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National controls over the international
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Foreword

The United Nations (UN) Coordinating Action on Small Arms (CASA) mechanism strives to improve the UN's ability to work as one in delivering effective policy, programming and advice to Member States on curbing the illicit trade, uncontrolled proliferation and misuse of small arms and light weapons. Established by the Secretary-General in 1998 with the task of coordinating the small arms work of the United Nations, CASA today unites more than 20 UN bodies active in policy development and/or programming related to small arms and light weapons.¹

Building on previous UN initiatives to develop international standards in the areas of mine action (International Mine Action Standards)² and disarmament, demobilization and reintegration of ex-combatants (Integrated Disarmament, Demobilization and Reintegration Standards),³ the United Nations has developed a series of International Small Arms Control Standards (ISACS) with the aim of providing clear and comprehensive guidance to practitioners and policymakers on fundamental aspects of small arms and light weapons control. The present document constitutes one of more than 20 ISACS modules that provide practical guidance on instituting effective controls over the full life cycle of small arms and light weapons (all ISACS modules can be found at www.smallarmsstandards.org).

ISACS are framed by existing global agreements related to small arms and light weapons control, in particular the

- *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons In All Its Aspects* (UN PoA);
- *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (International Tracing Instrument);
- *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); and
- *Arms Trade Treaty*.

Within this global framework, ISACS build upon standards, best practice guidelines, model regulations, etc. that have been elaborated at the regional and sub-regional levels. ISACS seek to cover the fundamental areas of small arms and light weapons control on which the United Nations may be called upon to provide advice, guidance and support.

ISACS were developed, and continue to be improved and supplemented, by a broad coalition of small arms control specialists drawn from the United Nations, governments, international and regional organizations, civil society and the private sector (a full list of contributors to ISACS is available at www.smallarmsstandards.org).

ISACS modules were drafted in accordance with the rules set out in ISO/IEC Directives, Part 2, *Rules for the structure and drafting of International Standards*, under the oversight of the CASA Working Group on ISACS, co-chaired by the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Development Programme (UNDP).

¹ For a full listing of CASA partners, see www.poa-iss.org/CASA/CASA.aspx.

² www.mineactionstandards.org

³ www.unddr.org

Introduction

Effective national controls over the import, export, transit, transshipment and brokering of small arms and light weapons are necessary to prevent excessive, destabilizing and illicit transfers of these weapons, which can pose a serious threat to peace and security, especially in areas beset by conflict and by political and social tensions.

Such transfers can also fuel conflict, violent crime and instability; undermine sustainable development and facilitate grave abuses of human rights and serious violations of international humanitarian law. It is, therefore, a legitimate and urgent concern of the international community that States maintain effective national controls over international transfers of small arms and light weapons.

Almost all States maintain laws, regulations and administrative procedures to control the import, export and transit of arms and other military goods and technologies. However, many of these controls need to be strengthened and updated specifically as they relate to small arms and light weapons, and need to be supplemented with effective controls over transshipment and brokering. The enforcement of transfer controls is often also in need of strengthening.

The task of developing effective controls over the international transfer of small arms and light weapons is made more difficult by the lack of capacity in some States to put effective controls in place and to enforce them. This is often further compounded by a lack of transparency, which is characteristic of much of the international arms trade, and by limited levels of cooperation and harmonization of practices between States.

This task of developing effective small arms and light weapons transfer controls is particularly important, however, given that States that rarely participate in other areas of the conventional arms trade are often importers or exporters of small arms and light weapons. In addition, compared with other weapon systems, small arms and light weapons are highly vulnerable to diversion to unauthorized end-users and uses.

National controls over the international transfer of small arms and light weapons

1 Scope

This document provides guidance on the development and implementation of effective and accountable controls over international transfers of small arms and light weapons. As such, it addresses national controls on the import, export, transit, transshipment, and brokering of small arms and light weapons, as well as issues relating to enforcement, international cooperation and assistance, and public and parliamentary transparency.

This document focuses on the development of controls that will help prevent excessive, destabilizing and illicit transfers of small arms and light weapons and will allow for the prosecution of those who engage in such practices. It also focuses on enabling States to exercise restraint when it comes to transferring small arms and light weapons internationally in order to prevent transfers that fuel armed conflict or facilitate serious violations of human rights or international humanitarian law.

This document is designed to assist government officials who are tasked with devising and implementing effective small arms and light weapons transfer controls, as well as officials of the United Nations and international and regional organizations who support such efforts. It should also be of use to parliamentarians, small arms and light weapons manufacturers, nongovernmental organizations, etc. working to improve controls over the international transfer of small arms and light weapons.

2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*

ISACS 03.40, *National coordinating mechanisms on small arms and light weapons control*

ISACS 05.20, *Stockpile management: Weapons*

ISACS 05.30, *Marking and recordkeeping*

ISACS 05.50, *Destruction: Weapons*

IATG, *International Ammunition Technical Guidelines*

3 Terms and definitions

3.1 General

For the purposes of this document, the terms and definitions given in ISACS 01.20, *Glossary of terms, definitions and abbreviated terms*, and the following apply.

In all ISACS modules, the words 'shall', 'should', 'may' and 'can' are used to express provisions in accordance with their usage in International Organization for Standardization (ISO) standards.

- a) **“shall” indicates a requirement:** It is used to indicate requirements strictly to be followed in order to conform to the document and from which no deviation is permitted.
- b) **“should” indicates a recommendation:** It is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required, or that (in the negative form, 'should not') a certain possibility or course of action is deprecated but not prohibited.
- c) **“may” indicates permission:** It is used to indicate a course of action permissible within the limits of the document.
- d) **“can” indicates possibility and capability:** It is used for statements of possibility and capability, whether material, physical or casual.

3.2 Small arms and light weapons

In this document, the term “small arms and light weapons” refers, unless otherwise indicated, to

- a) small arms and light weapons (see ISACS 01.20, *Glossary of terms, definitions and abbreviations*);
- b) parts and components of small arms and light weapons, i.e.
 - 1) frames and receivers, and
 - 2) pressure-bearing parts and components, including the barrel, bolt, cylinder, slide and breech block;
- c) ammunition for small arms and light weapons; and
- d) technology specifically designed for the production of small arms and light weapons, their parts components or ammunition.

4 United Nations framework

This document provides practical guidance on the implementation of commitments related to the international transfer of small arms and light weapons that are contained in United Nations multilateral instruments related to small arms and light weapons control, including the

- a) *Arms Trade Treaty*;
- b) *United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN Programme of Action);
- c) *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);

- d) International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument); and
- e) Report of the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons (UN Document A/62/163*).

5 General Principles

5.1 General

The general principles contained in this clause shall apply to all international transfers of small arms and light weapons, i.e. import, export, transit, transshipment and brokering.

5.2 Transfer authorization and notification processes

5.2.1 Import, export and brokering authorization

All international transfers of small arms and light weapons shall be subject to prior, written authorization by the competent national authority in the State

- a) into which the weapons are to be imported;
- b) from which the weapons are to be exported; and
- c) with jurisdiction over the associated brokering activities.

If import, export and brokering authorizations are not all provided, the transfer shall not be allowed to proceed.

5.2.2 Transit and transshipment notification

In addition to the normal rules and regulations governing the transit and transshipment of goods, all transits and transshipments of small arms and light weapons shall be subject to prior, written notification to the competent national authority of the State

- a) through whose territory (i.e. land, territorial waters, internal waters or national airspace) weapons are to transit; and
- b) on whose territory the weapons are to be transshipped.

States shall monitor transits and transshipments of small arms and light weapons that take place across or on their territory and shall not allow a transit or transshipment to proceed if grounds for its denial exist (see Clause 5.4.6).

5.2.3 Domestic source of authorizations

At the national level, responsibility for authorizing the import, export and brokering of small arms and light weapons should be centralized in a single national authority.

Where such responsibility is not centralized,

- a) the number of State agencies mandated to issue such authorizations should be kept to a minimum, consistent with the efficient, effective and timely administration of the authorization system;

- b) there should be clear and direct lines of communication between these agencies;
- c) information should be shared among these agencies on a regular basis regarding the import, export and brokering of small arms and light weapons;
- d) within each agency, the number of officials mandated to sign transfer authorizations should be kept to a minimum; and
- e) it should not be possible to acquire authorization to export small arms or light weapons from more than one State agency – and the same should apply for import and brokering authorizations.

5.2.4 Scope of authorizations and notifications

Authorization shall be required for the import, export and brokering of each consignment of small arms and light weapons; and notification shall be required for the transit and transshipment of each consignment of small arms and light weapons, including

- a) unused, used and surplus small arms and light weapons;
- b) State-to-State transfers;
- c) State-to-private transfers;
- d) private-to-State transfers
- e) commercial sales (private-to-private);
- f) leases; and
- g) transfers of equipment and technology for the purpose of producing small arms or light weapons, including licensed production.

A separate authorization shall be required for each individual export and import, and for each set of brokering activities necessary to complete a transfer of small arms or light weapons.

A separate notification shall be required for each transit and transshipment of a consignment of small arms and light weapons.

Simplified procedures may be used to facilitate the authorization process (see Clause 5.2.5).

5.2.5 Simplified procedures

Simplified procedures may be employed to authorize the import and export of small arms and light weapons in the following, low risk situations:

- a) temporary exports and imports of individual or small numbers (e.g. 10 or less) of small arms or light weapons for the purposes of hunting, sport shooting, evaluation, exhibition or repair; as well as their subsequent re-export and re-import following such activities and procedures;
- b) import authorizations for small arms or light weapons intended for use by a State's own security services (e.g. armed forces, intelligence, police, corrections, etc.);
- c) export authorizations for small arms or light weapons intended for use by a State's own security services (e.g. in the context of UN or regional peace support operations); or
- d) exports of small arms or light weapons to trusted end-users with longstanding and reliable records on preventing diversion and misuse.

The range of such exemptions to full authorization requirements shall be kept to a minimum and should not exceed those listed above.

5.2.6 Timing and sequencing

Transfer authorizations and notifications shall be issued prior to a transfer of small arms or light weapons taking place. They shall not be issued retroactively.

The issuance of transfer authorizations and notifications should be sequenced as follows:

- a) import authorization; followed by
- b) brokering authorization; followed by
- c) export authorization; followed by
- d) transit and transshipment notifications.

5.2.7 Validity

The validity of import, export and brokering authorizations shall be limited in time; i.e. they shall have an expiry date after which they are no longer valid.

The expiry date shall be clearly marked on the authorization.

The validity of an authorization to transfer small arms or light weapons should be limited to a reasonable period of time during which the transfer can be completed, and should not exceed 2 years.

The expiry date of an export or brokering authorization shall not be later than the expiry date of the import authorization for the same transfer.

5.2.8 Revocation

An authorization for a specific transfer of small arms or light weapons that has already been granted shall be revoked by the competent national authority if

- a) the authorization was obtained under false pretenses, including through the provision of incomplete, misleading, or false information;
- b) a change in the situation in the country of import creates grounds for denial (see Clause 5.4.6);
- c) the conditions under which the authorization was granted change significantly; or
- d) a party involved in the transfer is convicted of a criminal offence that requires time to be served in prison.

The reasons for revoking a transfer authorization should be provided in writing to the party whose transfer authorization is being revoked. It should be possible for the latter party to appeal such a decision.

A State that revokes an import, export or brokering authorization should inform all other States involved in the transfer of its decision.

5.2.9 Reporting on use of authorizations

The competent State authority should require recipients of transfer authorizations to report on their use of the authorizations, since this will assist States in collecting data for international, regional, and national reporting purposes and for information exchange mechanisms (see Clauses 12.4 and 13.2).

5.3 Applications for transfer authorizations

The exact information and documentation required in a specific application for transfer authorization will depend on whether small arms or light weapons are to be imported, exported or brokered.

EXAMPLE At the time a brokering authorization is granted, the identity of the freight forwarding agent or shipping company may not be known, since arranging such services can constitute an activity to be carried out by the broker, once authorized to do so.

The later clauses of this document that deal with controls on import, export, transit, transshipment and brokering provide specific guidance in each instance on the content of applications for transfer authorization and notifications. The purpose of this clause is to provide a compendium of relevant information and documentation.

Information and documentation that should be included, if available, in applications for authorization to transfer small arms or light weapons include

- a) the name and contact details of the applicant for authorization;
- b) the applicant's operating licence (if applicable, see Clause 5.6);
- c) the import authorization;
- d) the export authorization;
- e) the transit and transshipment notifications;
- f) end-user documentation (i.e., end-user certificate or end-user statement; for guidance, see ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*);
- g) the intended end-use of the consignment (see Clause 8.4.3.2);
- h) the names, contact details and roles of all parties involved in the transfer, including
 - 1) brokers,
 - 2) freight forwarding agents,
 - 3) transport/shipping carriers, and
 - 4) intermediate consignees;
- i) details of the transport route, including the means of transport to be used for each segment (if any segment involves transport by air, the additional information set out in Clause 8.4.2 should also be included);
- j) the value of the consignment; and
- k) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,

- 5) serial numbers,
- 6) countries of manufacture or most recent import,
- 7) import marking (if present);
- 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
- 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

5.4 Assessment of applications for transfer authorizations

5.4.1 General

Clear criteria shall be used to assess applications to authorize the transfer of small arms and light weapons.

Such criteria shall be contained in national legislation and/or in national policy documents governing the transfer of small arms and light weapons.

The exporting State's own economic, social, commercial or industrial interests should not interfere with the application of clear criteria to the assessment process.

In ambiguous or problematic cases, a restrictive approach should be taken, i.e. where there is doubt or a lack of information, an application for authorization to transfer small arms or light weapons should be denied.

5.4.2 Impartiality, fairness and timeliness

Applications for authorizations to transfer small arms or light weapons shall be handled impartially, fairly and within a reasonable period of time, which should not exceed 2 months.

A decision on whether or not to approve an application for transfer authorization should be provided to the applicant in writing. If an application is denied, the reasons for denial should be included in the written decision. It should be possible for the applicant to appeal a negative decision.

5.4.3 Preliminary assessment

A transfer control system may include a *preliminary assessment procedure* related to prospective transfers of small arms and light weapons. Under such a system, a preliminary assessment of the competent national authority may be sought on the likelihood that a planned transfer of small arms or light weapons would be granted authorization.

Any preliminary assessment provided by the competent national authority shall be non-binding and may be reversed or otherwise modified as a result of a full assessment of the application for transfer authorization.

5.4.4 Full assessment

The competent national authority shall carry out a full assessment of the potential that a transfer of small arms or light weapons would contribute to or undermine peace and security.

If the assessment finds that a transfer of small arms or light weapons would undermine peace and security, the transfer shall not be allowed to proceed.

In particular, the competent national authority shall carry out a full assessment of the risk that a transfer of small arms and light weapons could be diverted to unauthorized end-users or used to commit or facilitate

- a) a serious violation of
 - 1) international humanitarian law, or
 - 2) international human rights law;
- b) an act constituting an offence under international conventions or protocols to which the State is party, including in relation to
 - 1) terrorism, and
 - 2) transnational organized crime; or
- c) serious acts of
 - 1) gender-based violence, or
 - 2) violence against women and children.

5.4.5 Risk mitigation

The transferring State shall consider whether there are measures that could be undertaken to mitigate risks identified in Clause 5.4.4, such as

- a) confidence-building measures; or
- b) programmes jointly developed and agreed by States party to the transfer.

5.4.6 Grounds for denial

5.4.6.1 Violations

Authorization to transfer small arms or light weapons shall not be granted if the transfer would violate obligations under

- a) measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes; or
- b) international agreements (global or regional) to which a State is party, in particular those relating to the transfer of, or illicit trafficking in, small arms and light weapons.

5.4.6.2 Knowledge

Authorization to transfer small arms or light weapons shall not be granted if the transferring State has knowledge at the time authorization is being considered that the small arms or light weapons would be used in the commission of

- a) genocide;
- b) crimes against humanity;
- c) grave breaches of the Geneva Conventions of 1949;
- d) attacks directed against civilian objects or civilians protected as such; or

- e) other war crimes as defined by international agreements to which it is party.

5.4.6.3 Risk

Authorization to transfer small arms or light weapons shall not be granted if there is an overriding risk that the transfer could

- a) be used in the commission of acts set out in Clauses 5.4.4 and 5.4.6.2;
- b) facilitate acts of terrorism;
- c) facilitate the commission of violent crime, including organized crime and transnational organized crime;
- d) be diverted before reaching the authorized end-user (see Clause 5.4.7);
- e) be re-transferred from the importing State in contravention of contractually agreed restrictions on re-export (see Clause 7.9);
- f) interfere in matters that are essentially within the domestic jurisdiction of another State, (without prejudice to the application of enforcement measures under Chapter VII of the UN Charter); or
- g) be used in such a way that would contravene the prohibition on the use or threat of force enshrined in the UN Charter.

Authorization to transfer small arms or light weapons should not be granted if there is an overriding risk that the transfer could

- h) facilitate oppression or the violation or suppression of peoples' rights and freedoms;
- i) worsen the internal security situation in the importing country, e.g. by providing tools that could be used illicitly as implements of violence;
- j) adversely affect regional peace and security, e.g. by contributing to destabilizing accumulations of small arms and light weapons in a region, by violating regional moratoria on arms imports, or by otherwise contributing to regional instability;
- k) adversely affect sustainable development in the importing State, e.g. through excessive diversion for small arms or light weapons of the importing State's economic resources, especially in the absence of public and parliamentary scrutiny; or
- l) involve corrupt practices at any stage of the transfer.

5.4.7 Assessing the risk of diversion and unauthorized re-export

5.4.7.1 Focus

An assessment should also be undertaken of the risk that some or all of the small arms or light weapons to be transferred could be

- a) diverted before reaching the authorized end-user; or
- b) re-exported from the importing State in contravention of contractually agreed restrictions on re-export (see Clause 7.9),

5.4.7.2 Considerations

In conducting such a risk assessment, the following considerations should be taken into account:

- a) the respective capacities of the transit, transshipment and importing States to prevent diversion of the weapons before they reach their authorized end-user;
- b) the record of compliance by the importing State with past
 - 1) end-use assurances (e.g. provided in end-user certificates or certified end-user statements), and
 - 2) contractual obligations regarding the re-transfer of small arms and light weapons and whether it notifies the original exporting State in the case of re-transfer (see Clause 7.9);
- c) the record of the importing State as a source of authentic and reliable end-user documentation;
- d) the record of the actors involved in the transfer (e.g. brokers, freight forwarding agents, transport/shipping carriers, and intermediate consignees) in preventing diversion;
- e) the capacity of the authorized end-user to ensure adequate stockpile management of the imported weapons – in accordance with ISACS 05.20, *Stockpile management: Weapons*, and, in the case of ammunition, with the *International Ammunition Technical Guidelines* – in order to prevent loss and theft.
- f) whether small arms or light weapons are to be delivered
 - 1) to private individuals or companies, or
 - 2) by circuitous routes.

5.4.7.3 Private actors

Particular care shall be taken when assessing applications for authorization to transfer small arms or light weapons to recipients that are neither governments nor the authorized agents of governments.

Authorization shall not be granted to transfer small arms or light weapons to private actors that have not received the necessary authorizations from the competent authorities of the importing State, including

- a) import authorization; and
- b) certification of the end-user statement (for further guidance on this, see ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*).

5.4.8 Licensed production, parts and components

Applications for authorization to transfer technology or equipment for the express purpose of manufacturing small arms or light weapons shall not be granted if there is an overriding risk that the finished products could be diverted or transferred to destinations or for purposes that would constitute grounds for denial of a transfer of small arms or light weapons (see Clause 5.4.6).

When assessing applications for authorization to transfer parts and components of small arms or light weapons, where it is understood that the goods will be incorporated into weapons for re-export to a third destination, the identity of the end-user of the weapons, if knowable, should be taken into account.

5.5 Form and content of transfer authorizations

5.5.1 Form

Authorizations to transfer small arms or light weapons shall be formal documents whose validity it is possible to establish and which are difficult to forge or falsify. They should be printed on

- a) the official letterhead of the competent State authority issuing them;
- b) difficult to forge paper, such as banknote paper; or
- c) a widely recognized and internationally used standardized form (e.g. an International Import Certificate).

5.5.2 Content

The exact content of a transfer authorization will depend on whether small arms or light weapons are being imported, exported or brokered. The later clauses of this document that deal individually with controls on import, export, transit, transshipment and brokering provide specific guidance in each instance on the content of authorizations and notifications. The purpose of this clause is to provide a compendium of relevant content.

Relevant content that should be included, if available, in authorizations and notifications to transfer small arms or light weapons include

- a) a unique transfer authorization number;
- b) the identity of the competent national authority issuing the authorization, which can include its official stamp;
- c) the signature, printed name and position of the designated official of the competent national authority issuing the authorization;
- d) the name and contact details of the recipient of the authorization;
- e) the date of issuance;
- f) the date of expiration;
- g) the country of export;
- h) the name and contact details of the exporter;
- i) the countries of transit and/or transshipment;
- j) the country of import;
- k) the name and contact details of the end-user;
- l) the end-use of the consignment;
- m) the names and contact details of all parties involved in the transfer, including
 - 1) brokers,
 - 2) freight forwarding agents,
 - 3) transport/shipping carriers, and

- 4) intermediate consignees;
- n) details of the transport route, including the means of transport to be used for each segment;
- o) the value of the consignment; and
- p) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) serial numbers,
 - 6) countries of manufacture or most recent import,
 - 7) import marking (if present),
 - 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
 - 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

5.6 Operating licences

5.6.1 General

In addition to requiring official authorization for each individual import and export of small arms or light weapons, and for each set of brokering activities necessary to complete a transfer, a system of operating licences may be used.

An operating licence does not relate to a specific transfer of small arms or light weapons, but rather authorizes small arms and light weapons exporters, importers and brokers to operate as such in the first place.

When such a system is in use, companies and individuals shall be required to be in possession of an operating licence before they may submit applications for authorization to make specific transfers of small arms or light weapons or to broker such transfers.

A system of operating licences shall not replace the requirement to obtain authorization for each individual transfer of small arms or light weapons.

5.6.2 Register

As part of a system of operating licences, a register of small arms and light weapons exporters, importers and brokers may be created.

5.6.3 Criteria

Applicants for operating licences should be required to meet a set of criteria established by the competent national authority.

5.6.4 Grounds for denial

An application for an operating licence shall be refused if

- a) the applicant has failed to meet the licensing criteria established by the competent national authority;
- b) information submitted in support of the application is false, inaccurate or incomplete;
- c) the intended activity is deemed to be contrary to public or national security; or
- d) the applicant
 - 1) has been refused an operating licence in another State on grounds that would apply in the State considering the application, or
 - 2) has a criminal record that includes time served in prison.

5.6.5 Expiration

The validity of operating licences shall be limited in time; i.e. they shall have an expiry date after which they are no longer valid.

The expiry date shall be clearly marked on the operating licence. The validity of an operating licence

- a) should be limited to reasonable period of time (e.g. 3-5 years); and
- b) may be renewed for additional limited periods on application by the holder of the licence to the competent State authority.

The renewal of an operating licence shall be subject to a detailed assessment of compliance by the applicant with the terms of the previously held operating licence.

5.6.6 Suspension and revocation

An operating licence that has already been granted shall be revoked by the competent national authority if

- a) the licence was obtained under false pretenses, including through the provision of incomplete, misleading, or false information; or
- b) the holder of the operating licence is convicted of criminal activity that includes time to be served in prison.

A person (natural or legal) whose operating licence has been revoked shall be removed from the register of, as applicable, small arms and light weapons exporters, importers and brokers.

If there are credible charges of, or strong evidence for (a) above, an operating licence should be suspended and an investigation conducted.

If, following suspension, an investigation finds insufficient grounds for revoking an operating licence, the suspension shall be lifted immediately. In such a case, the party whose operating licence was suspended should be eligible for compensation for loss of business suffered during the suspension.

The reasons for suspending or revoking an operating licence should be provided in writing to the party whose operating licence has been suspended or revoked. It should be possible for the latter party to appeal such a decision.

5.7 Strengthened controls over the transfer of high-risk weapons

Because of the heightened threat posed by illicit transfers of certain types of high-risk weapons – e.g. Man-Portable Air Defence Systems (MANPADS) and other types of shoulder-fired guided missiles – stricter national controls shall be applied to their transfer.

Such high-risk weapons shall only be transferred to governments or to agents specifically authorized to act on behalf of governments.

Each individual transfer of high-risk weapons shall be subject to an individual licensing decision. Simplified procedures (see Clause 5.2.5) shall not apply.

Prior to authorizing an export of high-risk weapons, the government of the exporting State (original exporting government) should gain the following assurances from the recipient government:

- a) the high-risk weapons shall not be re-exported
 - 1) under any circumstances; or
 - 2) without prior, written authorization from the original exporting government; and
- b) the original exporting government shall be informed promptly of the loss, theft or unauthorized use of any of the exported high-risk weapons.

The original exporting government should also satisfy itself that the recipient government is willing and able to ensure

- c) the safe and secure storage and management of the high-risk weapons, in accordance with
 - 1) ISACS 05.20, *Stockpile management: Weapons*, and the
 - 2) International Ammunition Technical Guidelines; and
- d) the safe and secure destruction of the high-risk weapons should they become obsolete or surplus to national requirements, in accordance with
 - 1) ISACS 05.50, *Destruction: Weapons*, and
 - 2) IATG 10.10, *Demilitarization and Destruction of Conventional Ammunition*.

5.8 Secure transfer requirements

International transfers of small arms or light weapons may be required to take place under the supervision and escort of security forces assigned by the relevant national authorities.

Such strengthened requirements should be imposed on transfers of certain high-risk categories of small arms and light weapons, e.g. Man-Portable Air-Defence Systems (MANPADS) and other types of shoulder-fired guided missiles.

6 National legislation

6.1 General

At the national level, laws, regulations and administrative procedures shall be in place to enable the government to exercise effective control over the import, export, transit, transshipment and brokering (i.e. transfers) of small arms and light weapons.

Such controls shall be adequate to minimize the risk that small arms and light weapons could be diverted or used in any of the ways set out in Clause 5.4.6.

6.2 Licensing requirement

National legislation shall require that the export, import and brokering of small arms and light weapons be licensed by a competent authority of the State.

National legislation should require that the transit and transshipment of small arms and light weapons also be regulated. This should include the creation of a legislative framework to

- a) require the advance notification of transits and transshipments of small arms and light weapons;
- b) monitor the transit and transshipment of small arms and light weapons; and
- c) deny transits and transshipments of small arms and light weapons where grounds for denial exist (see Clause 5.4.6).

The licensing system shall include, at a minimum,

- d) a legal basis,
- e) an export policy,
- f) a decision-making mechanism, and
- g) an enforcement mechanism.

6.3 List of controlled goods and services

6.3.1 Control list

National legislation shall contain a control list defining the categories of small arms and light weapons that are covered by export, import, transit, transshipment and brokering (i.e. transfer) controls.

The national small arms and light weapons control list

- a) should be integrated into the broader national control list that identifies all controlled military and dual-use items;
- b) shall be provided to the Secretariat of the United Nations (UN Office for Disarmament Affairs, Conventional Arms Branch); and
- c) should be made publicly available.

6.3.2 Goods

The national small arms and light weapons control list should cover all small arms and light weapons, their parts, components and ammunition, as well as the technology for their manufacture, regardless of whether they are

- a) new;
- b) used (second-hand); or
- c) surplus to national requirements.

6.3.3 Services

The national small arms and light weapons control list should cover

- a) transfers to the government of another State;
- b) transfers to private end-users in another State;
- c) commercial sales to buyers in another State;
- d) leases to users (government or private) in another State;
- e) licensed production in another State, including transfers of technology and equipment for this purpose;
- f) intangible transfers of software or technology (e.g. through electronic media, fax, telephone, etc.) specifically related to the production of small arms or light weapons; and
- g) loans, gifts, aid or any other form of transfer of material goods, credit or expertise specifically related to the production of small arms or light weapons.

6.4 Roles and responsibilities

National legislation shall clearly identify

- a) the national authority (or authorities) responsible for
 - 1) authorizing the import, export and brokering of small arms and light weapons; and
 - 2) denying, when necessary, transits and transshipments of small arms and light weapons; and
- b) the roles and responsibilities of other national authorities and parliamentary bodies in controlling small arms and light weapons transfers (see Clause 13).

6.5 Integration of controls

As a general principle, national controls over the import, export, transit, transshipment and brokering of small arms and light weapons – including laws, regulations and administrative procedures – should be integrated into a coherent national transfer control regime that encompasses major weapons systems, ammunition and dual use items.

6.6 Criminal offences

The unauthorized export, import, transit, transshipment and brokering of small arms and light weapons shall be designated as criminal offences. Individuals engaged in such activities shall be prosecuted under relevant national penal codes.

7 Import controls

7.1 General

The general principles set out in Clause 5 of this document shall apply to national controls over the import of small arms and light weapons.

Laws, regulations and administrative procedures to control the import of small arms and light weapons shall be in place at the national level. These shall enable the government to exercise effective control over all small arms and light weapons entering and remaining in a State's jurisdiction.

National controls over the import of small arms and light weapons shall be sufficient to minimize the risk that the weapons could be diverted or used in any of the ways set out in Clause 5.4.6.

7.2 Goods and services covered

Import controls shall apply to all goods and services covered by the national small arms and light weapons control list (see Clause 6.3).

7.3 Import authorization process

7.3.1 General

The import of small arms and light weapons shall be subject, on a case-by-case basis, to prior, written authorization by the competent authority of the importing State.

Simplified procedures may be used to facilitate the import authorization process (see Clause 5.2.5).

7.3.2 Source

Responsibility for authorizing the import of small arms and light weapons should reside in a single national authority that is clearly identified in national legislation.

7.3.3 Sequencing

Import authorizations should be issued first; before authorizations for brokering and export (see Clause 5.2.6).

This establishes the primacy of the importing State in the transfer authorization chain; insofar as it should not be possible for a transfer process to be initiated until the importing State has indicated (by issuing an import authorization) that it has no objection to the proposed transfer.

7.4 Applications for import authorization

Applications for import authorization should contain as much of the information listed in Clause 5.3 as is available at the time of application. At a minimum, however, applications for import authorization should contain

- a) the name and contact details of the applicant (the importer);
- b) the name and contact details of the end-user;
- c) an end-use assurance, made in accordance with ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*; and
- d) a description of the items to be imported, including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers

- 5) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
- 6) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

7.5 Assessment of applications for import authorization

7.5.1 General

The competent authority of the importing State shall assess each application for import authorization in accordance with clearly defined criteria.

Such criteria should reflect the fact that the quantity and types of small arms and light weapons to be imported should be commensurate with

- a) national self-defence and security requirements;
- b) requirements for participating in United Nations or regional peace support operations; and
- c) the civilian market for small arms, in accordance with national law.

The reliability of the applicant and the end-user should be verified before an import authorization is granted; i.e. the assessment should investigate if the applicant and the end user are legally registered companies or individuals in good financial and legal standing (i.e. not bankrupt and without criminal records involving time served in prison), with no reason to question their ability or intention to comply with national small arms and light weapons import controls.

Assessments should be particularly rigorous if the intended recipient of the weapons is a private company or an individual.

7.5.2 Grounds for denial

Authorization to import small arms or light weapons shall not be granted if

- a) the information listed in Clause 7.4 has not been provided;
- b) the proposed import is inconsistent with Clause 7.5.1 (a, b or c);
- c) there is an overriding risk that some or all of the weapons could be diverted before reaching the authorized end-user; or
- d) the intended recipient is not legally entitled to be in possession of the weapons in question in the country of import.

7.6 Form and content of import authorizations

The form of import authorizations should be in accordance with Clause 5.5.1.

Import authorizations should contain as much of the information listed in Clause 5.5.2 as is available at the time of issuance of the authorization. At a minimum, however, it should contain

- a) a unique import authorization number;
- b) the identity of the competent national authority issuing the authorization, which can include its official stamp;

- c) the signature, printed name and position of the designated official of the competent national authority issuing the authorization;
- d) the name and contact details of the recipient of the authorization;
- e) the date of issuance;
- f) the date of expiration (see Clause 5.2.7);
- g) the name and contact details of the authorized end-user;
- h) the authorized end-use of the consignment; and
- i) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
 - 6) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

7.7 Recordkeeping

7.7.1 General

The competent authority of the importing State shall keep detailed records of all authorizations issued to import small arms and light weapons. These records shall be supplemented with additional information once the import takes place, as indicated below.

Records should be organized and maintained in accordance with ISACS 05.30, *Marking and recordkeeping*, in particular its Clause 6.

Records shall be maintained for at least 20 years, and should be maintained indefinitely.

7.7.2 Import authorization records

The competent authority of the importing State shall keep detailed records of all authorizations issued to import small arms or light weapons. Such records should include the

- a) import authorization
 - 1) number,
 - 2) issuing agency,
 - 3) issue date,
 - 4) expiry date, and

- 5) recipient (name and contact details);
- b) name and contact details of the authorized end-user;
- c) authorized end use; and
- d) description of the small arms or light weapons authorized for import, including their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers
 - 5) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
 - 6) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

7.7.3 Import records

In addition to the information listed in Clause 7.7.2 in relation to *import authorizations*, the following information should also be recorded for all *actual imports* of small arms and light weapons:

- a) date of import;
- b) export authorization
 - 1) number,
 - 2) issuing agency,
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);
- c) end-user certificate (or certified end-user statement)
 - 1) number, and
 - 2) issuing (or certifying) agency; and
- d) description of the small arms or light weapons imported, including, for assembled small arms or light weapons, their
 - 1) serial numbers,
 - 2) country of manufacture, and
 - 3) import markings (see Clause 7.8).

7.8 Marking at the time of import

Each individual small arm and light weapon shall be marked at the time of import in accordance with Clause 5.3 of ISACS 05.30, *Marking and recordkeeping*.

7.9 Controls on re-export

The importing State shall honour all contractually agreed restrictions on the re-export of small arms or light weapons, which may include commitments not to re-export them

- a) under any circumstances;
- b) without prior, written authorization from the original exporting State;
- c) without prior, written notification to the original exporting State; or
- d) if the weapons are intended for commercial sale in the original importing State, without due export authorization by the original importing State.

In the absence of contractual agreements regarding restrictions on re-export, the importing State should default to point (c) above, *i.e. notify the original exporting State in writing before re-exporting small arms or light weapons.*

Contractual commitments related to points (b) and (c) above may include a list of States the re-export to which would not require prior, written authorization from or notification to the original exporting State.

8 Export controls

8.1 General

The general principles set out in Clause 5 of this document shall apply to national controls over the export of small arms and light weapons.

Laws, regulations and administrative procedures to control the export of small arms and light weapons shall be in place at the national level. These shall enable the government to exercise effective control over all small arms and light weapons leaving a State's jurisdiction.

National controls over the export of small arms and light weapons shall be sufficient to minimize the risk that the weapons could be diverted or used in any of the ways set out in Clause 5.4.6.

8.2 Goods and services covered

Export controls shall apply to all goods and services covered by the national small arms and light weapons control list (see Clause 6.3).

8.3 Export authorization process

8.3.1 General

The export of small arms and light weapons shall be subject, on a case-by-case basis, to prior, written authorization by the competent authority of the exporting State.

Simplified procedures may be used to facilitate the export authorization process (see Clause 5.2.5).

8.3.2 Source

Responsibility for authorizing the export of small arms and light weapons should reside in a single national authority that is clearly identified in national legislation.

8.3.3 Sequencing

Authorization to export small arms or light weapons should not be granted before the importing State first issues an import authorization (see Clause 5.2.6).

8.4 Applications for export authorization

8.4.1 General

Applications for export authorization should contain as much of the information listed in Clause 5.3 as is available at the time of application. At a minimum, however, applications for export authorization should contain

- a) the name and contact details of the applicant (the exporter);
- b) the applicant's operating licence, if applicable (see Clause 5.6);
- c) the import authorization (issued by the importing State);
- d) the end-user certificate or certified end-user statement, issued in accordance with ISACS 03.21, *National Controls over the end-user and end-use of internationally transferred small arms and light weapons*;
- e) the intended end-use of the consignment;
- f) the names, contact details and roles of all parties involved in the transfer, including
 - 1) principal brokers,
 - 2) freight forwarding agents,
 - 3) transport/shipping carriers, and
 - 4) intermediate consignees;
- g) if available, details of the transport route, including the means of transport to be used for each segment (if any segment involves transport by air, the additional information set out in Clause 8.4.2 should also be included);
- h) the value of the consignment; and
- i) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) serial numbers (if available),

- 6) countries of manufacture,
- 7) import marking (if present),
- 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
- 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

8.4.2 Additional information on air transport

If an export involves transport of small arms or light weapons by air, additional information on air transport logistics should be included in the application for export authorization. This should include

- a) the name and contact details of the air carrier;
- b) the aircraft registration number;
- c) the aircraft country of registration; and
- d) the flight route to be used, including planned stopovers.

8.4.3 Information on the end-user and end-use

8.4.3.1 General

Authorization to export small arms or light weapons shall not be granted in the absence of authentic documentation specifying the end-user and end-use of the weapons, in accordance with ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*.

The provision of such documentation shall not be the sole basis for deciding whether an export authorization will be granted. It shall form only one part of a comprehensive assessment of the application for export authorization (see Clause 5.4).

8.4.3.2 Weapons intended for commercial sale

If an export of small arms is intended for commercial sale in the country of import,

- a) the wholesaler (or the retailer, if known) may be listed as the end-user; and
- b) a designation such as “commercial sale on the domestic market” may be used as a description of the end-use.

For further guidance on this, see ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*.

8.4.4 Conditional export authorization (due to unavailable information)

In situations where certain required information is unavailable at the time when an application for export authorization is submitted, an export authorization may be issued on the condition that the missing information is provided to the competent national authority – and reviewed and formally cleared by it – prior to the export taking place.

In such a case, a precise deadline shall be set for receipt of the missing information.

A conditional export authorization shall be revoked if

- a) the applicant for export authorization does not provide all of the missing information to the competent national authority by the deadline set; or
- b) the information provided creates grounds for denial (see Clause 5.4.6).

8.5 Assessment of applications for export authorization

8.5.1 General

The competent authority of the exporting State shall assess each application for export authorization based on clearly defined criteria.

The reliability of the applicant, the end user and all other parties involved in the transfer should be verified before an export authorization is granted.

The assessment should verify that the applicant, the end user and all other parties to the transfer are either

- a) State agencies;
- b) legally registered companies; or
- c) individuals
 - 1) in good financial and legal standing (i.e. not bankrupt and without criminal records involving time served in prison), and
 - 2) with no reason to question their ability or intention to comply with national small arms and light weapons export controls.

Assessments should be particularly rigorous if the intended recipient of the weapons is a private company or an individual.

8.5.2 Grounds for denial

Authorization to export small arms or light weapons shall not be granted if

- a) the information listed in Clause 8.4 has not been provided;
- b) any of the grounds for denial listed in Clause 5.4.6 apply; or
- c) an assessment conducted in accordance with Clause 5.4.7 finds a overriding risk of diversion or unauthorized re-export.

8.5.3 Inter-agency involvement

While the authority to issue small arms and light weapons export authorizations should reside in a single national authority (see Clause 5.2.3), the assessment of applications for export authorization should include inputs from all relevant authorities across government, in accordance with ISACS 03.40, *National coordinating mechanisms on small arms and light weapons control*.

Government officials should be provided with sufficient resources and training to enable them to make detailed assessments of applications for export authorization, including the identification of false documentation.

8.6 Form and content of export authorizations

The form of export authorizations should be in accordance with Clause 5.5.1.

Export authorizations should contain as much of the information listed in Clause 5.5.2 as is available at the time of issuance of the authorization. At a minimum, however, they should contain

- a) a unique export authorization number;
- b) the identity of the competent national authority issuing the authorization, which can include its official stamp;
- c) the signature, printed name and position of the designated official of the competent national authority issuing the authorization;
- d) the name and contact details of the recipient of the authorization;
- e) the date of issuance;
- f) the date of expiration (see Clause 5.2.7);
- g) the countries of transit and/or transshipment (if known);
- h) the country of import;
- i) the import authorization number;
- j) the name and contact details of the authorized end-user;
- k) the authorized end-use of the consignment;
- l) the names and contact details of all parties involved in the transfer, including the
 - 1) principal brokers,
 - 2) freight forwarding agents,
 - 3) transport/shipping carriers, and
 - 4) intermediate consignees;
- m) details of the transport route, including the means of transport to be used for each segment (if known);
- n) the value of the consignment; and
- o) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) serial numbers (if available),

- 6) countries of manufacture,
- 7) import marking (if present),
- 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
- 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

8.7 Recordkeeping

8.7.1 General

The competent authority of the exporting State shall keep detailed records of all

- a) authorizations issued to export small arms and light weapons; and
- b) actual exports of small arms and light weapons.

Records should be organized and maintained in accordance with ISACS 05.30, *Marking and recordkeeping*, in particular its Clause 6.

Records shall be maintained for at least 20 years, and should be maintained indefinitely.

8.7.2 Export records

Records of export authorizations and actual exports should include the

- a) export authorization
 - 1) number,
 - 2) issuing agency,
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);
- b) country of import;
- c) import authorization
 - 1) number,
 - 2) issuing agency (in the importing State);
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);
- d) countries of transit and transshipment;

- e) end-user certificate (or certified end-user statement)
 - 1) number,
 - 2) issuing (or certifying) agency in the importing State,
 - 3) end-user (name and contact details), and
 - 4) end-use;
- f) names and contact details of the
 - 1) brokers,
 - 2) freight forwarding agents,
 - 3) transport/shipping carriers, and
 - 4) intermediate consignees;
- g) value of the export; and
- h) description of the small arms or light weapons authorized for export, including their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) serial numbers,
 - 6) countries of manufacture,
 - 7) import marking (if present),
 - 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
 - 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

9 Transit and transshipment controls

9.1 General

The general principles set out in Clause 5 of this document should apply to national controls over the transit and transshipment of small arms and light weapons.

Laws, regulations and administrative procedures to control the transit and transshipment of small arms and light weapons should be in place at the national level. These should enable the government to exercise effective control over all small arms and light weapons entering a State's jurisdiction for the purpose of transit or transshipment.

National controls over transit and transshipment should be sufficient to minimize the risk that small arms or light weapons could be diverted or used in any of the ways set out in Clause 5.4.6.

9.2 Goods and services covered

Transit and transshipment controls should apply to all goods and services covered by the national small arms and light weapons control list (see Clause 6.3).

9.3 Transit and transshipment notification process

9.3.1 General

In addition to the normal rules and regulations governing the transit and transshipment of goods, the transit and transshipment of small arms and light weapons shall be subject, on a case-by-case basis, to prior, written notification to the competent authority of the State across or on whose territory (i.e. land, territorial waters, internal waters or national airspace) the transit or transshipment is to take place.

Transit and transshipment States should monitor notifications of transits and transshipments of small arms and light weapons that take place across or on their territory and shall not allow a transit or transshipment to proceed if grounds for its denial exist (see Clause 5.4.6).

9.3.2 Source

Responsibility for monitoring notifications of and, if necessary, denying transits and transshipments of small arms and light weapons should reside with the same national authority responsible for authorizing the export of small arms and light weapons.

9.4 Notifications of transit and transshipment

Notifications of transit or transshipment of small arms and light weapons to the transit or transshipment State should contain, at a minimum,

- a) the name and contact details of the entity making the notification;
- b) the import authorization;
- c) the export authorization;
- d) the end-user certificate or certified end-user statement;
- e) the intended end-use of the consignment; and
- f) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) serial numbers,
 - 6) countries of manufacture,
 - 7) import marking (if present);

- 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
- 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

9.5 Monitoring and assessment of transit and transshipment notifications

9.5.1 General

The competent authority of the transit or transshipment State should monitor and assess each notification of transit and transshipment of small arms and light weapons based on clearly defined criteria.

Assessments should be particularly rigorous if the intended recipient of the weapons is a private company or an individual.

9.5.2 Grounds for denial

A transit or transshipment of small arms or light weapons

- a) should not be allowed to proceed if the information listed in Clause 9.4 has not been provided; and
- b) shall not be allowed to proceed if any of the grounds for denial listed in Clause 5.4.6 apply.

9.6 Recordkeeping

9.6.1 General

The competent authority of the transit and/or transshipment State should keep detailed records of all received notifications of transit or transshipment of small arms and light weapons and of all actual transits and transshipments that take place.

Records should be organized and maintained in accordance with ISACS 05.30, *Marking and recordkeeping*, in particular its Clause 6.

Records shall be maintained for at least 20 years, and should be maintained indefinitely.

9.6.2 Transit and transshipment records

Records of transit and transshipment notifications and of actual transits and transshipments of small arms and light weapons should include the

- a) country of import;
- b) import authorization
 - 1) number,
 - 2) issuing agency (in the importing State);
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);

- c) end-user certificate (or certified end-user statement)
 - 1) number,
 - 2) issuing (or certifying) agency in the importing State, and
 - 3) end-user (name and contact details);
- d) export authorization
 - 1) number,
 - 2) issuing agency (in the exporting State);
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);
- e) value of the consignment; and
- f) description of the small arms or light weapons, including their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) serial numbers,
 - 6) countries of manufacture,
 - 7) import marking (if present),
 - 8) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
 - 9) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

10 Brokering controls

10.1 General

The General principals set out in clause 5 shall apply to national controls over the brokering of small arms and light weapons transfers.

Laws, regulations and administrative procedures to control the brokering of small arms and light weapons transfers shall be in place at the national level. These shall enable the government to exercise effective control over all small arms and light weapons brokering activities that take place within a State's jurisdiction.

National controls over the brokering of small arms and light weapons transfers shall be sufficient to minimize the risk that the weapons being transferred could be diverted or used in any of the ways set out in Clause 5.4.6.

10.2 Jurisdiction

National controls shall be exercised over all small arms and light weapons brokering activities that take place on the territory of a State, regardless of whether

- a) such activities are carried out by nationals or non-nationals of the State in question; or
- b) the weapons being brokered ever enter the jurisdiction of the State in which the brokering activities take place.

Where domestic law allows, control should also be exercised over small arms and light weapons brokering activities that are conducted outside of the State's territory by nationals or residents of the State (see Clause 10.4.5).

10.3 Goods, services and activities covered

10.3.1 Goods and services covered

Brokering controls shall apply to all goods and services covered by the national small arms and light weapons control list (see Clause 6.3).

10.3.2 Primary brokering activities

National controls over the brokering of small arms and light weapons transfers shall apply

- a) to the negotiation or arrangement of transactions that involve the international transfer of small arms or light weapons in return for some form of benefit, whether financial or otherwise (i.e. brokering activities), including, in the context of a transaction to transfer small arms or light weapons,
 - 1) serving as a finder of business opportunities for one or more parties,
 - 2) putting parties to a transaction in contact with each other, or
 - 3) assisting parties to a transaction to
 - reach agreement or concluding contracts,
 - obtain the necessary authorizations and documentation,
 - arrange the logistics of the transfer, or
 - arrange the necessary payments.
- b) to brokering activities that involve the transfer of small arms or light weapons between States other than the State in whose jurisdiction the brokering activities take place; and
- c) regardless of whether
 - 1) the weapons pass through the territory of the State in whose jurisdiction the brokering activity takes place, or
 - 2) the broker takes possession or ownership of the consignment.

10.3.3 Secondary brokering activities

Secondary brokering activities are those that are closely associated with brokering in small arms and light weapons, do not necessarily in themselves constitute brokering, but might be undertaken by brokers as part of the process of putting a deal together to gain a benefit.

In order to reinforce national controls on brokering, special attention should be paid to secondary brokering activities, which include the following services when connected with small arms or light weapons transfers:

- a) freight forwarding;
- b) transportation (by land, sea and air, including charter services);
- c) finance;
- d) insurance;
- e) maintenance;
- f) storage;
- g) training;
- h) security; and
- i) technical assistance.

Controlling secondary brokering activities can increase a State's oversight of the trade in small arms and light weapons. In doing so, however, unmanageable administrative burdens should be avoided.

10.4 Brokering authorization process

10.4.1 General

Each set of brokering activities necessary to arrange a transfer of small arms or light weapons between States other than the State in which the brokering activities take place shall be subject, on a case-by-case basis, to prior, written authorization by the competent authority of the State in whose jurisdiction the brokering activities take place.

Simplified procedures may be used to facilitate the brokering authorization process (see Clause 5.2.5).

National controls on brokering may also apply to transfers that involve the import or export of small arms or light weapons into or from the State in whose jurisdiction the brokering activities take place (even though such imports and exports shall be subject to the controls on set out in Clauses 7 and 8 of this document, respectively).

10.4.2 Source

Responsibility for authorizing the brokering of small arms and light weapons should reside in the same national authority that is responsible for authorizing the export of small arms and light weapons (see Clause 5.2.3).

10.4.3 Sequencing

A brokering authorization should not be granted before the importing State has first issued an import authorization, but may be granted before the exporting State has issued an export authorization, (see Clause 5.2.6), since arranging an export authorization can constitute a brokering activity.

10.4.4 Operating licence

Persons (natural or legal) who wish to engage in small arms or light weapons brokering activities should be required to be in possession of an operating licence (see Clause 5.6).

Holders of broker operating licences should be registered with the national authority responsible for authorizing exports of small arms and light weapons.

10.4.5 Extra-territorial jurisdiction

Some States apply extra-territorial controls over brokering activities, i.e. they assert jurisdiction over brokering activities carried out on their (State A's) territory, as well as over brokering activities carried out in other States by their (State A's) nationals.

Where extra-territoriality applies, some brokers and brokering activities may be subject to regulation both by the State of nationality of the broker, as well as by the State in whose jurisdiction the brokering activity is to take place.

In such cases, the competent authorities of the States in question should consult with one another in order to decide whether

- a) to require authorization (for a set of brokering activities) or an operating licence (for a broker) from both States; or
- b) one State will waive its requirement for authorization or licensing where it considers the controls in the other State to be adequate.

10.5 Applications for brokering authorization

Applications for authorization to broker an international transfer of small arms or light weapons should contain as much of the information and documentation listed in Clause 5.3 as is available at the time of application. At a minimum, however, applications should contain

- a) the name and contact details of the applicant for authorization (the broker);
- b) the applicant's operating licence (see Clause 10.4.4);
- c) the country of import;
- d) the import authorization; and
- e) the name and contact details of the end-user.

10.6 Assessment of applications for brokering authorization

10.6.1 General

The competent authority of the State in whose jurisdiction brokering activities are intended to take place shall assess each application for brokering authorization based on clearly defined criteria.

Assessments should be particularly rigorous if the intended recipient of the weapons is a private company or an individual.

10.6.2 Grounds for denial

Authorization to broker an international transfer of small arms or light weapons shall not be granted if

- a) the information listed in Clause 10.5 has not been provided;

- b) any of the grounds for denial listed in Clause 5.4.6 apply; or
- c) an assessment conducted in accordance with Clause 5.4.7 finds a overriding risk of diversion or unauthorized re-export.

10.7 Form and content of brokering authorizations

The form of brokering authorizations should be in accordance with Clause 5.5.1.

At a minimum, brokering authorizations should contain

- a) a unique brokering authorization number;
- b) the identity of the competent national authority issuing the authorization, which can include its official stamp;
- c) the signature, printed name and position of the designated official of the competent national authority issuing the authorization;
- d) the name and contact details of the recipient of the authorization (the broker);
- e) the date of issuance;
- f) the date of expiration (see Clause 5.2.7);
- g) the country of import;
- h) the name and contact details of the end-user (authorized by the importing State);
- i) the end-use of the consignment (authorized by the importing State); and
- j) a description of the consignment including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and
 - 6) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

10.8 Recordkeeping

10.8.1 General

The competent national authority shall keep detailed records of all authorizations it issues to broker international transfers of small arms and light weapons.

Records should be organized and maintained in accordance with ISACS 05.30, *Marking and recordkeeping*, in particular its Clause 6.

Records shall be maintained for at least 20 years, and should be maintained indefinitely.

10.8.2 Brokering records

Records of brokering authorizations should include the

- a) brokering authorization
 - 1) number,
 - 2) issuing agency,
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);
- b) country of import;
- c) import authorization
 - 1) number,
 - 2) issuing agency (in the importing State);
 - 3) issue date,
 - 4) expiry date, and
 - 5) recipient (name and contact details);
- d) end-user certificate (or certified end-user statement)
 - 1) number,
 - 2) issuing (or certifying) agency in the importing State, and
 - 3) end-user (name and contact details);
- e) country of export;
- f) name and contact details of the exporter;
- g) value of the consignment; and
- h) description of the small arms or light weapons authorized for export, including, in the case of assembled small arms or light weapons, their
 - 1) quantities,
 - 2) makes,
 - 3) models,
 - 4) calibers,
 - 5) types (e.g. revolver, pistol, rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, recoilless rifle, anti-aircraft gun, anti-tank gun, anti-tank

rocket system, anti-tank missile system, anti-aircraft missile system (e.g. MANPADS), etc.), and

- 6) actions (e.g. manual, semi-automatic or automatic. If a weapon has a selective fire capability, the highest capability, automatic being the highest, should be indicated).

11 Enforcement mechanisms

11.1 General

Mechanisms that facilitate knowledge of and compliance with laws, regulations and administrative procedures related to small arms and light weapons transfers shall be in place at the national level.

Such mechanisms shall

- a) make public relevant information about laws, regulations and administrative procedures related to transfers of small arms and light weapons so that actors engaged in such transfers can inform themselves of their legal obligations; and
- b) allow for the investigation and prosecution of violations of small arms and light weapons transfer controls.

11.2 Outreach to industry

11.2.1 General

Outreach to the small arms and light weapons industry – e.g. companies and individuals involved in the manufacture, buying, selling, brokering, transportation and storage of small arms and light weapons – can improve compliance with national laws, regulations and administrative procedures relating to the transfer of small arms and light weapons.

Such outreach can also alleviate the administrative burden on competent national authorities by providing pertinent information that enables industry bodies to put in place their own internal regulatory mechanisms.

11.2.2 Information dissemination

Companies and individuals that are involved in any aspect of the international transfer of small arms or light weapons should have made available to them clear information concerning their obligations under national small arms and light weapons transfer controls, including

- a) relevant national laws, regulations and administrative procedures;
- b) relevant regional and international agreements to which the State is party;
- c) the national small arms and light weapons control list (see Clause 6.3);
- d) a list of States subject to complete or partial arms embargos imposed by
 - 1) the UN Security Council, or
 - 2) a regional organization of which the State is a member;
- e) the name and contact details of the national authority responsible for authorizing the import, export and brokering of small arms and light weapons and for monitoring transits and transshipments;

- f) forms to be used when requesting authorization for the import, export and brokering of small arms and light weapons and for notifying their transit and transshipment; and
- g) relevant customs information.

11.2.3 Information updates

Changes to national laws, regulations and administrative procedures related to the international transfer of small arms and light weapons should be made public in a timely manner so that industry can keep itself informed of its legal obligations.

11.2.4 Training

Relevant companies and individuals should be provided with training to improve their understanding of the objectives and scope of national small arms and light weapons transfer controls.

11.2.5 Inspection

Inspection visits should be carried out to verify that relevant companies and individuals are complying with national laws, regulations and administrative procedures related to the international transfer of small arms and light weapons.

11.3 Penalties

National laws, regulations and administrative procedures related to the international transfer of small arms and light weapons shall include provisions that enable the investigation, prosecution and punishment of violations.

Penalties that are sufficient to punish and deter violations of small arms and light weapons transfer controls shall be in place. These may be a mix of civil and criminal penalties including fines, confiscation of proceeds from transactions, and custodial sentences.

Penalties shall apply to all violations that take place in a State's jurisdiction, regardless of whether they are committed by nationals or non-nationals.

Where domestic law allows for the application of extra-territorial jurisdiction, penalties should also apply to violations that take place outside of a State's (State A's) territory by nationals and residents of the State (State A) (see Clause 10.4.5).

Subject to national legal practice, the following types of offences shall be punished through fines, imprisonment or both:

- a) the actual or attempted import, export, transit, transshipment or brokering of small arms or light weapons in violation of national transfer control laws;
- b) violations or attempted violations of the conditions of the import, export or brokering authorization;
- c) submission of false information in connection with an application for authorization;
- d) organizing, directing, aiding, abetting, facilitating or counseling the commission of an offence in violation of national transfer control laws; and
- e) any other violation or attempted violation of national laws governing the international transfer of small arms or light weapons.

11.4 Violation of arms embargoes

The violation and attempted violation of arms embargoes imposed by the UN Security Council acting under Chapter VII of the UN Charter shall be designated as criminal offences.

Suspected violations of UN Security Council arms embargoes by persons (natural or legal) within the jurisdiction of a State shall be investigated and, if substantiated, prosecuted.

The provisions of this Clause should also apply to the violation of arms embargoes or moratoria imposed by a regional organization of which the State in question is a member.

11.5 Customs

National customs authorities play an important role in supervising and enforcing small arms and light weapons transfer controls.

At the point of entry, exit, transit and transshipment (unless the transit or transshipment takes place within an area not subject to customs controls), customs officials shall verify that

- a) the consignment of small arms or light weapons is accompanied by all required authorizations and documentation, in particular
 - 1) the import authorization,
 - 2) the export authorization,
 - 3) the transit and transshipment notifications, and
 - 4) the end-user certificate or certified end-user statement; and
- b) the actual content of the consignment is consistent with the description of the consignment contained in the authorizations.

Customs officials should receive specialized training to enable them to recognize and intercept illicit transfers of small arms and light weapons.

The national authority responsible for authorizing the import, export and brokering of small arms and light weapons should cooperate with the national customs authority, including by sharing information on approved and denied applications to transfer small arms or light weapons internationally.

NOTE For further guidance related to customs, see ISACS 05.60, *Border controls and law enforcement cooperation*.

12 International cooperation and assistance

12.1 General

A State may request, offer or receive assistance in strengthening its national controls over the transfer of small arms and light weapons through, inter alia, the United Nations, international, regional, sub-regional, national and non-governmental organizations, or on a bilateral basis. This may include technical, material and financial assistance in the areas of

- a) strengthening national laws, regulations and administrative procedures (including model legislation and other legislative assistance);
- b) institutional capacity-building;

- c) management of small arms and light weapons stockpiles;
- d) disarmament, demobilization and reintegration of ex-combatants; and
- e) effective practices for controlling transfers of small arms and light weapons and preventing their diversion.

A State in a position to do so shall, upon request, provide assistance to a State that requests it.

States should contribute to and make use of the voluntary Trust Fund established under the Arms Trade Treaty in order to promote international cooperation and assistance in strengthening national controls over the transfer of small arms and light weapons.

12.2 Harmonization of laws and policies

Harmonized laws and policies on small arms and light weapons transfer controls should be developed through coordination and cooperation at bilateral and multilateral levels and through regional organizations.

Such coordination and cooperation may include

- a) the sharing and promotion of effective practices in the form of national laws, regulations and administrative procedures related to small arms and light weapons transfers;
- b) the confidential exchange of information on transfers of small arms and light weapons;
- c) comparative research on the different national export control regimes (both regulatory and operational) in a region in order to identify similarities and differences;
- d) regional seminars to advance harmonization; and
- e) the provision of technical advice.

12.3 Investigations, prosecutions and judicial proceedings

States shall afford one another the widest measure of assistance in investigations, prosecutions and judicial proceedings related to violations of national laws, regulations and administrative procedures designed to control the international transfer of small arms and light weapons.

12.4 Information sharing

12.4.1 National point of contact

One or more national points of contact shall be designated to exchange information on matters related to the international transfer of conventional weapons, i.e. imports, exports, transits, transshipments and brokering.

The national point of contact on international transfers of conventional weapons may be the same as the national point of contact on small arms and light weapons (see ISACS 03.40, *National coordinating mechanisms on small arms and light weapons control*).

A State that is party to the Arms Trade Treaty shall notify the Arms Trade Treaty Secretariat of its national point of contact for the international transfer of conventional weapons and shall keep this information up to date.

12.4.2 Sharing information on national practice

States should regularly exchange information on

- a) the content of national laws, regulations and administrative procedures related to controlling transfers of small arms and light weapons;
- b) the practical application of such laws, regulations and administrative procedures; and
- c) the application of criteria to the assessment of applications for transfer authorizations.

12.4.2.1 Agencies to involve

Such exchanges should be coordinated by relevant regional organizations and should involve close co-operation among the following agencies and departments:

- a) national authorities responsible for authorizing transfers of small arms and light weapons;
- b) other ministries involved in assessing applications for transfer authorizations;
- c) relevant inter-ministerial committees;
- d) intelligence services;
- e) customs authorities; and
- f) authorities concerned with the screening of companies engaged in small arms and light weapons brokering activities.

12.4.3 Sharing information on transfers

12.4.3.1 General

The sharing of information on transfers of small arms and light weapons serves to build confidence, promote the harmonization across States of transfer control laws and policies, and assist government officials in the assessment of applications for transfer authorization.

Importing, exporting, transit, transshipment and brokering States shall cooperate and exchange information in relation to transfers of small arms and light weapons in order to reduce the risk of diversion to unauthorized end users.

The exporting State shall make available to the importing State and to the transit or trans-shipment States, upon request, appropriate information about the export authorization.

The importing State

- a) shall make available to the exporting State, upon request, appropriate information to assist the exporting State to assess an application for export authorization; and
- b) may request information from the exporting State concerning any pending or actual export authorizations where the importing State is the country of final destination.

12.4.3.2 UN Register of Conventional Arms

States should report their imports and exports of small arms and light weapons to the UN Register of Conventional Arms on an annual basis.

If a State has not imported or exported any small arms or light weapons during a calendar year, it should nevertheless submit a nil report to the Register.

NOTE 1 The United Nations Register of Conventional Arms is a global transparency mechanism designed to prevent excessive and destabilizing accumulations of conventional arms and to encourage restraint in arms transfers and military holdings. Within the scope of the Register, UN Member States are invited to report on their international transfers of small arms and light weapons.

NOTE 2 Every year, the UN Office for Disarmament Affairs (UNODA) invites Member States, by means of a *note verbale*, to communicate to the UN Register, by 31 May, their reports on the export and import of conventional arms, as well as additional background information, for the previous calendar year. For further information, see <http://www.un.org/disarmament/convarms/Register/HTML/RegisterIndex.shtml>.

12.4.4 Regional mechanisms

12.4.4.1 Imports and exports

Regional mechanisms should be in place for sharing information (including confidential information) on

- a) exports and imports of small arms and light weapons;
- b) approvals and denials of applications for small arms and light weapons transfer authorization;
- c) revocations of small arms and light weapons transfer authorizations (see Clause 5.2.8); and
- d) approvals and revocations of export, import and brokering operating licences (see Clause 5.6).

If a State has denied an application for authorization to export small arms or light weapons and has communicated this to other States, other States should not authorize a similar export without first consulting with the State that denied authorization to export.

In order to improve the frequency and quality of regional and international reporting on transfers of small arms and light weapons, a clause stipulating how the transfer is to be reported by the exporting and importing States may be included in the contract of sale.

12.4.4.2 Brokering

Regional mechanisms should be in place for sharing information on brokering activities related to small arms and light weapons, including

- a) lists of brokers registered with competent national authorities;
- b) approvals, denials and revocations of brokering operating licences (see Clause 10.4.4);
- c) prosecutions and convictions of small arms and light weapons brokering offences.

If a State has denied an application for a broker operating licence and has communicated this to other States, other States should not grant a broker operating licence to the same person (natural or legal) without first consulting with the State that denied the authorization.

12.4.5 Sharing information on diversion

States should share information on the diversion of transfers to unauthorized end-users in order to prevent its reoccurrence. In this regards, States should share information on

- a) seizures of diverted small arms and light weapons, including the
 - 1) origin of the weapons,
 - 2) types and quantities of weapons,
 - 3) place of seizure,
 - 4) authorized end-user (from which the weapons were diverted),
 - 5) unauthorized end-user (in whose possession the weapons were found), and
 - 6) means of interception;

- b) persons (natural or legal) under investigation for, or convicted of, violating national transfer control laws, UN arms embargoes or regional arms embargoes or moratoria; including
 - 1) brokers,
 - 2) freight forwarding agents,
 - 3) transport carriers (land, sea and air), and
 - 4) intermediate consignees;
- c) routes used to transport illicit small arms and light weapons;
- d) means used to conceal illicit small arms or light weapons consignments;
- e) end-users that have diverted small arms and light weapons consignments in contravention of end-user assurances;
- f) non-State entities that are or may be attempting to acquire small arms or light weapons, in particular MANPADS;
- g) the presence of corruption;
- h) sources of illicit supply of small arms or light weapons;
- i) common points of illicit dispatch; and
- j) destinations commonly used by organized groups engaged in diversion.

12.4.6 Ad hoc mechanisms for sharing information

Mechanisms to receive and fulfill ad-hoc requests for information from other States concerning the import, export, transit, transshipment and brokering of small arms and light weapons should be in place at the national level.

12.4.7 Confidentiality

In the interest of transparency, information regarding the international transfer of small arms and light weapons, both legal and illicit, should be shared as freely and openly as possible.

However, the confidentiality of information shared in connection with the international transfer of small arms and light weapons shall be respected to the extent requested by the State providing the information.

13 Public and parliamentary transparency

13.1 National reporting

National reports on transfers of small arms and light weapons shall be published annually. Such reports should include

- a) information on authorizations granted and denied for small arms and light weapons imports, exports, and brokering activities;
- b) information on actual imports and exports of small arms and light weapons, including
 - 1) the quantities and types of small arms and light weapons involved, and

- 2) the destination of exported weapons, including end-users;
- c) measures taken to reduce the risk of diversion, including an assessment of their effectiveness;
- d) national laws, regulations and administrative procedures controlling transfers of small arms and light weapons; and
- e) the national control list (see Clause 6.3).

National transfer reports shall be made available to other States and should be made publically available.

Information contained in a national transfer report may include information contained in a report to the UN Register of Conventional Arms.

National transfer reports may exclude national security information and information that is commercially sensitive.

13.2 Mechanisms of parliamentary oversight

A parliamentary committee may be established to examine government practice related to the international transfer of small arms and light weapons in light of the State's legal and other obligations, including its regional and international commitments.

Such a parliamentary committee may be granted an advisory role in relation to the assessment of applications for authorization to transfer small arms or light weapons.

In this context, mechanisms may be put in place to ensure that sensitive information does not enter the public domain.



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International Small Arms Control Standards (ISACS) Inter-Agency Support Unit
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