

[Translated from Chinese]

National Report of the People's Republic of China on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

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Part I:

China's basic stand on the illicit trade in small arms and light weapons

Firmly combating illicit activities related to small arms and light weapons (SALW) and effectively regulating such lawful conduct as the manufacture and transfer of SALW are very important for protecting the security of the civilians of the countries and regions affected, promoting economic development and social stability in those areas, suppressing terrorism and such transnational organized crimes as smuggling and drug-trafficking, and maintaining regional and international peace and stability.

Over the years, the international community has made unremitting efforts to combat the illicit trade in SALW. In 2001, the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted a Programme of Action to prevent, combat and eradicate the illicit trade in SALW. The Programme of Action serves as an important guiding instrument by putting forward a set of objectives and measures at national, regional and global levels to combat the illicit trade in SALW, and has opened up a brand-new chapter in the multilateral efforts in this regard. Over the past seven years, the international community has made important achievements in the implementation of the Programme of Action, such as the convening of biennial meetings in 2003 and 2005, as well as a Review Conference in 2006 to fully review the implementation of the Programme of Action; and the completion of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (hereafter referred to as the "International Tracing Instrument") in 2005. The United Nations Group of Governmental Experts on illicit brokering of SALW concluded its report in 2007 and played a positive role in strengthening international cooperation in this field. In 2008, the Secretary-General of the United Nations set up Group of Governmental Experts on the issue of conventional ammunition stockpiles in surplus in which all parties have been considering further steps to enhance relevant cooperation.

The causes of the problem of the illicit trade in SALW are complex and broad-ranging. In order to address this problem properly, countries should strengthen their efforts at the national, regional and global levels, vigorously explore effective approaches, and promote the comprehensive implementation of the Programme of Action and the International Tracing Instrument on the basis of summarizing relevant experience. China is of the view that the international community should concentrate its efforts in the following areas:

- States should bear the primary responsibility, striving to translate commitments into actions, and continuously strengthen their own capacity-building. Efforts should be made to establish and improve related legal systems, and law enforcement should be strengthened in combating illicit manufacture of and traffic in SALW. States should improve their SALW marking and record-keeping systems, tighten up stockpile management and intensify efforts to confiscate and destroy illicit SALW. Effective export-control systems should be established, and measures should be taken to enhance the export license and end-user certificate systems so as to effectively

prevent SALW legally manufactured and transferred from ending up in illicit channels. In the process of combating the illicit trade in SALW, the sovereignty of each State should be respected, and the right of each State to legally manufacture, possess and transfer SALW should not be infringed upon.

- Follow-up actions within the framework of the Programme of Action should be carried out on a gradual and steady basis. The provisions and stipulations contained in the International Tracing Instrument should be implemented in good earnest. International cooperation against illicit brokering of SALW should be further strengthened in accordance with the recommendations contained in the report of the United Nations Group of Governmental Experts on illicit brokering of SALW. Follow-up steps of the multilateral process of combating the illicit trade in SALW should be studied and implemented on the basis of broad participation by States.
- International assistance and cooperation should be enhanced. The United Nations should take a strong leadership role in encouraging countries and regions to map out their cooperation priorities and take the coordinated actions needed to deal with the major problems and challenges they face. States should strengthen coordination and cooperation among law enforcement agencies such as the police and customs, and actively cooperate with the International Criminal Police Organization (INTERPOL) and other related international organizations in combating the illicit trade in SALW. Developed countries should also provide assistance to developing countries in such areas as mechanism building and personnel training.
- A comprehensive approach should be adopted to address both the symptoms and root causes. Poverty and social instability constitute a breeding ground for illicit SALW. The international community should take effective measures to help countries concerned to eradicate poverty, achieve economic development and maintain political and social stability, so as to create favourable conditions for fundamentally resolving the issue of the illicit trade in SALW.

China has always attached great importance to and supported the efforts of the international community to combat the illicit trade in SALW, and supports related work within the United Nations framework. China wishes to continue working together with other countries to fully and effectively implement existing international instruments including the Programme of Action and the International Tracing Instrument, and bring about an early end to the threat posed by the illicit trade in SALW by constantly promoting the multilateral process of combating it.

Part II:

China's Implementation of the Programme of Action and of the International Tracing Instrument:

A. At the national level

1. National coordination body

In China, substantive work in the area of SALW involves the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of Public Security, and the State Administration of Science, Technology and Industry for National Defence. The Ministry of Foreign Affairs is responsible for coordinating relevant multilateral negotiations; coordinating the research and drafting of policies and measures to combat the illicit trade in SALW by various agencies; and organizing the implementation of existing international arrangements in the area of SALW, such as the Programme of Action and the International Tracing Instrument.

2. National point of contact

The Department of Arms Control and Disarmament of the Ministry of Foreign Affairs is the national point of contact for the implementation of the Programme of Action and the International Tracing Instrument. In its capacity as point of contact, the Department has made great efforts in implementing the Programme of Action and the International Tracing Instrument, such as organizing the research by the agencies concerned on ways to improve the marking and record-keeping systems for firearms in accordance with the requirements of such international instruments as the Programme of Action and the International Tracing Instrument; promoting the preparatory work for the ratification of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (hereafter referred to as the "Firearms Protocol"); submitting reports to the United Nations on China's implementation of the Programme of Action and the International Tracing Instrument; conducting exchanges of experience with other countries; and raising public awareness about the Programme of Action and the International Tracing Instrument, as well as the policies, laws and regulations of the Chinese Government concerning SALW.

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3. Relevant legislation

China has adopted a series of laws, regulations and administrative procedures to exercise strict control over the manufacturing, stockpiling, transportation, trade, use and confiscation of SALW.

Laws

- Criminal Law of the People's Republic of China (promulgated on 6 July 1979 and put into force on 1 January 1980; amended on 14 March 1997 and put into force on 1 October 1997)
- Law of the People's Republic of China on the Control of Firearms (promulgated on 5 July 1996 and put into force on 1 October 1996)

Administrative regulations

- Regulations of the People's Republic of China on the Administration of Militia Equipment (promulgated and put into force on 3 June 1995)
- Regulations of the People's Republic of China on the Administration of Arms Export (promulgated on 22 October 1997 and put into force on 1 January 1998; amended on 15 October 2002 and put into force on 15 November 2002)
- Provisions on the Administration and Use of Firearms for Official Use by Public Security Authorities (promulgated and put into force on 9 October 1999)
- Arms export control list (promulgated 1 November 2002 and put into force on 15 November 2002)
- Regulations of the Chinese People's Liberation Army on the Administration of Military Equipment (promulgated and put into force on 26 December 2002)
- Interim Provisions on the Warehouse Management of Militia Weaponry and Equipment (promulgated and put into force on 24 September 2004)

The relevant provisions can be summarized as follows:

	<i>Law / Administrative Regulation</i>	<i>Relevant provisions</i>
<i>Manufacturing</i>	Law of the People's Republic of China on the Control of Firearms	Chapter 3 sets out regulations concerning the manufacturing of firearms for official and civilian use, including specific requirements for manufacturing enterprises, production quantities, technical specifications for manufacturing, and research and design finalization of firearms for civilian use.
<i>Distribution</i>	Law of the People's Republic of China on the Control of Firearms	Chapter 2 regulates the distribution scope of firearms for official and civilian use, limits of authority to approve and certify distribution of firearms for official use, and verification and certification procedures for distribution of firearms for civilian use.

	Provisions on the Administration and Use of Firearms for Official Use by Public Security Authorities	Chapter 3 regulates the specific duties of units equipped with firearms. Chapter 4 regulates the conditions and duties of the People's Police with regard to the carrying and use of firearms.
	Regulations of the People's Republic of China on the Administration of Militia Equipment	Chapter 3 regulates the scope and limits of authority to distribute or re-distribute weapons for the use of the People's Militia.
	Law of the People's Republic of China on the Control of Firearms	Chapter 4 sets out regulations on the use of firearms.
	Provisions on the Administration and Use of Firearms for Official Use by Public Security Authorities	Chapter 5 institutes restrictive provisions on the use of firearms for official use. Chapter 6 regulates the storage methods for firearms for official use.
<i>Use</i>	Regulations of the People's Republic of China on the Administration of Militia Equipment	According to the Regulations, the use of weapons and ammunition by the People's Militia should be accompanied with permits for carrying the weapons and ammunition as well as passes for the person carrying such weapons and ammunition. Articles 26 to 35 of Chapter 4 set out specific regulations on the use of firearms and ammunition by the People's Militia.
	Regulations of the Chinese People's Liberation Army on the Administration of Military Equipment	Relevant chapters set out regulations on distribution, engagement, general use, and stockpiling of weaponry by the armed forces.
<i>Export</i>	Regulations of the People's Republic of China on the Administration of Arms Export Arms export control list	See item 7 ("Export controls") below for details.
<i>Transport</i>	Law of the People's Republic of China on the Control of Firearms	Chapter 5 regulates the approval of firearms-transport permits as well as methods of firearms transport. Chapter 6 regulates the approval procedures for carrying firearms into or out of China.

4. Law-enforcement measures and legal liability

1. The relevant Chinese laws and administrative regulations explicitly criminalize, and set forth stringent punitive measures for, the illicit manufacturing, trafficking or transport of firearms and ammunition. Specific provisions are as follows:

	<i>Law / Administrative Regulation</i>	<i>Relevant provisions</i>
<i>Manufacturing</i>	Criminal Law of the People's Republic of China	According to Articles 125 and 126 of Chapter 2, the illicit manufacturing of firearms constitutes a crime, and is subject to fixed-term imprisonment, death penalty or fines.
	Law of the People's Republic of China on the Control of Firearms	According to Articles 39 and 40 of Chapter 7, those who engage in the unauthorized or illicit manufacturing of firearms are subject to administrative penalties or prosecution for criminal liability in accordance with the Criminal Law. According to Article 44 of Chapter 7, those who fail to follow statutory technical standards in manufacturing firearms are subject to warnings, detention or even prosecution for criminal liability.
	Regulations of the People's Republic of China on the Administration of Militia Equipment	Article 30 of Chapter 8 provides for the application of administrative disciplinary measures, punishment in respect to management of public security, or prosecution for criminal liability for the unauthorized manufacturing of militia equipment.
<i>Distribution</i>	Law of the People's Republic of China on the Control of Firearms	Articles 41, 43 and 45 of Chapter 7 provide for the application of administrative penalties or prosecution for criminal liability for the illicit possession or disposal of firearms.
	Provisions on the Administration and Use of Firearms for Official Use by Public Security Authorities	Articles 39 and 40 of Chapter 9 provide for administrative penalties or prosecution for criminal liability for violations of regulations regarding the distribution of firearms for official use.
<i>Use</i>	Criminal Law of the People's Republic of China	Articles 127 to 130 of Chapter 2 provide for the application of punitive measures including short-term penal detention, public surveillance, fixed-term imprisonment, or life imprisonment, up to and including the death penalty, for the theft, theft at gunpoint, illicit possession, private storing, leasing, or carrying of firearms, and for the loss of firearms intended for official use.
	Law of the People's Republic of China on the Control of Firearms	Articles 43 and 44 of Chapter 7 provide for the application of punishment in respect to management of public security, or prosecution for criminal liability, for violations of firearms-control regulations.

	Provisions on the Administration and Use of Firearms for Official Use by Public Security Authorities	Articles 41 and 42 of Chapter 9 provide for administrative penalties or prosecution for criminal liability for violations of regulations regarding the use of firearms for official purposes, as well as for the prosecution for liability of relevant officials in charge.
<i>Export</i>	Regulations of the People's Republic of China on the Administration of Arms Export	Chapter 5 specifies relevant legal liability, including administrative punishment and prosecution for criminal liability, for violation of the Regulations.
<i>Transport</i>	Law of the People's Republic of China on the Control of Firearms	Article 41 of Chapter 7 provides that the illicit transport or carrying of firearms into or out of China is subject to prosecution for criminal liability.

2. Complying with the arms embargo decided by United Nations Security Council

The Chinese Government strictly implements the arms embargo resolutions adopted by the United Nations Security Council. When such a resolution is adopted at the United Nations, the Ministry of Foreign Affairs immediately issues a sanctions notice requesting all relevant agencies to take effective measures to fully comply with the resolution.

5. Stockpile management

To ensure the safety and security of its stockpiles of SALW, China has instituted strict and standardized measures for the management of stockpiled SALW. China classifies weapons warehouses as military restricted zones, and surrounds them with security and protective facilities that feature a tightly-integrated set of measures to prevent theft, fire, lightning strikes and explosions; the warehouses are staffed round the clock with specially-trained security guards, and guards and patrols are increased on holidays, in bad weather or under other special circumstances. Warehouse managers maintain a rigorous inventory and registration system, and weapon categories, models, quantities, quality, and batch numbers are checked weekly on the basis of detailed storage records; any anomalies are immediately reported to their superiors.

6. Confiscation and destruction

China firmly cracks down on firearms-related crimes in accordance with the provisions of the Law of the People's Republic of China on the Control of Firearms and other laws and regulations, all illicit or decommissioned firearms are confiscated or collected for destruction.

Since 2005, China's public-security agencies have been carrying out nationwide special campaigns to confiscate illicit firearms, and have achieved striking success. A total of 291,000 illicit firearms were confiscated and destroyed, 9,142 of which were firearms for military use. The rate of crimes involving firearms has been decreasing in recent years.

7. Export control

China firmly opposes the illicit transfer of SALW, and takes a cautious and responsible approach towards the export of arms, including SALW. China strictly controls the arms export in accordance with its international obligations and with its domestic laws and regulations.

China's arms exports are governed by the following three principles: arms exports should be conducive to the legitimate self-defence capability of the recipient country; arms exports should not undermine the peace, security and stability of the region concerned or the world as a whole; arms exports should not be used as a means of interfering in the internal affairs of the recipient country.. China exports arms only to the Governments of sovereign States, and requires them to provide end-user and end-use certification; it also requires a commitment from them that such arms will not be transferred to any third parties without the consent of the Chinese Government. China has never sold arms to non-State actors or individuals. As a permanent member of the United Nations Security Council, China consistently and conscientiously implements that body's resolutions and has never exported prohibited arms to countries or regions upon which arms embargoes have been imposed by the Security Council.

In October 2002, China amended the Regulations of the People's Republic of China on the Administration of Arms Export promulgated in October 1997, and produced an Export Control List as its annex, to further strengthen controls over the export of conventional arms, including SALW.

Major provisions of the Regulations of the People's Republic of China on the Administration of Arms Export:

Essential principles governing arms exports	<ul style="list-style-type: none">– Arms exports should be conducive to the legitimate self-defence capability of the recipient country;– Arms exports should not undermine the peace, security and stability of the region concerned or the world as a whole;– Arms exports should not be used as a means of interfering in the internal affairs of the recipient country. <p><i>(Article 5 of Chapter 1)</i></p>
Unified administrative system for arms exports	<ul style="list-style-type: none">– All companies engaging in arms trade shall obtain, in accordance with law, arms-export business authorizations and shall operate within the scope of business authorized. Arms-export business authorizations are subject to examination and approval by the competent national agencies.– No entity or organization shall engage in any business activity related to arms export unless it has been duly authorized to do so.– Individual persons are prohibited from engaging in arms export activities. <p><i>(Article 5 of Chapter 1; Chapter 2; Article 20 of Chapter 4)</i></p>

Arms export licensing system	– Export categories and contracts are subject to examination and approval by the competent national agencies, and arms trading companies shall submit valid certification documents from the recipient country. – Prior to shipment, arms exporters shall apply to the competent national authorities for export licenses on the basis of the approval documents for the export contracts. The customs authorities shall assess declarations on the basis of the export license, and inspect and clear the shipment in accordance with relevant State regulations. <i>(Chapter 3)</i>
Punitive measures	Punitive measures against violations of the provisions of these Regulations are stringent. They are divided into administrative and criminal penalties depending on the type of violation; administrative penalties include warnings, fines, and the temporary suspension or permanent revocation of arms-export privileges. Criminal violations will be prosecuted for criminal liability under the relevant provisions of the criminal law. <i>(Chapter 5)</i>

8. Brokering administration

In accordance with the Regulations on the Administration of Arms Export, all arms export activities in China are carried out exclusively by specific companies that have been designated and authorized by the State. Currently, the Chinese Government has authorized ten companies to engage in specified arms export activities, and only four of those are authorized to export firearms. Engagement in arms export activities, including arms brokering, by any other entity or individual is illegal.

9. Marking

New detailed rules on SALW markings were issued by the competent Chinese authority as part of the national military standards in August of 2007, specifying requirements for the content, format, location and production of markings on small arms, spare parts and accessories as well as their packing containers in conformity with the corresponding requirements of the Firearms Protocol and the International Tracing Instrument. Under the new Regulations, each SALW produced in China is stamped with a unique marking (see Appendix) that includes a country code, weapon-category code, factory code, code for the year of manufacture, and manufacturing serial number; imported/exported SALW should be stamped with the importing/exporting country code and the code for the year of import/export. Markings on SALW should be positioned on the main components of the weapon so as to be clearly visible and not easily worn away; the durability of the markings should be longer than the expected storage time or service life of that weapon.

10. Record-keeping

In China, SALW manufacturers and arms-trading companies all have systems for keeping complete and detailed records of the SALW they manufacture or export, covering each stage of SALW circulation from manufacturers to end-users. Specialized information

management systems monitoring SALW manufacturing and movement are also commonly used among enterprises in this field.

Beginning in May 2006, all Chinese arms-trading companies are required to register detailed information on all SALW they export with the competent authority responsible for arms export administration, including the importing country, end user, shipper, transporter, means of transport and number of shipments, shipping manifests, product model, quantity shipped and label numbers. These records are consolidated and retained on a long-term basis by the competent authority. The Information System for Firearms Regulation maintained by the Public Security authorities is already operating on a nation-wide basis, recording information on all official and civilian firearms and their holders throughout the country and providing effective control of such firearms by means of a series of auxiliary management measures.

11. Raising public awareness

The Chinese Government attaches importance to the use of television, radio, the internet and other mass media for public awareness campaigns against crimes involving firearms. China's laws, regulations and administrative rules on strengthening controls on SALW are broadly publicized as soon as they have been adopted, and the relevant texts are made available for reference on Government websites. In their campaigns against crimes involving firearms, the public security authorities of China view the work of public awareness and education as a major focus. In this regard, a variety of publicity materials have been printed and distributed, and telephone numbers as well as rewards for reporting such crimes have been announced. Accomplishments attained in campaigns against crimes involving firearms are also promptly published in the news media.

B. At the global and regional levels

China actively participates in efforts at the global and regional levels to promote the implementation of the Programme of Action and the International Tracing Instrument, and has made contributions of its own:

1. International cooperation and exchanges

- China sends participants to international and regional seminars and workshops to exchange policies, measures and experience in such areas as SALW export controls with representatives of other countries and international organizations.
- The Chinese police authorities actively cooperate with INTERPOL, and have provided assistance in tracing illicit firearms.
- In the framework of bilateral arms control consultations, China has exchanged views with relevant countries on implementation of the Programme of Action.
- The Public Security, Customs and other competent agencies of China have maintained constant business contacts with their foreign counterparts.

2. Support for and participation in related regional and global initiatives

- The Chinese Government supported and actively took part in the negotiation of the Firearms Protocol. In December 2002, China signed the Firearms Protocol and is now actively preparing for its ratification.
- China is actively participating in efforts to combat the illicit trade in SALW within the framework of the Shanghai Cooperation Organization.
- In 2003, the Chinese Government donated US\$10,000 to the Trust Fund for the United Nations Disarmament Information Programme, earmarked for United Nations efforts to address SALW problems.
- From 2004 to 2005, China actively and constructively took part in negotiations on the International Tracing Instrument, and contributed to its successful conclusion.
- In 2005, China donated US\$ 21,800 to the Organization of American States through the China-OAS Cooperation Fund, earmarked for financing meetings in the region on prohibiting the illicit trade in firearms.
- In April 2005, China, along with the United Nations, Japan and Switzerland, co-sponsored an international workshop on SALW, at which views were exchanged and positive results achieved on a range of topics, including ways to meet the challenges in combating the illicit trade in SALW, promoting the implementation of the Programme of Action, negotiations of the International Tracing Instrument, and the problem of illicit brokering.
- In the Beijing Action Plan, adopted at the Beijing Summit of the Forum on China-Africa Cooperation in November 2006, the Chinese Government committed itself to continued support for and participation in efforts to combat the illicit trade in SALW in Africa, and to provide financial and material assistance and related training within its capacity.
- China actively participated in the work of the United Nations Group of Governmental Experts on illicit brokering in SALW in 2007, and contributed to the conclusion of the Group's report.
- China actively participated in work of the United Nations Group of Governmental Experts on the issue of conventional ammunition stockpiles in surplus in 2008, and exchanged views with other participants on ways to strengthen relevant international cooperation.

Appendix

1. China's SALW marking format:

Country code	Weapon-category code	Importing /exporting country code	Year of import/export
Serial number – Year code – Factory code			

Example: For a pistol, serial number 12345, weapon-category code ABCDEFG, manufactured at Factory 111 in China in 2005, the markings are as follows:

Consolidated marking:

CN ABCDEFG
12345-05-111

Separated markings:

CN ABCDEFG	12345-05-111
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2. China's SALW packing-container marking format:

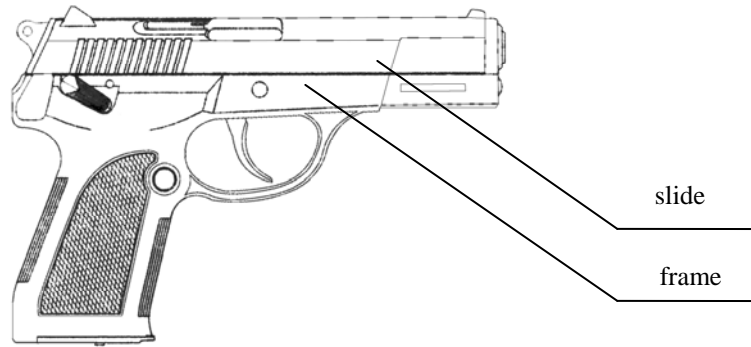
Case no.	Packing container no. Country code Weapon-category code Serial number – Year code – factory code Package volume No. of pieces contained Total mass	Dangerous goods symbol Storage & transport symbol Case no.
(Left end)	(Front)	(Right end)

Note: If two or more SALWs are contained in the same package, the serial number is not marked on the package.

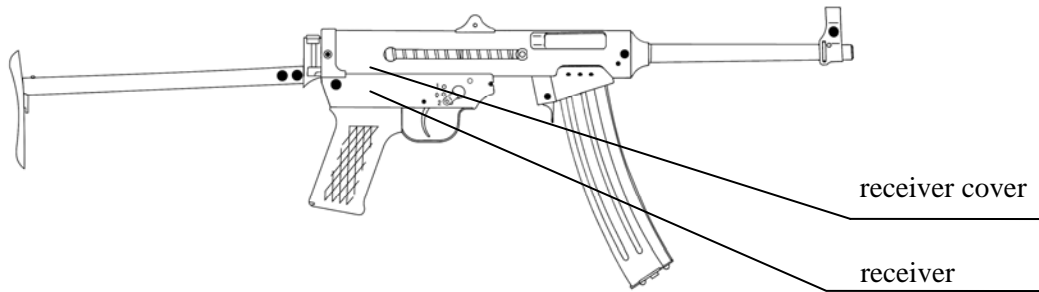
Example: For a packing-container holding two heavy machine guns, weapon-category code ABCDEFGH, manufactured at Factory 222 in China in 1997, the label is as follows:

CN ABCDEFGH
97 – 222
145x44x50cm 2 pcs. 51kg

3. Marking positions on China's SALW:



Position of markings on an automatic pistol



Position of markings on a light sub-machine gun