

**Ad Hoc Committee on the  
Elaboration of a Convention Against  
Transnational Organized Crime**

---

**Comment of the  
Firearms Community on the  
UN Firearms Protocol Definition of an  
"Antique Firearm"**

---

Presented by the

The Sporting Shooters' Association of Australia and the  
National Rifle Association of America in conjunction with the  
World Forum on the Future of Sport Shooting Activities

## INTRODUCTION

The Sporting Shooters' Association of Australia (SSAA) and the National Rifle Association of America (NRA) are Non-governmental Organizations (NGOs) in consultative status with the Economic and Social Council of the United Nations.

The World Forum on the Future of Sport Shooting Activities (WFSA) is a global association representing hunters, sport shooters and collectors. The WFSA, through its 30 associations on five continents (including the SSAA and the NRA), represents a broad cross section of the world firearms community. This statement is presented by the SSAA and the NRA, but is also the position of the WFSA. It should be considered the de facto view of the world firearms community. To aid the Ad Hoc Committee in drafting the definition of antique firearms found in *Article II* of the "Protocol Against the Illicit Manufacturing of and Trafficking in Firearms...",<sup>1</sup> the WFSA formed a committee of firearms collecting organizations and other groups to comment on the proposed definition.

The WFSA Antique Firearms Definition Committee had nine member associations appointed by WFSA President Carlo Peroni. Resolutions were passed, by groups, authorizing their representatives to speak for them. The following association representatives and observers were present:<sup>2</sup>

Gerald Baker	Single Action Shooting Society* (Cowboy action shooting)
Tony Bernardo	Canadian Institute for Legislative Action (Firearms owners advocacy group)
Ronald Blosser	Sporting Clays Association of America
Robert Brooker	American Society of Arms Collectors*
James Chambers	Sporting Arms and Ammunition Manufacturers Institute
Gary Crawford	North South Skirmish Association* and the US International Muzzle Loading Team*

---

<sup>1</sup> A/AC.254/4/Add.2/Rev. 1.

<sup>2</sup> Committee members are designated by an asterisk "\*".

Jas van Driel	Federation of European Societies Of Arms Collectors*
Lee Fry	Dixie Guns Works (Makers of replica firearms)
Vito Genco	WFSA Secretariat
Rudy H.G. Koster	Federation of European Societies Of Arms Collectors*
Thomas Mason	WFSA Secretariat
John Miller	National Muzzle Loading Rifle Association*
Robert Nicholls	R. Nicholls, Inc.
Raymond Poudier	The Vintagers - Order of Edwardian Shooters*
Keith Tidswell	Antique and Historical Arms Association of South Australia*

The Committee met 7 September, 1999 in Washington, DC. It elected Mr. Robert Brooker, of the American Society of Arms Collectors, as Chairman, and Mr. Gerald Baker, of the Single Action Shooting Society, as Vice-Chairman.

Mr. Gerald Baker acted as chairman of the day in the absence of Mr. Brooker who was delayed. After review of the relevant UN documents, proposed protocol language and its effect on the firearms community, this report was approved. The Report was adopted by the WFSA on 9 September, 1999.

#### COMMENT ON THE PROPOSED DEFINITION

The Committee generally supports the definition of antique firearms found in the initial draft protocol, as a firearm:

**"...manufactured before the twentieth century or its replicas..."**

Various other jurisdictions have different standards, but this definition seems to be a reasonable and practical approach. No single date, technological change or historical event can furnish a universal and appropriate definition. However, the proposed definition has the following desirable aspects; 1) it is a date which is significant in of itself, 2) it coincides with the approximate time of a major change in firearms technology, i.e., the transitions from black to smokeless powder.

## ASPECTS OF THE TERM

### "REPLICA"

The term "replica" should be considered to have a special meaning. Replica means a functioning firearm. However, replica does not mean "exact copy" in an absolute sense. Replicas of otherwise antique weapons frequently have increased safety features,<sup>3</sup> improvements in metallurgy and minor design modifications. It is hoped that the Ad Hoc Committee would acknowledge this aspect of the definition.

## FUTURE INVOLVEMENT OF THE FIREARMS COMMUNITY

The definition of what is an "antique firearm" is a relatively minor aspect of the Firearms Protocol and the accompanying Convention Against Transnational Organized Crime. However, there is a substantial likelihood that both will be in effect for a long period. This raises the question of how appropriate the definition will be after a significant passage of time. This situation is made more problematic by the fact that the definition is being placed in an international instrument and not national legislation.

The Committee does not feel it is in a position to propose a substantive change to either the Protocol or the Convention which would address this problem.

However, the Committee would submit that certain provisions found in the original *Article 23, Role of the United Nations*, paragraphs 9 (a) and (b) and *Article 23 Conference of the Parties to the Convention* (Option 3 proposed by

---

<sup>3</sup> An example is the Colt Army single action revolver. Numerous replicas are made by various manufacturers. Sturm-Ruger, an American Company, has improved upon the safety of the original design by adding a "transfer bar" system that blocks the hammer. The company also allows free use of this patented feature by other manufacturers.

Austria), paragraphs 2 (a) and (b) contain provisions which would assist in resolving this situation.

The first provision contains language providing for the involvement of NGOs and the second provision provides that a "conference of parties" examine aspects of the instrument in light of new knowledge and experience. The Committee feels that both of these provisions are desirable.

## **RELATIONSHIP TO EXISTING DOMESTIC LAW**

The Committee held an extensive discussion on whether the proposed definition would affect national legislation. Particular concern was expressed by the representative of the Federation of European Societies of Arms Collectors that the current Protocol definition would be more restrictive than may be found in certain European jurisdictions, such as the Netherlands, or the proposed European Directive on Firearms.

The WFSA's position, and we believe this reflects the current consensus, is that neither the Protocol nor the Convention would require changes in domestic law. There is a requirement under *Article V Criminalization*, that states adopt "as may be necessary" measures to establish offenses under domestic law "when committed internationally." (Emphasis added.) Thus, a state can have any definition of antique it wishes under its domestic law.

The only proviso would be that a more liberal definition could not exempt out those firearms from the Protocol. If a state wanted to define a black powder rifle manufactured between 1900 and 1945 as an antique, this would be permissible. However, exports of such a firearm would be covered by the Protocol. Whether there would be a recognition of this, under a state's domestic law, would be up to the state as the operative language is "may be necessary."