

Implementation of the UN Programme of Action on Small Arms and Light Weapons

PAKISTAN'S NATIONAL REPORT (2016)

This national report is intended to update the previous national reports by Pakistan on the implementation of the United Nations Programme of Action (UN PoA) on Small Arms and Light Weapons (SALW).

2. Pakistan has been a proponent of arms control at the global, regional and sub-regional levels and has consistently supported efforts aimed at arms control.
3. Pakistan is fully cognizant of the threats posed to national, regional and global stability by the diversion of weapon systems, including SALW, to illicit channels. In this regard Pakistan attaches great importance to the contribution made by UN PoA in addressing the challenges associated with the illicit manufacturing, transfer and excessive accumulation of small arms and light weapons which have grave humanitarian and socio-economic consequences across the globe.
4. Pakistan remains fully committed to the implementation of UN PoA and believes that appropriate international cooperation and assistance, both financial and technical, are important to support efforts at the national, regional and global levels to prevent, combat and eradicate the illicit trade in SALW in all its aspects. An integrated approach which takes into account the supply and demand perspectives of illicit trade in SALW, and its close nexus with terrorism, organized crime and drug trafficking, is required to address this challenge in an effective and comprehensive manner.
5. Pakistan believes that a comprehensive approach towards addressing the challenges of illicit SALW must include efforts towards resolution of conflicts and outstanding disputes in various regions of the world so as to create favourable conditions for effective arms control.

Pakistan's legislative, regulatory and enforcement framework for the implementation UN PoA

Relevant Laws

6. An elaborate legal, regulatory and administrative regime exists in Pakistan to regulate the production, import/export, trade, transfer, possession and stockpile management as well as other aspects related to SALW. The Arms Rules (1924), Arms Ordinance 1965, amended in 1991 and 2001, and Illicit Arms Act 1991 provide the legal basis for exercising controls over the activities covered by the UN PoA, as well as to institute relevant regulatory, administrative and enforcement measures. The said laws provide for penalties for violations of the provisions thereof or any rules framed under the laws. The provisions of these laws are further complemented by provisions in other relevant legislations including the Explosives Act 1908 and Anti Terrorism Act 1997 (as amended from time to time) as well as the Pakistan Penal Code 1860 (as amended). Pakistan Arms Ordinance 1965 prohibits manufacturing, possession, sale, transfer, transportation of any arms and related ammunition in contravention of the provisions of the Ordinance.

7. Pursuant to the afore-mentioned laws, a body of rules has been put in place to deal with various aspects of SALW under the UN PoA. The laws and the rules are kept under constant review to ensure their relevance by taking into account developments taking place at the national and international level.

Regulations

8. Several Statutory Notifications are also issued from time to time to empower the Federal or Provincial governments to give effect to various provisions of the relevant laws. The body of rules includes Arms Rules 1924 and Arms Policy 2012. A new Arms Policy for 2016 is being framed.

9. The Arms Policy 2012 lays down strict criteria for issuance of arms licenses. The authority for approval of arms licenses for automatic weapons has been kept with the Prime Minister only.

10. The aforementioned laws also enable the Federal Government to conduct de-weaponization campaigns from time to time in coordination with the provincial governments.

11. Pursuant to the Pakistan Arms Ordinance 1965, detailed rules have been formulated concerning the import into and export from Pakistan of all kinds of weapons including SALW. The Ministry of Defense Production is responsible for the issuance of authorizations of all types of arms and ammunition from the public and private manufacturers following an elaborate process of inter-agency coordination. The inter-agency review of export applications is done on a case-to-case basis. No blanket authorizations are issued.

Inter-agency coordination for imports and exports

12. The inter-agency coordination process involves the Ministry of Foreign Affairs, which, among other factors, takes into account considerations such as the political situation of the country of importer, conflict situations, regional stability, United Nations sanctions and restrictions, authenticity of the end-user and stated end-use. No export authorization is issued without end-user certificates duly issued/ backed by government authorities. Verification of end-user/end-use is conducted in most cases prior to the authorization for export through diplomatic contacts with the government of the country of import.

13. According to the Import Policy of the Government of Pakistan, import of Non-Prohibited Bore (NPB) weapons is allowed only through authorized arms dealers /importers and Pakistan Ordnance Factory Wah (POF). All concerned are required to ensure production of End User Certificate at the time of import of arms. Moreover, the Provincial Home Departments and District Administration have been directed to monitor the details of sale and purchase of arms and ammunition by arms dealers in their respective jurisdictions.

14. All restrictions and controls related to the import and export of arms, weapons and ammunition, including SALW, are reflected in the annual Import and Export Policy Orders issued by the Ministry of Commerce. This constitutes a basis

for enforcement by Pakistan Customs, pursuant to Pakistan Customs Act 1969, and other border control agencies and penalization of any unauthorized activity.

Recent initiatives by the Government of Pakistan

15. A campaign for the control of arms and de-weaponization is being conducted which has resulted in the surrender of large caches of illicit arms and prosecution of offenders. The Provinces have been enabled to conduct these campaign through the issuance of a notification by the Federal Government pursuant to the Illicit Arms Act 1991.

16. All arms licenses at the Federal and Provincial levels are being computerized through the National Database and Registration Authority (NADRA). This is aimed at maintaining a central computerized record of all authorized weapons, including SALW, in the country and to facilitate the detection and surrender of all unauthorized weapons.

17. The Federal and Provincial Governments have launched media campaigns to sensitize the general public about the various controls and restriction relating to SALW and to exhort arms license holders to get their licenses computerized.

Manufacturing, marking, record keeping and traceability

18. The production of SALW in Pakistan is fully controlled by the Government. The manufacture of SALW is regulated under a licensing system established by the Arms Rules (1924) and Pakistan Arms Ordinance 1965. Through the licensing mechanism, the Government of Pakistan regulates the categories and types of weapons which may be manufactured and the transactions of which may be undertaken.

19. SALW for Military, Law Enforcement Agencies, Security Forces and civilian use are primarily manufactured by POF and controlled by the Ministry of Defense Production (MODP).

20. All international procurements are made from legitimate sources while fully respecting the procedures and end-use obligations stipulated with the exporting country. Brokering is also strictly controlled under law and relevant licensing provisions.

21. There are efforts in progress to bring the arms manufacturing cottage industry in the Federally Administered Tribal Areas (FATA) under the regulatory control and supervision of POF. Gunsmiths from FATA have been provided jobs in POF.

Marking, Record Keeping and Tracing Practices

22. Laws, regulations and administrative instructions being implemented by manufacturers are in line with international instruments on marking, record keeping and tracing.

Manufacturing/Marking

23. The weapons are produced strictly in accordance with the Technical Data Deliver (TDD) provided by the Licensor. Elaborate system for record keeping and subsequent traceability exist. The weapon numbers are recorded in registers, ledgers, inspection notes and packing lists to facilitate traceability. Record is kept of all manufactured weapons going back 30 years.

24. Marking is made at the time of manufacturing that includes the name of the manufacturer, serial number, year of manufacture, weapon type/brand/model and caliber. Additional markings include proof firing stamping/engraving, manufacturing symbol (authenticity of quality inspection) and any additional marking required by the client. Vital components, such as receiver, barrel, bolt head bolt head carrier, recoil spring tube and magazine, are also marked separately for tracing and record keeping.

25. Marking is made at the time of manufacturing on the process line and authenticated by quality inspector for marking. There are no exceptions to mark SALW at the time of manufacturing. Imported SALW are marked at the time of

import including the country of export, year of export and any other relevant information. Institutionalized measures are being enforced to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked SALW. Removal of or tampering with marking on SALW is illegal and against the lawful practice in Pakistan.

Record Keeping

26. The manufacturers are required by law to maintain updated record at all times of all weapons being manufactured. The recorded information includes quantity of SALW manufactured, type or model, markings applied, transactions (i.e. sales of manufactured and marked SALW), identity of buyer, delivery notes, inspection reports, packing details, list of accessories and shipment information.

27. All exporters and importers are required to keep records of weapons exported or imported including the quantity traded, type and model, markings applied, buyer's identity, country of export/import, date of delivery, EUC and NOC from third party, copy of contract agreements.

28. Dealers are required to maintain receipts, disposal and remaining stock statements. The daily sale of arms and ammunition of different categories and such other information is also maintained.

29. Stockpiles are managed in a secure manner by the respective armed forces and law enforcement/security agencies. Periodic stock-taking are carried out in accordance with established standard operating procedures.

Tracing

30. Procedures are in place to enable tracing of SALW. The Ministry of Foreign Affairs is responsible for all international tracing requests. A tracing request must include circumstances under which SALW was found, reasons why the SALW is considered to be illegal, intended use of the information being sought, any markings on SALW, type/caliber, country of origin, year of manufacturing and probable custodian.