</p> <p><b>(b)</b> any person whom he may find in any street or other public place, at any hour of the day or night, who acts in a suspicious manner, or whom he may suspect of having any arms in his possession.</p>	<p>The national legislation does not conform to the Protocol for the GLR and HoA.</p> <p>The national legislation allows for the search and seizure of small arms in a limited number of cases.</p> <p>However, it does not provide explicitly for the auditing and monitoring of small arms licences.</p>

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity

**Arms embargoes****Overview**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Relevant provisions	<p><b>Co-ordinated Agenda for Action Art. 3.4 and Implementation Plan Art. 3.4</b></p> <p>Require measures to enforce adherence to international sanctions</p>	<p><b>Co-ordinated Agenda for Action Art. 3.4 and Implementation Plan Art. 3.4</b></p> <p>Require measures to enforce adherence to international sanctions that prohibit the export of weapons to conflict zones and/or countries.</p>	The national legislation does not conform to the regional and international agreements.

**Arms embargoes: Overview** *continued*

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>that prohibit the export of weapons to conflict zones and/or countries.</p> <p><b>Protocol for the GLR and HoA Art. 3 (b)</b></p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p> <p><b>Bamako Declaration Art. 3 A (vi) and UN Programme of Action Section II Art. 15</b></p> <p>Require provisions to prevent the breaching of UN Security Council arms embargoes.</p>	<p><b>Protocol for the GLR and HoA Art. 3 (b)</b></p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p> <p><b>Bamako Declaration Art. 3 A (vi) and UN Programme of Action Section II Art. 15</b></p> <p>Require provisions to prevent the breaching of UN Security Council arms embargoes.</p>	

**Arms embargoes: Offences/penalties**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 3 (b)</b></p> <p>Requires measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.</p>		The national legislation does not conform to the Protocol for the GLR and HoA.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
General provisions			

**State-owned small arms: Possession and use by state employees**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
<p>Licensing requirements?</p> <p>Special conditions?</p> <p>Controls?</p>	<p><b>Protocol for the GLR and HoA Art. 3</b></p> <p><b>(a)</b> Requires the establishment as criminal offences the</p> <p><b>(iii)</b> illicit possession and misuse of small arms and light weapons</p>		The national legislation does not conform to the Protocol for the GLR and HoA.

**State-owned small arms: Record keeping and marking**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p><b>Protocol for the GLR and HoA Art. 6 (a) and (b)</b></p> <p>Requires the establishment and maintenance of complete national inventories of small arms and light weapons held by security forces and other state bodies and strict national accountability of all small arms and light weapons owned and distributed by the state.</p> <p><b>UN Programme of Action Section II Art. 10</b></p> <p>Requires provision to ensure responsibility for weapons held and issued by the state and effective measures for tracing such weapons.</p>		The national legislation does not conform to the regional and international agreements.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<b>Protocol for the GLR and HoA Art. 7 (a)</b> Requires all small arms and light weapons in the possession of the state to be marked with a unique mark.		

**State-owned small arms: Storage**

Analytical category	International and regional agreements	Current national legislative controls	Conformity
Stockpile Management	<b>Protocol for the GLR and HoA Art. 6</b> Stipulates that States Parties must maintain secure storage of state-owned small arms and light weapons.  <b>UN Programme of Action Section II Art. 17 and 18</b> Requires controls relating to the management and security of state stocks including: <ul style="list-style-type: none"> <li>■ Appropriate locations for stockpiles</li> <li>■ Physical security measures</li> <li>■ Control of access to stocks</li> <li>■ Inventory management and accounting control</li> <li>■ Staff training</li> <li>■ Security accounting and control of firearms relating to operation units</li> <li>■ Controls on theft and loss</li> </ul> <b>Art. 29</b> Encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and to implement, regional and subregional mechanisms in this regard.  <b>Co-ordinated Agenda for Action Art. 5.2 and 5.3</b> Requires the safe storage of arms in possession of the state and strict accountability and the effective tracing of all weapons owned by the state.		The national legislation does not conform to the regional and international agreements.

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

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

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
General conditions Provisions relating to surplus stocks of arms and ammunition?	<b>Protocol for the GLR and HoA Art. 8</b> <b>(a)</b> Requires effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws.  <b>(b)</b> requires that small arms and light weapons rendered surplus, redundant or obsolete through the		The national legislation does not conform to the regional and international agreements.

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity
	<p>implementation of a peace process, the re-equipment or re-organisation of armed forces and/or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.</p> <p><b>UN Programme of Action Section II Art. 16 and 18</b></p> <p>Requires that all confiscated, seized or collected SALW are destroyed subject to any legal constraints.</p> <p>Stipulates the need for provisions to regularly review state held stocks, to identify surpluses and have procedures in place for the responsible disposal, preferably through destruction of such surpluses.</p>		

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

Analytical category	International and regional agreements	Current national legislative controls	Conformity

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

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

*SaferAfrica*



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