

SALW Definitions

A. INTERNATIONAL FRAMEWORK

I. United Nations (UN)

- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol) (2001);
- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) (2005);
- UN 'definition' of SALW, as provided by the United Nations Group of Government Experts (GGE) (1990s), which demarcates three categories;
- Arms Trade Treaty (ATT) (2013);
- International Small Arms Control Standards (ISACS);
- Regional Micro-Disarmament Standards and Guidelines (RMDS/G) (2005).

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol) (2001), Art. 3: Use of Terms:

“Firearm” shall mean 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.

“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;

“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.

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) (2005), II. Definitions:

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

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

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

UN 'definition' of SALW, as provided by the United Nations Group of Governmental Experts (GGE) (1990s), which demarcates three categories:

Small Arms: Revolvers and Self-loading Pistols, Rifles and Carbines, Sub Machine Guns (SMG), Assault Rifles, Light Machine Guns (LMG)

Light Weapons: Heavy Machine Guns (HMG), Hand Held, Under Barrel and Mounted Grenade Launchers, Portable Anti-Aircraft Guns, Portable Anti-Tank Guns and Recoilless Rifles, Portable Launchers of Anti-Tank Missiles and Rocket Systems, Portable Launchers of Anti-Aircraft Missile Systems, Mortars (Calibre <100mm)

Ammunition and Explosives: Cartridges (Rounds) for Small Arms, Shells and Missiles for Light Weapons, Mobile Containers with Missiles, or Shells for Single Action and Anti-Aircraft and Anti-Tank Systems, Anti-Personnel and Anti-Tank Grenades, Landmines, Explosives.

Arms Trade Treaty (ATT UN):

Does not provide a definition.

**International Small Arms Control Standards (ISACS), Glossary of Terms, Definitions and Abbreviations,
Art. 3: Terms and Definitions stipulate:**

Small arm: any man-portable lethal weapon designed for individual use that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive.

NOTE 1 Includes, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns, as well as their parts, components and ammunition.

NOTE 2 Excludes antique small arms and their replicas.

Small arm, antique: defined in accordance with domestic law but in no case includes small arms manufactured after 1899.

Small arm, replica: an object designed to resemble a small arm but that is incapable, even with modification, of expelling or launching a shot, bullet or projectile by the action of an explosive.

Light weapon: any man-portable lethal weapon designed for use by two or three persons serving as a crew (although some may be carried and used by a single person) that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive.

NOTE includes, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres, as well as their parts, components and ammunition.

Man-portable air-defence system (MANPADS): surface-to-air missile system that can be carried and launched by one person, or by two or three persons serving as a crew.

NOTE: MANPADS are usually shoulder-launched and typically launch guided missiles.

Regional Micro-Disarmament Standards and Guidelines (RMDS/G), Glossary of SALW Terms and Abbreviations, Art. 3: Terms and Definitions stipulate:

SALW: all lethal conventional munitions that can be carried by an individual combatant or a light vehicle that also do not require a substantial logistic and maintenance capability.

Explosives: a substance or mixture of substances, which, under external influences, is capable of rapidly releasing energy in the form of gases and heat.

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

Munition: a complete device charged with explosives, propellants, pyrotechnics, initiating composition, or nuclear, biological or chemical material for use in military operations, including demolitions.

II. European Union

1999/34/CFSP: Joint Action of 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons, Annex:

The Joint Action shall apply to the following categories of weapons, while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification, and may be reviewed in the light of any such future internationally agreed definition.

- (a) Small arms and accessories specially designed for military use
 - machine-guns (including heavy machine-guns),
 - submachine-guns, including machine pistols,
 - fully automatic rifles,
 - semi-automatic rifles, if developed and/or introduced as a model for an armed

force,
- moderators (silencers).

(b) Man or crew-portable light weapons

- cannon (including automatic cannon), howitzers and mortars of less than 100 mm calibre,
- grenade launchers,
- anti-tank weapons, recoilless guns (shoulder-fired rockets),
- anti-tank missiles and launchers,
- anti-aircraft missiles/man-portable air defence systems (MANPADS).

Directive 2008/51/EC (Amendments to Directive 91/477/EEC, Art. 1 (a)) abandons the distinction between weapons and firearms in the previously adopted Directive 91/477/EEC, and opts for a new and precise definition of firearms. Thus, “**firearm**” is defined as “any portable barreled weapon that expels, is designed to expel or may be converted to expel a shot, bullet or projectile by the action of a combustible propellant”. In addition, Directive 2008/51/EC, brings within its purview an object which is capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

- it has the appearance of a firearm, and
- as a result of its construction or the material from which it is made, it can be so converted.

Directive 2008/51 (Amendments to Directive 91/477/EEC, Art. 1 (b)) added new definitions pertaining to “parts,” “essential component,” “ammunition,” and other terms. Annex II of Directive 91/477/EEC provides a number of definitions pertaining to “short firearm,” “long firearm,” “automatic firearm,” “repeating firearm,” and others.

Firearms designed for military use are excluded from the scope of the legislation to which this definition applies. (2) The term '**small arms and light weapons**' is generally used in United Nations fora and in the field of the EU's Common Foreign and Security Policy. Although there is no agreed international definition for this term, the EU considers that it covers automatic and semi-automatic machine guns and rifles which are designed specifically for military use (Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP).

Council Directive of 18 June 1991 on control of the acquisition and possession of weapons (91/477/EEC), Art. 1 (b):

IV. For the purposes of this Annex:

- (a) 'short firearm' means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;
- (b) 'long firearm' means any firearm other than a short firearm;
- (c) 'automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;
- (d) 'semi-automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;
- (e) 'repeating firearm' means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;
- (f) 'single-shot firearm' means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel;
- (g) 'ammunition with penetrating projectiles' means ammunition for military use where the projectile is jacketed and has a penetrating hard core;
- (h) 'ammunition with explosive projectiles' means ammunition for military use where the projectile contains a charge which explodes on impact;
- (i) 'ammunition with incendiary projectiles' means ammunition for military use where the projectile contains a chemical mixture which bursts into flame on contact with the air or on impact.

III. Organization for Security and Co-operation in Europe (OSCE)

The OSCE Document on Small Arms and Light Weapons, footnote to Preamble, point 3:

... small arms and light weapons are man-portable weapons made or modified to military

specifications for use as lethal instruments of war. **Small arms** are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. **Light weapons** are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

IV. Wassenaar Arrangement (WA)

Wassenaar Arrangement, Guidelines & Procedures, including the Initial Elements (A) (2011), Appendix 3: Specific Information Exchange on Arms Content by Category, Art. 8:

Small Arms and Light Weapons – Man-Portable Weapons made or modified to military specification for use as lethal instruments of war (Q):

8.1 Small Arms – broadly categorised for reporting purposes as: those weapons intended for use by individual members of armed forces or security forces, including revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.

8.2 Light Weapons – broadly categorised for reporting purposes as: those weapons intended for use by individual or several members of armed or security forces serving as a crew and delivering primarily direct fire. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; and mortars of calibre less than 75 mm.

8.3 Man-Portable Air-Defence Systems – broadly categorised for reporting purposes as: surface-to-air missile systems intended for use by an individual or several members of armed forces serving as a crew.

B. SEE COUNTRIES: DEFINITIONS OF SALW

I. Albania

Legal Framework:

- Law on the Usage of Firearms (1998);
- Law on Firearms (1995);
- Law on Gathering Combat Arms and Ammunition (1998);
- Law on Changes and Amendments to the Law on Gathering Combat Firearms and Ammunition (2000);
- Decision on Regulations of Management and Control of Firearms for Physical and Legal Persons (1992);
- Decision on Some Amendments to the Decision of Council of Ministers on Regulations of Management and Control of Firearms for Physical and Legal Persons (1993);
- Decision on Founding the Import-Export Enterprise Dependant on the Ministry of Defence (1991);
- Decision on Destroying or Selling of Ammunition the Shelf-time of which has Expired or will Soon Expire, as well as on Selling of Surplus or Stocks of Firearms and Ammunition (1994);
- Law for Collection of Weapons, Ammunition and other Military Materials (2003).

Definition: Law on Firearms (1992), Art. 1: Firearms for the purpose of this law are firearms of all types and calibers (combat, sporting, hunting and special arms produced and adapted by handwork), their ammunition, bombs and mines, as well as cold arms like swords, bayonets, knives and other means specially prepared and intended for attack against persons or for self-protection.

II. Bosnia and Herzegovina

Legal Framework:

- Law on Arms and Ammunition of the Brcko District of Bosnia and Herzegovina (2002);
- Law on Import and Export of Arms and Military Equipment (2003);
- Law on Changes and Amendments to the Law on Export and Import of Weapons and Military Equipment (2003);
- Instruction on Registration of Persons and Legal Entities in Trade of Armaments and Military Equipment (2003);
- Instructions on Obligations of Customs Authorities in Implementation of the Law on Import and Export of Arms and Military Equipment (2003);
- Instruction on Regulating Export, Import, Transit and Mediation in Trade of Arms and Military Equipment (2003);
- Law on Production of Arms and Military Equipment (2004);
- Decision on Conditions and Procedure for Registration of Contracts for Production Co-operation in the Field of Arms and Military Equipment (2003);
- Law on Testing, Stamping and Marking Hand Fire Arms and Ammunition (2002);
- Law on Weapons and Ammunition (2003);
- Law on Production of Weapons and Military Equipment (2004).

Definition: Law on Arms and Ammunition of the Brcko District of Bosnia and Herzegovina (2002), Art. 4:

Firearms include all types of rifles, pistols, revolvers and all other devices which fire bullet, ball, or small-shot charge from a barrel under pressure of gunpowder gases.

Art. 6: In terms of this Law, ammunition includes bullets, cartridges, cartridge-cases with fuses, fuses, balls, small-shot charge, air rifle cartridges and gunpowder.

Definition: Law on Production of Weapons and Military Equipment (2004), Art. 2:

“Weapons and military equipment” – includes arms, lethal weapons and technical equipment, as well as means and composite parts intended for equipping, usage, handling, preserving, storing, maintaining and control of arms, lethal weapons and technical equipment listed in the latest “Common Military List under the EU Code of Conduct on Arms Exports” published in the Official Gazette of BiH, issue 9/03.

III. Croatia

Legal Framework:

- Weapons Law (1992);
- Laws on Amendments and Supplements to the Weapons Law (2001);
- Law on Manufacturing, Overhaul, and Trade in Armaments and Military Equipment (2002);
- Regulations Regarding Purchase, Registration and Legislation of Weapons (2003).

Definition: Weapons Law (1992), Art. 4: Firearms include all types of rifles, pistols, and revolvers, and all types of devices which discharge a bullet, ball, pellet, dart, or another projectile from a barrel by means of gunpowder gases propulsion.

Art. 7: Explosives are all types of bombs, mines, grenades, and other devices equipped with explosive substance or a detonator, which, under suitable external or internal force (weight, impact, movement, friction, chemical reaction, electricity, etc.) release energy and cause explosion.

IV. Kosovo*

Legal Framework:

- National Small Arms Light Weapons Control and Collection Strategy and Action Plan of the Republic of Kosovo, April 2008, Definitions:

Small arms: hand-held small calibre firearms, usually consisting of handguns, rifles, shotguns, manual, semi-automatic, and full automatic weapons and man-portable machineguns.

Light weapons: Includes a wide range of medium-calibre and explosive ordnance, including man-portable and vehicle-mounted antipersonnel, antitank and antiaircraft rockets, missiles, landmines, antiaircraft guns, mortars, hand grenades and rocket-propelled grenades (RPGs).

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo declaration of independence

V. Montenegro

Legal Framework:

- Law on Weapons (1994);
- Customs Law (2002);
- Law on Hunting (1999)

Definition: Law on Weapons (1994), Art. 4: Firearms shall be any item which manufactured or adapted as weapon throws bullet, round or other projectile or harmful gas, liquid or other substance by means of explosive, gas or air pressure or other propellant mean.

VI. Moldova

Legal Framework:

- Weapons Law (1994);
- Law on Amending Article 10 of the Law on Entrepreneurship and Enterprises and Article 21 of the Law on Weapons (2002);
- Law on Amending Article 26 of the Law on Weapons (2003);
- Decision on Classification of Certain Weapon Models as Individual Weapons (1997, Am. 2003);
- Schedule on Individual Weapon and Ammunition Models to be Entered into the State Weapons Inventory (1997);
- Law on Amending the Law on Control of Individual Weapons (2001);
- Decision on Entry Into Force of the Law on the Control of Individual Weapons (1994)

VII. Serbia

Legal Framework:

- Decree on the Enactment of the Law on Ratification of the Amendment to Article 1 of the Convention on Prohibiting or Limiting the Use of Specific Types of Conventional Weapons that Might be Regarded as Having Excess Traumatic Effects or as Non-selective in Regard to Targets (2003);
- Regulation on Control of Crossing State Border and Movements, Stay, Residence Hunting and Fishing in Borderland (1980);
- Law on Weapons and Ammunition (2003);
- Regulations on the Formats for Requests, Clearances, Weapon Permits and other Documents and Records Specified by the Law on Weapons and Ammunition (1998);
- Regulations for the Terms and Conditions for Doing and Methods of Conducting the Training for handling the Firearms and its Syllabus (2000);
- Law on Testing, Marking and Labeling Firearms and Ammunition (1995);
- Regulation to Stipulate Closer Conditions on the Manner and Procedures of Testing, Stamping and Labeling Fire Arms and Ammunition (1995);

- Rules on Closer Conditions Governing the Method of Storing and Safeguarding the Arms and Ammunition (1988);
- Customs Law (2003);
- Regulations for Conditions and Methods of Carrying Weapons and Ammunition by Authorized Customs Officers (2003);
- Decree on the Legalization and Hand-in of Weapons (2003);
- Law on Hunting (1993).

Definition: Law on Testing, Marking and Labelling Firearms and Ammunition (1995), Art. 2 : For the purpose of this Law firearms are: rifle, pistol, revolver – all types – as well as all types of devices which, under the pressure of gun powder gases, throw through the barrel bullet, round, pellet or signal charge.

For the purpose of this Law ammunition is: fully labored ammunition for all types of firearms and devices, as well as ammunition components (cartridges, caps, gun powder, stoppers, pellets and rounds of all types and shape, etc.).

VIII. The former Yugoslav Republic of Macedonia

Legal Framework:

- Law on Arms (2002);
- The Law on the Changes and Amendments to the Law on the Purchase, Possession and Carrying of Arms (2003);
- The Law on Foreign Trade (2002);
- The Law on the Personal and Property Security Activities (1999);
- The Law on the Changes of the Law on the Protection from Explosive Materials (1993);
- The Law on the Production of, and Trade In, the Arms and Military Equipment (2002);
- The Law on Voluntary Handling Over and Collection of Firearms, Ammunition and Explosive Material and the Legalization of Arms (2003);
- Hunting Law (1996);
- The Law on the Amendments to the Hunting Law (1997);
- Draft Law on Weapons (2004).

Definition: Law on Arms (2002), Art. 3: Firearms shall mean all types of rifles, pistols and revolvers, as well as other devices, which under the pressure of powder gases eject a bullet, shell, buckshot or another projectile through the barrel.

Ammunition shall mean all types of bullets, cartridges and projectiles intended for loading and action of arms.

Explosives shall mean all types of grenades, mines, shells and other devices that contain explosive or flammable materials, which can release energy and create an explosion as a result of various external or internal influences (weight, blow, friction, chemical reaction, electricity etc.). For the purposes of this law, parts of explosives shall also be considered as explosives, such as fuse or other objects, which have obviously been intended for making of explosives.

Analysis

Within the UN itself there is a lack of one and the same definition that would be used for all documents and within particular instruments. While the definitions are similar and do not include drastic discrepancies, it would be beneficial to agree on a singular definition so that no misunderstandings occur. This could be a broad definition followed by a non-exhaustive list of examples of what constitutes a “small arm”, a “light weapon”, a “MANPAD”, “ammunition”, “parts and components” and so on. It should be taken into consideration that the definition needs to be uniform, however flexible to cover any future technical developments and innovations.

Moreover, not all UN documents list all categories of SALW, while some provide separate definitions for “small arms”, “light weapons”, “ammunition”, “explosives”, others make a mention only of “small arms and light weapons”, without making a separation between the different elements.

SEESAC's RMDS/G provides a very broad definition for SALW. It also provides a definition for a “firearm”. However, here, as in other places, the difference between SALW and Firearms is not completely clear.

The EU makes a distinction between SALW and Firearms, where firearms are weapons that are not designed for military use and SALW are weapons specifically designed for military use. Nonetheless, the EU does not apply this definition in all its documents, as it has moved towards another, more comprehensive definition of a “firearm” that incorporates also the same meaning given for SALW. This dichotomy might create confusion and misunderstanding, especially in light of applying EU directives into national legislation by Member states or countries in accession, trying to comply with the EU requirements on firearms.

OSCE definition for SALW is close to the one provided by the UN ITI, which means that it represents a definition which carries more description, but nonetheless fails to portray the scale of what could constitute SALW.

There is a clear need for a more unified understanding among regional counterparts, parallel with international agreements, on what types of weapons should be included into the definition for SALW in view of their reporting obligations and development of legislation. It should be noted that the definitions provided here are extracted from old legislation that was provided to SEESAC in 2004 and need to be updated. **Latest developments in domestic legislation show identification and alignment with the definitions provided by and as used as in the EU documents.**

e.g. Definition: Law on Production of Weapons and Military Equipment (2004), Art. 2:

“Weapons and military equipment” – includes arms, lethal weapons and technical equipment, as well as means and composite parts intended for equipping, usage, handling, preserving, storing, maintaining and control of arms, lethal weapons and technical equipment listed in the latest “Common Military List under the EU Code of Conduct on Arms Exports” published in the Official Gazette of BiH, issue 9/03.

Note: This document is in process and national legislation will be updated.

DRAFT