

Strengthening controls on civilian-held small arms to decrease the human costs of armed violence



*Collected civilian-held guns awaiting destruction for Humanium Metal in El Salvador. [Nov 2016]
(Photo by IM Swedish Development Partner)*

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I. EXECUTIVE SUMMARY

This briefing paper considers links between controlling civilian possession of small arms at the national level and possible implications for global efforts to control the trade in small arms and light weapons (SALW).¹ National-level controls on small arms have a strong effect on the viability of controls at regional and global levels. Allowing small arms to move freely and be diverted across national borders, for example, makes regional and global controls difficult – if not impossible – to accomplish.²

Given that roughly 85 percent of small arms are estimated to be in civilian hands, neglecting controls on civilian weapons would mean that even highly effective policies would only affect the remaining 15 percent of small arms in circulation.³ In addition, civilian controls can be important elements of both establishing and meeting the national targets that are an increasingly prominent aspect of implementing instruments such as the Programme of Action on Small Arms and Light Weapons.

The briefing paper focuses on particular aspects of civilian possession, as well as components of firearms acts, criminal codes, and other relevant legislation and regulations that could be amended or added to in order to strengthen controls on small arms.

It is intended as a primer for people seeking to affect their countries' legislation and regulations on small arms. It provides numerous points of entry for activists and analysts to learn about and help shape their countries' efforts to address each of the identified policy issues.

This briefing paper:

- Describes some of the key international instruments dealing with controlling small arms,
- Considers the importance of links among national, regional, and international control measures,
- Provides a policy context for approaches to controlling small arms,
- Gives examples of States with strict controls over civilian guns,
- Suggests numerous policy approaches for controlling civilian guns that could serve as models of good practices for other countries to follow or adapt,
- Offers starting points for individuals or groups who want to affect the policy process in their countries.

¹ This briefing paper complements “[SALW: Why Strict Controls are Urgent](#),” by Dr. Brian Wood. That briefing paper examines a range of direct and indirect effects of the illegal, underregulated use of small arms.

² The terms small arms, firearms, and guns are used interchangeably in this briefing paper. Although there is no universally agreed definition for these terms, one useful definition is contained in the International Tracing Instrument: “‘Small arms’ are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.” <https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>, paragraph 4(a).

³ The estimate of the percentage of small arms in civilian hands is from the Small Arms Survey, “Global Firearms Holdings,” 29 March 2020. <https://www.smallarmssurvey.org/database/global-firearms-holdings>

II. IMPORTANT INSTRUMENTS DEALING WITH CONTROLLING SMALL ARMS

Several international instruments focus on controlling the international trade in small arms and light weapons in order to decrease the human costs associated with the use and misuse of these weapons. Some of the texts and their implementation focus more on armed conflict and post-conflict situations than on armed violence in non-conflict scenarios, but all of these situations must be addressed in order to significantly decrease the costs of armed violence.

Although the international instruments are all either binding treaties involving most States or universal commitments made by all of the States in the UN, much of their focus is on implementation at the national level. Those national controls are likely to determine the extent to which regional or global instruments are effective. It will be difficult – if not impossible – to accomplish regional or global controls if small arms and their ammunition, parts, and components are allowed to move freely across national borders, for example.

Programme of Action on Small Arms and Light Weapons

The Programme of Action to Control the Illicit Trade in Small Arms and Light Weapons in All its Aspects (Programme of Action, or PoA), agreed in the UN General Assembly by consensus in 2001, increased international attention to the illicit trade in small arms and light weapons (SALW) and to proposals to control that trade. The companion International Tracing Instrument, adopted by the General Assembly in 2005, provides complementary measures to improve national marking and tracing and international cooperation on these issues.

Firearms Protocol

In 2000, the United Nations adopted the Convention against Transnational Organized Crime, which was supplemented in 2001 by the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol). The Firearms Protocol, which entered into force in 2005, is intended to combat organized crime by reducing illicit manufacturing and trafficking of firearms, their parts and components, and their ammunition.

Arms Trade Treaty

In 2014, this nascent arms transfer control regime was enhanced by the entry into force of the Arms Trade Treaty (ATT). The ATT sets legally binding standards for the international trade in conventional weapons, includes criteria based on international humanitarian and human rights law, and identifies gender-based violence as a key concern. The ATT has 112 States Parties,⁴ with an additional 29 signatories.⁵

Sustainable Development Goals

Several of the UN's Sustainable Development Goals are also directly influenced by the effects of the trade in small arms, including SDG4 (Quality Education), SDG5 (Gender Equality), and SDG16 (Peace, Justice and Strong Institutions). SDG16 highlights the extent to which conflict and insecurity hinder efforts at sustainable development. Target 16.4 is: "By 2030, significantly reduce illicit financial and arms flows, strengthen the

⁴ Last updated by the UN on 26 September 2022. <https://thearmstradetreaty.org/treaty-status.html?templateId=209883>

⁵ This number includes the United States. The Trump Administration announced that it would no longer pursue ratification of the ATT and attempted to "unsign" the treaty, even though the treaty lacks any provision permitting that action. The Biden Administration was expected to review and reverse that decision, but has not done so as of October 2022.

recovery and return of stolen assets and combat all forms of organized crime.”⁶ The extent of the reduction is intended to be assessed in part through Indicator 16.4.2, the “proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.”⁷

In addition to these global instruments, many regional and sub-regional instruments are designed to foster cooperation among States, suggest model laws and good practices, and set standards for the possession of small arms and light weapons, among other objectives.⁸ Examples include the [Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials](#) (CIFTA, entry into force 1998), the [ECOWAS⁹ Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials](#) (entry into force 2009), and the [European Union’s Common Position on Arms Export Control](#) (amended 2019).

The 8th Biennial Meeting of States on the Programme of Action (BMS8)

The Programme of Action, which requires States to report regularly on their implementation of measures to prevent the illicit trade in SALW, is regularly discussed by UN Member States. States meet every two years; in each six-year cycle there are two Biennial Meetings of States, followed by a Review Conference. This PoA process deserves special attention because of its increased emphasis in recent years on individual States developing national action plans and setting national targets for their implementation of the PoA. At BMS8, for example, several States devoted significant attention to setting national targets as a means of implementing the PoA. This emphasis is reflected in paragraphs 26 and 43 of the BMS8 Outcome Document; paragraph 26 addresses voluntary national targets, while paragraph 43 deals with voluntary regional targets.¹⁰ Similar language is contained in the BMS7 Outcome Document.¹¹ These national targets and plans allow States to tailor policies to their specific needs and circumstances, while still meeting their commitments under the global instrument.

The national action plans and national targets discussed at BMS7 and BMS8 could be strengthened with inclusion of measures to control access to civilian-held small arms and reduce the risk of their diversion or misuse. Among other issues, according to the Small Arms Survey, just 13 percent of global small arms inventories are associated with military forces, with an additional two percent of holdings in law enforcement hands. If policy measures only deal with small arms in the possession of military and law enforcement forces, they will fail to cover the roughly 85 percent of global small arms that are in civilian hands.¹²

⁶ United Nations, SDG Indicators: Metadata Repository. <https://unstats.un.org/sdgs/metadata/?Text=&Goal=&Target=16.4>

⁷ United Nations, SDG Indicators: Metadata Repository. <https://unstats.un.org/sdgs/metadata/?Text=&Goal=&Target=16.4>

⁸ For extensive analysis of these organizations and agreements, see Eric G. Berman and Kerry Maze, [Regional Organizations and the UN Programme of Action on Small Arms \(PoA\)](#), Small Arms Survey 2016.

Although this handbook was published in 2016, it’s an extremely useful starting point for information on these regional organizations and associated instruments.

⁹ ECOWAS is the Economic Community of West African States.

¹⁰ United Nations, “[Report of the Eighth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects](#),” A/CONF.192/BMS/2022/1, 12 July 2022.

¹¹ United Nations, “[Report of the Seventh Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects](#),” 11 August 2021.

¹² Small Arms Survey, “[Global Firearms Holdings](#),” 29 March 2020.

III. POLICY CONTEXT FOR APPROACHES TO CONTROLLING SMALL ARMS

States have taken a wide variety of policy approaches to controlling small arms throughout their chain of transfer from manufacture to trade, use(r), and disposal. Some States have enacted policies that focus on users, including licensing and training requirements. Others have focused on constraining or prohibiting access to particular weapons and their associated ammunition, or on regulating the export, import, and transit of the weapons.

Governments and civil society alike have expressed interest in seeking out good practices in particular countries that could be replicated in other countries. They have also sought policy objectives that could serve as national targets for implementation of the Programme of Action.

One challenge is determining how to measure success in these efforts to control small arms. The ultimate measure is whether the policies decrease the number of people killed and wounded by these weapons, including through gender-based violence. It's also important to consider whether policies decrease the economic and social costs to the families of those killed or wounded. In addition, some phenomena are more easily measured than others. For example, it's much easier to measure the number of weapons captured and destroyed than it is to measure the extent of decreases in the illicit flows of weapons.

IV. STATES WITH STRICT CONTROLS ON CIVILIAN-HELD SMALL ARMS

While some States have long-standing controls on civilian-held small arms, other States' policies changed in response to mass shootings.

Japan is an example of a country with long-standing and strict controls. According to gunpolicy.org, its rate of gun deaths per 100,000 people is 0.01.¹³ It is extremely difficult for private citizens to obtain guns – the process includes taking a class, undergoing an intensive background check, passing written and shooting-range tests, and allowing verification of safe storage of the gun and its ammunition, among other requirements. Handguns are prohibited; only shotgun and air rifle purchases can be authorized. The license is good for three years, after which the owner must take the class and written exam again.¹⁴

South Korea, another country with strict controls, has a rate of gun deaths of 0.02 per 100,000 people.¹⁵ Civilian gun ownership is largely restricted to hunters. To be authorized to purchase a gun, applicants must complete training, pass a written test, pass a medical exam, and get both a hunting license and a gun ownership permit, among other requirements. During hunting season, hunters are allowed to store their guns at home. The rest of the year, guns must be stored at a police station.¹⁶

Countries that significantly changed their policies in response to mass shootings include the United Kingdom, New Zealand, and Australia.

The United Kingdom did so following the Hungerford massacre in 1987 and the Dunblane school massacre in 1996. The gunman in the Hungerford massacre used two rifles and a handgun in his attacks. Shortly afterward,

¹³ Philip Alpers and Michael Picard, "[Guns in Japan: Rate of All Gun Deaths per 100,000 People](#)," Sydney School of Public Health, The University of Sydney, 12 July 2022.

¹⁴ Nectar Gan, "[Japan's strict gun laws make shootings rare](#)," *CNN*, 8 July 2022.

¹⁵ By comparison, the United States, which lacks such controls, has a rate of gun deaths of 12.09 per 100,000.

¹⁶ Choi Jae-Hee, "[Could Korea's gun control offer any lessons?](#)" *Korea Herald*, 22 June 2022.

the UK government banned the types of rifles he used. In the Dunblane massacre, the gunman used handguns. In response, the government banned nearly all handguns.¹⁷

New Zealand Prime Minister Jacinda Arden announced a plan to ban most semi-automatic weapons after mass shootings at two mosques in Christchurch in March 2019. The following month, Members of Parliament agreed to a ban on most semi-automatic weapons and large-capacity magazines, and to a buyback program. The next year, the government agreed to implement additional restrictions, including broadening the ban on semi-automatic weapons to include pistol-length guns, and developing a renewed and strengthened firearms registry.¹⁸

The Australian case is perhaps the best documented. Gun violence there decreased substantially when the government implemented reforms after a mass shooting in Port Arthur in 1996. A recent report commissioned by the Canadian government analyzed firearms regulation in Australia and suggested lessons from that case and several others.¹⁹ The primary legislation analyzed was the National Firearms Agreement of 1996, passed soon after the Port Arthur massacre. The Agreement had many different aspects, including a ban on automatic and semi-automatic long guns, registration of all firearms across the country, a 28-day waiting period, standardization of licensing requirements across the country, storage requirements that included separate storage of guns and ammunition, and a massive buyback and destruction of the banned weapons.²⁰

Thirteen mass shootings were documented in Australia from 1979 through the 1996 Port Arthur massacre. In the following 22 years, there were no mass shootings in Australia. From 1997–2013, the average annual rate of gun deaths was 1.2 per 100,000 people, which was one-third of the average annual rate from 1979–1996.²¹

V. EXAMPLES OF POLICY APPROACHES FOR CONTROLLING SMALL ARMS

This section considers several types of approaches that could reduce the harm caused by small arms. These approaches include a range of measures that are designed to affect buyers, sellers, and/or manufacturers, such as:

- Requiring successful completion of procedures before people can buy small arms, such as licensing and background checks,
- Barring certain people from possessing or buying these weapons,
- Restricting the quantities and types of small arms and ammunition people can purchase,
- Requiring safe storage for these weapons and their ammunition,
- Setting conditions under which these weapons may be confiscated,
- Prohibiting the production and trade of certain types of weapons and ammunition for civilian use,

¹⁷ Max Fisher, “Other Countries Had Mass Shootings. Then They Changed Their Gun Laws,” *The New York Times*, 25 May 2022.

¹⁸ Charlotte Graham-McLay, “New Zealand’s Christchurch massacre was one of the world’s deadliest mass shootings. Here’s what happened next,” *Grid*, 31 May 2022.

¹⁹ Joel Negin, Philip Alpers, and Rebecca Peters, “Firearms Regulation in Australia: Insights from International Experience and Research,” Expert report commissioned by the Government of Canada Joint Federal/Provincial Commission in the April 2020 Nova Scotia Mass Casualty, 6 September 2022.

²⁰ Negin, Alpers, and Peters, pp. 9–10.

²¹ Negin, Alpers, and Peters, p. 16.

- Destroying surplus and obsolete weapons and weapons that remain when conflicts end, as well as their associated ammunition.

Because the risks associated with small arms have so many dimensions, effective solutions are likely to be multifaceted. Automobile safety is a useful analogue.²² It has taken a constellation of measures to improve automobile safety, including seatbelts, airbags, better grading and markings on roads, and collision avoidance systems, among others. No single measure would have achieved the same decrease in the number of people killed or injured in automobile accidents.

Requiring successful completion of procedures before people can buy small arms, such as licensing and background checks

- Licensing requirements include measures such as requiring training, and testing knowledge and competence with particular types of firearms.
- Licensing criteria may include prohibiting individuals with violent or criminal histories from obtaining licenses, or imposing additional requirements, such as the agreement of a partner on the application for purchase.
- Background checks that may result in refusal to issue a license may include interviews with the prospective buyers, interviews with their friends and family members, and checks for criminal records.
- Registration requirements link particular weapons and their unique markings with their owners, increasing accountability and the capacity to track weapons sales and other transfers.

This set of policy approaches has two main dimensions. The first deals with the need to establish the competence to own and operate firearms, because of the inherent risks involved. The second deals with the need to reduce the risk that someone may gain access to weapons even though their personal history may predispose them to misusing them. In both cases, the presumption is that ownership or possession of these weapons is a privilege, not an automatic right.

Barring certain people from possessing or buying small arms

- People who have records of domestic violence or abuse and/or are subject to current emergency or final protective orders may be barred from having or purchasing weapons.
- People with histories of alcohol or drug abuse may also be barred.
- Countries may set minimum ages for buying or possessing certain types of small arms and ammunition.
- Countries may bar people convicted of particular crimes from possessing firearms.

²² For additional information on this issue, see Mark Doctor and Chimai Ngo, “[Making our Roads Safer through a Safe System Approach](#),” United States Department of Transportation, Department of Highway Administration, winter 2022.

This article describes the success of the Safe System Approach, which has six basic principles: Deaths and serious injuries are unacceptable, humans make mistakes, humans are vulnerable, responsibility is shared, safety is proactive, and redundancy is critical. The same principles can be applied to gun violence prevention efforts.

These approaches are extensions of the category above. They allow or require banning people from having weapons when the associated risks of doing so are deemed too high from a societal perspective. Similarly, this category includes measures that control access to weapons based on the purchaser or possessor's age.

Restricting the quantities and types of small arms and ammunition people can purchase

- Prospective purchasers may face limits on the number of weapons or the amount of ammunition they are allowed to buy or the number of purchases they can make within a particular period of time.
- Restrictions on purchases by an individual may also apply to military-style weapons such as automatic and semi-automatic weapons. Other restrictions may apply to particular types of ammunition, such as bullets designed to penetrate protective gear.

Restricting the number of weapons or amount of ammunition that can be purchased reduces the likelihood of illicit firearms trafficking and unauthorized diversion. Traffickers seek to amass large quantities of armaments and ammunition in order to operate efficiently. Constraining purchase size can also decrease 'straw purchases,' in which an authorized purchaser acquires weapons – sometimes in large numbers – for a person who is not authorized.

Restrictions on the types of small arms purchased or transferred reduce civilian access to the weapons that have generally been most destructive in mass shootings.

Requiring safe storage for firearms and their ammunition

- Requirements may include storing ammunition and firearms in separate places. They may also include locking weapons in secure gun safes.
- In-home inspections may be authorized as a means of determining whether the laws on storage are being followed.

These provisions reduce the risk of firearms being used as a result of momentary impulse or anger, to harm the user, other people, or both. These measures also reduce the risk of weapons being used accidentally by children.

Setting conditions under which firearms may be confiscated

- Conditions prompting confiscation could include violation of license provisions, failure to safely store small arms and ammunition, or misuse of these weapons.
- Red flag laws may provide a process for temporarily or permanently taking firearms away from people deemed to pose a threat to others or to themselves.

These provisions are important because they allow weapons confiscation when possessors have violated the legal requirements for their possession and use. Because the measures can be temporary or permanent, they can be calibrated to the nature and severity of the issue.

Prohibiting production of certain types of small arms and ammunition for civilian use, such as military-style weapons

- Manufacturers could be prohibited from producing particular weapons or types of ammunition for civilian use. Examples include automatic or semi-automatic weapons and large capacity magazines.

This provision focuses on the manufacturers. Although stopping production of military-style weapons in a country would not affect the weapons already produced and being traded in that country, stopping the production of the associated ammunition would significantly decrease the usefulness of those weapons over time.

Destroying surplus and obsolete small arms and small arms that remain when conflicts end, as well as their associated ammunition

- Destroying the weapons that remain when conflicts end is an effective way to prevent recycling and trafficking of weapons from one conflict to another.
- Irreversible destruction of surplus and illicit weapons and ammunition reduces the risk of theft from poorly protected depots.
- Ending the practice of allowing – or in some cases requiring – the sale of weapons that have been turned in or confiscated helps prevent recycling of weapons.

Destroying surplus and obsolete weapons and weapons that remain when conflicts end eliminates the risk that deactivated weapons can be reactivated. It also prevents the sale, resale, or transfer of these weapons to other areas of conflict and instability.

Cross-cutting issues

Some cross-cutting issues affect several of these proposals:

- It is vitally important to ensure that these policy proposals and their implementation include everyone affected by the misuse of these weapons. Historically underrepresented groups have included women, youth, victims and survivors, refugees, displaced persons, the elderly, and communities with high levels of poverty, crime, and violence.²³
- As new policies are adopted, one important consideration is whether such policies are applied to small arms that are already in circulation, or only to newly manufactured or purchased small arms. Although there are challenges in applying measures to weapons already in circulation, there are also risks in not doing so.
- If policies are not applied to weapons already in circulation, strictly limiting the availability of ammunition is a way to decrease the risks arising from firearms that are already possessed by civilians. Weapons buyback and destruction programs can also decrease the number of weapons in circulation.

²³ These examples are neither mutually exclusive nor collectively exhaustive, and individuals can be members of more than one of these groups.

VI. SOME STARTING POINTS FOR AFFECTING THE POLICY PROCESS IN YOUR COUNTRY

This section provides some starting points for affecting the policy process on these issues at the national level. In some cases, you may be able to directly affect national policies and processes. In other cases, you may need to first build support at the local level and then move to the national level.

- Seek information about relevant national policies, regulations, and laws, such as firearms acts and criminal codes.
- Compare the provisions with the examples in this primer.
- Look for provisions that are missing or incomplete.
- Consider constituencies that could help press authorities to take measures that address these issues.
- Look beyond the organizations you usually work with to broaden your network and your influence.
- Seek allies in the legislature and in executive offices.
- Educate your community about these issues and encourage them to get involved in seeking policy change.
- Bring public attention to gaps and possible improvements in policies, legislation, and laws.

This briefing paper was written by Dr. Natalie Goldring. Editing and comments were provided by Dr. Brian Wood, Clare da Silva, Becca Merriman-Goldring, and Dr. Markus Fahlbusch. It was designed by Emily Callsen.

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