

# **DRAFT** INTERNATIONAL ISACS SMALL ARMS CONTROL 03.20 STANDARD

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

### **Request for feedback**

The United Nations invites feedback on this draft ISACS module from qualified practitioners and policymakers from all sectors of the small arms and light weapons community of practice – e.g. government (including police and military); international, regional and sub-regional organizations; civil society and industry – and from all regions of the world.

Feedback on this and all other draft ISACS modules may be provided on an online workspace. For details, please visit [www.un-casa-isacs.org](http://www.un-casa-isacs.org)

### **Disclaimer**

This document is in draft form. As such, it is not complete, has not been adopted by the United Nations and may not be referred to as an international standard.

This document is not intended to prejudge the outcome of negotiations on an Arms Trade Treaty. Once an Arms Trade Treaty is negotiated, this document will be revised in order to be fully compatible with it.

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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 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.<sup>1</sup>

Building on previous UN initiatives to develop international standards in the areas of mine action (International Mine Action Standards) and disarmament, demobilization and reintegration of ex-combatants (Integrated Disarmament, Demobilization and Reintegration Standards), the United Nations is developing 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. This document forms part of the ISACS series, as outlined in the table opposite.

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);
- the *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;
- the *UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime* (UN Firearms Protocol).

ISACS build upon standards, best practice guidelines, model regulations, etc. that have been elaborated at the regional and sub-regional levels and they 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 and guidance.

This ISACS module is being drafted in accordance with the rules given 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).

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<sup>1</sup> Current members of the United Nations Coordinating Action on Small Arms (CASA) mechanism are: Department of Economic and Social Affairs (DESA); Department of Peacekeeping Operations (DPKO); Department of Political Affairs (DPA); Department of Public Information (DPI); Office for Disarmament Affairs (UNODA); International Civil Aviation Organization (ICAO); Office for the Coordination of Humanitarian Affairs (OCHA); Office of the Special Adviser on Africa (OSAA); Office of the Special Adviser on the Prevention of Genocide (OSAPG); Office of the Special Representative of the Secretary General for Children and Armed Conflict (OSRSG/CAAC); Office of the United Nations High Commissioner for Human Rights (OHCHR); Office on Drugs and Crime (UNODC); United Nations Children's Fund (UNICEF); United Nations Development Fund for Women (UNIFEM); United Nations Development Programme (UNDP); United Nations Environment Programme (UNEP); United Nations High Commissioner for Refugees (UNHCR); United Nations Human Settlements Programme (UN-HABITAT); United Nations Institute for Disarmament Research (UNIDIR); United Nations Mine Action Service (UNMAS); United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED) and the World Health Organization (WHO). The United Nations Office for Disarmament Affairs (UNODA) acts as the focal point of CASA.

## Working Outline of ISACS

SERIES		MODULE	
<b>01</b>	<b>Introduction to ISACS</b>	01.10	Guide to the application of ISACS
		01.20	Glossary of terms, definitions and abbreviated terms
<b>02</b>	<b>Small arms and light weapons control in context</b>	02.10	Small arms and light weapons control in the context of preventing armed violence
		02.20	Small arms and light weapons control in the context of Disarmament, Demobilization and Reintegration
		02.30	Small arms and light weapons control in the context of Security Sector Reform
<b>03</b>	<b>Legislative and Regulatory</b>	03.10	National controls over the manufacture of small arms and light weapons
		03.20	National controls over the international transfer of small arms and light weapons
		03.21	National controls over the end-user and end-use of internationally transferred small arms and light weapons
		03.30	National controls over the access of civilians to small arms and light weapons
		03.40	National coordinating mechanisms on small arms and light weapons control
		03.50	International legal cooperation, criminal offenses and investigations
<b>04</b>	<b>Design and Management</b>	04.10	Designing and implementing National Action Plans
		04.20	Designing and implementing community safety programming
		04.30	Raising awareness of the need for small arms and light weapons control
		04.40	Monitoring, evaluation and reporting
<b>05</b>	<b>Operational Support</b>	05.10	Conducting small arms and light weapons surveys
		05.20	Stockpile management: Weapons
		05.21	Stockpile management: Ammunition
		05.30	Marking and recordkeeping
		05.31	Tracing illicit small arms and light weapons
		05.40	Collection
		05.50	Destruction: Weapons
		05.51	Destruction: Ammunition
<b>06</b>	<b>Crosscutting Issues</b>	06.10	Gender and small arms and light weapons
		06.20	Children, Youth and small arms and light weapons

## 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 way in which all such transfer controls are enforced is 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 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 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 abuses 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, 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*

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;
- b) parts and components of small arms and light weapons;
- 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, in particular the

- a) 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);
- b) *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
- c) International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument).

## 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 process

#### 5.2.1 General

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;
- c) with jurisdiction over the brokering activities;
- d) through whose territory the weapons are to transit (if applicable); and
- e) on whose territory the weapons are to be transshipped (if applicable).

#### 5.2.2 Domestic source of authorizations

At the national level, responsibility for authorizing the import, export, transit, transshipment 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;
- 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, transit, transshipment 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, transit, transshipment and brokering

#### 5.2.3 Scope of authorizations

Authorization shall be required for the import, export, transit, transshipment and brokering 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

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- e) commercial sales (private-to-private);
- f) leases;
- g) licensed production; and
- h) transfers of equipment and technology for the purpose of producing small arms or light weapons.

A separate authorization shall be required for each individual export, import, transit and transshipment consignment and for each set of brokering activities necessary to complete a transfer deal.

Simplified procedures may be used to facilitate the authorization process (see **Clause 5.2.4**).

### 5.2.4 Simplified procedures

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

- a) temporary exports and imports of individual or small numbers 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) exports and imports of small arms or light weapons for use by a State's own security or military forces; or
- c) exports of small arms or light weapons to trusted end-users with longstanding and reliable records on the prevention of diversion and misuse.

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

### 5.2.5 Timing and sequencing

Transfer authorizations 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 should be sequenced as follows:

- a) import authorization; followed by
- b) brokering authorization; followed by
- c) export authorization; followed by
- d) transit and transshipment authorizations (if applicable).

### 5.2.6 Expiration

The validity of transfer 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 transfer authorizations.

The validity of authorizations for specific transfers of small arms or light weapons should be limited to a reasonable period of time during which the transfer can be made (e.g. **1 year or less**).

### 5.2.7 Revocation

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

- a) the authorization was obtained under false pretences, including through the provision of incomplete, misleading, or false information;
- b) a change in the situation in the country of import creates a clear risk that the weapons could be used for a purpose listed in **Clause 5.4.4**;
- c) the conditions under which the authorization was granted change significantly; or
- d) one of the parties involved in the transfer is charged with a criminal offence.

The reasons for revoking a transfer authorization should be provided to the affected party in writing. It should be possible for the affected party to appeal such a decision.

A State that revokes a transfer authorization (i.e. for import, export, transit, transshipment or brokering) should inform all other States involved in the transfer of its decision.

### 5.2.8 Reporting on use

Recipients of transfer authorizations may be required by the competent State authority to submit reports on their use of authorizations. Such a requirement would assist States in collecting data for international, regional, and national reporting purposes and for information exchange mechanisms (see **Clause 13**).

## 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, transited, transshipped 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. 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 authorizations (if applicable);
- f) the end-user certificate;
- g) the intended end-use of the consignment;

- 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) full 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 detailed description of the consignment, including
  - 1) quantities,
  - 2) makes,
  - 3) models,
  - 4) calibers,
  - 5) serial numbers,
  - 6) countries of manufacture or most recent import,
  - 7) import marking (if applicable);
  - 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 for authorization for the import, export, transit, transshipment and brokering 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, transit or transshipment 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 import, export, transit, transship or broker small arms or light weapons shall be handled impartially, fairly and within a reasonable period of time.

A decision on whether or not to grant a 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 imports, exports, transits, transshipments and brokering 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 import, export, transit, transshipment or brokering 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 Grounds for denial

Authorization for the export, transit, transshipment or brokering of small arms or light weapons shall not be granted if there is a clear risk that the transfer could

- a) contravene an arms embargo imposed by the UN Security Council;
- b) contravene a regional arms embargo or moratorium by which the exporting, transit or transshipment State, or the State with jurisdiction over the brokering activities, is legally bound;
- c) be used to commit genocide, crimes against humanity or serious violations of international humanitarian law or international human rights law;
- d) facilitate acts of terrorism;
- e) facilitate the commission of violent crime, including organized crime and transnational organized crime;
- f) be diverted before reaching the authorized end-user (see [Clause 5.4.5](#));
- g) be re-transferred by the end-user under circumstances that would contravene the original exporting State's national transfer criteria or international legal commitments, or those of the transit or transshipment States or of the State with jurisdiction over the brokering activities (see [Clause 5.4.5](#));
- h) 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);
- i) be used in such a way that would contravene the prohibition on the use or threat of force enshrined in the UN Charter; or
- j) contravene any other treaty or legal obligation by which the exporting, transit and transshipment States, or the State with jurisdiction over the brokering activities, are bound.

Authorization for the export, transit, transshipment and brokering small arms or light weapons should not be granted if there is a clear risk that the transfer would

- k) facilitate the violation or suppression of human and peoples' rights and freedoms, or oppression;

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- l) worsen the internal security situation in the importing country, e.g. by provoking or prolonging armed conflicts or by aggravating existing tensions;
- m) 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;
- n) contravene any international, regional or sub-regional commitments of the exporting, transit or transshipment States, or of the State with jurisdiction over the brokering activity, related to non-proliferation, arms control or disarmament;
- o) 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
- p) Involve corrupt practices at any stage or the transfer.

### 5.4.5 Assessing the risk of diversion and re-transfer

#### 5.4.5.1 Focus

In applying **Clause 5.4.4 (f and g)** of this document, an assessment should be undertaken of

- a) the risk that some or all of the weapons could be diverted before reaching the authorized end-user; and
- b) the risk that some or all of the weapons could be re-transferred by the authorized end-user in a way that would contravene the original exporting State's national export criteria or international legal commitments or, respectively, those of the transit or transshipment States or of the State with jurisdiction over the brokering activities.

#### 5.4.5.2 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 end-use assurances;
- c) the record of the importing State regarding the issuance of authentic and reliable end-use documentation;
- d) the record of the importing State regarding the re-transfer of imported weapons, and whether it informs the original exporting State when it re-transfers weapons;
- 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*. [**Normative References**] – 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.

### 5.4.5.3 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 import authorization and end-user certification.

### 5.4.6 Licensed production, parts & components

Applications for authorization for the export, transit, transshipment or brokering of technology or equipment for the purpose of manufacturing small arms or light weapons shall not be granted if there is a clear risk that the finished products would be diverted or transferred to destinations or end-users that would contravene the export control criteria or international legal obligations of, as applicable, the exporting, transit or transshipment States or the State with jurisdiction over the brokering activities.

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 for the import, export, transit, transshipment and brokering of 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, transited, transshipped or brokered. 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 authorizations. The purpose of this clause is to provide a compendium of relevant content.

Relevant content that should be included, if available, in authorizations 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;
- 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;

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- 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 (if applicable);
- 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 the
  - 1) brokers,
  - 2) freight forwarding agents,
  - 3) transport/shipping carriers, and
  - 4) intermediate consignees;
- n) full 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 detailed description of the consignment; 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 applicable),
  - 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 transfer of small arms or light weapons, 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, transit and transshipment agents 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.

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, transit and transshipment agents 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, designed to demonstrate that they are suitable and competent persons.

### 5.6.4 Grounds for denial

An application for an operating licence should be refused, inter alia, if

- a) the applicant has failed to meet the licensing criteria established by the competent national authority;
- b) there is evidence of past involvement by the applicant in illicit trade;
- c) information submitted in support of the application is false, inaccurate or incomplete;
- d) the intended activity is deemed to be contrary to public or national security; or
- e) 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.

### 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 operating licences.

The validity of operating licences should be limited to reasonable period of time (e.g. 3-5 years).

The validity of operating licences 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 should be revoked by the competent national authority if

- a) the licence was obtained under false pretences, including through the provision of incomplete, misleading, or false information; or
- b) the holder or the operating licence is convicted of criminal activity.

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

The reasons for suspending or revoking operating licences should be provided to the affected party in writing. It should be possible for the affected party to appeal such a decision.

The holders of revoked operating licences should be removed from the register of small arms and light weapons exporters, importers, transit and transshipment agents and brokers, where such a register exists.

### **5.7 Strengthened controls on the transfer of MANPADS**

Because of the heightened threat posed by illicit transfers of Man-Portable Air Defence Systems (MANPADS), especially to civil aviation, stricter national controls should be applied to their transfer (import, export, transit, transshipment and brokering).

MANPADS shall only be transferred to governments or to agents specifically authorized to act on behalf of governments.

Each individual transfer of MANPADS shall be subject to an individual licensing decision. Simplified procedures (see **Clause 5.2.4**) shall not apply.

Prior to authorizing exports of MANPADS, the government of the exporting State (original exporting government) should gain the following assurances from the recipient government:

- a) the MANPADS shall not be re-exported without the prior, written consent of 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 MANPADS.

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 MANPADS, in accordance with
  - 1) ISACS 05.20, *Stockpile management: Weapons*, **[Normative Reference]** and the
  - 2) International Ammunition Technical Guidelines **[Normative Reference]**; and
- d) the safe and secure destruction of the MANPADS should they become obsolete or surplus to national requirements, in accordance with
  - 1) ISACS 05.50, *Destruction: Weapons*, **[Normative Reference]** and the
  - 2) International Ammunition Technical Guidelines.

## 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, such as Man-Portable Air-Defence Systems (MANPADS).

## 6 National legislation

### 6.1 General

At the national level, laws, regulations and administrative procedures shall 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 used for any purpose listed in **Clause 5.4.4**.

### 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 State authority.

National legislation should require that the transit and transshipment of small arms and light weapons also be regulated. This may include the creation of a licensing system covering transit and transshipment of small arms and light weapons.

The licensing system shall include, at a minimum,

- a) a legal basis,
- b) an export policy,
- c) a decision-making mechanism, and
- d) 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 should be integrated into the broader national control list that identifies all controlled military and dual-use items.

#### 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 authorizing small arms and light weapons
  - 1) imports,
  - 2) exports,
  - 3) transit
  - 4) transshipment, and
  - 5) brokering; and
- b) the role of other national authorities and parliamentary bodies in small arms and light weapons transfer controls (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.

### **6.6 Creation of 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 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 used for any purpose listed in [Clause 5.4.4](#).

### 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 5.2.4](#)).

#### 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, export, transit or transshipment (see [Clause 5.2.5](#)).

This establishes the primacy of the importing State in the transfer authorization process for small arms and light weapons; insofar as it should not be possible for a transfer process to be initiated until the importing State has indicated 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*; [[Normative Reference](#)]
- d) the country of export;
- e) the name and contact details of the exporter;

- f) the value of the import; and
- g) a detailed description of the import, 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, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 nature of small arms and light weapons imports should be commensurate with

- a) legitimate, national self-defence and security requirements;
- b) requirements for participating in United Nations and regional peace support operations; and
- c) requirements of the civilian population 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, 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 should not be granted if

- a) the information listed in **Clause 7.4** has not been provided;
- b) the proposed import is found to be inconsistent with **Clause 7.5.1(a, b or c)**;
- c) there is a clear 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 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;
- 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 name and contact details of the authorized end-user;
- j) the authorized end-use of the consignment;
- k) the value of the consignment; and
- l) a detailed description of the consignment; 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, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 5](#). [[Normative Reference](#)]

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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;
- d) value of the import; and
- e) detailed 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, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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) export authorization
  - 1) number,
  - 2) issuing agency,
  - 3) issue date,
  - 4) expiry date, and
  - 5) recipient (name and contact details);

- b) end-user certificate
  - 1) number, and
  - 2) issuing agency;
- c) detailed description of the small arms or light weapons imported, including their
  - 1) serial numbers,
  - 2) countries of manufacture or most recent previous import; and
  - 3) import marking (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 4.3](#) of ISACS 05.30, *Marking and recordkeeping*. [\[Normative Reference\]](#)

## 7.9 Controls on re-export

The importing State shall honour any contractually agreed restrictions on the re-export of small arms or light weapons, including commitments not to re-export without prior authorization by the original exporting State.

In the absence of contractual agreements regarding re-export, the importing State should notify the original exporting State before re-exporting small arms or light weapons.

# 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 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 used for any purpose listed in [Clause 5.4.4](#).

## 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 5.2.4](#)).

### **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 an import authorization has been granted by the importing State (see **Clause 5.2.5**).

## **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, issued in accordance with ISACS 03.21, *National Controls over the end-user and end-use of internationally transferred small arms and light weapons*; **[Normative Reference]**
- e) the intended end-use of the consignment;
- f) 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;
- g) full 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 detailed 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 applicable),
- 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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;
- d) the flight route to be used, including planned stopovers;

#### **8.4.3 Information on the end-user and end-use**

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*. [Normative Reference]

The provision of such documentation shall not be the sole basis for determining whether an export authorization will be granted. It shall form only one part of a comprehensive assessment of the suitability of the end-user and end-use of the small arms or light weapons in light of national export criteria and the risk of diversion.

#### **8.4.4 Conditional export authorization (due to unavailable information)**

In situations where certain required information is unavailable at the time when an application 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 should be set for receipt of the missing information.

A conditional export authorization should be revoked if

- a) all of the missing information is not provided by the deadline set; or
- b) the information provided points to a clear risk that the consignment could be used for a purpose listed in [Clause 5.4.4](#).

### **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; i.e. the assessment should investigate if the applicant, the end user and all other parties to the transfer are either State agencies, legally registered companies or individuals in good financial and legal standing and 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

- e) the information listed in **Clause 8.4** has not been provided;
- f) any of the grounds for denial listed in **Clause 5.4.4** apply; or
- g) an assessment conducted in accordance with **Clause 5.4.5** finds a clear risk of diversion or re-transfer.

### **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 5.2.2**), the assessment of applications for export authorizations 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*. [**Normative Reference**]

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;
- 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 countries of transit and/or transshipment (if applicable);
- h) the country of import;
- i) the name and contact details of the authorized end-user;
- j) the authorized end-use of the consignment;

- k) the names and contact details of all parties involved in the transfer, including the
  - 1) brokers,
  - 2) freight forwarding agents,
  - 3) transport/shipping carriers, and
  - 4) intermediate consignees;
- l) full details of the transport route, including the means of transport to be used for each segment;
- m) the value of the consignment; and
- n) a detailed description of the consignment; 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 applicable),
  - 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 authorizations issued to export small arms and light weapons and of all actual exports that take place as a result of such authorizations.

Records should be organized and maintained in accordance with ISACS 05.30, Marking and recordkeeping, in particular its **Clause 5. [Normative Reference]**

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,

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- 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 (if applicable);
- e) end-user certificate
- 1) number,
  - 2) issuing agency (in the importing State), and
  - 3) end-user (name and contact details);
- f) names and contact details, where applicable, of the
- 1) brokers,
  - 2) freight forwarding agents,
  - 3) transport/shipping carriers, and
  - 4) intermediate consignees;
- g) value of the export; and
- h) detailed 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 or most recent import,
  - 7) import marking (if applicable),

- 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 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 used for any purpose listed in [Clause 5.4.4](#)

### 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 authorization process

#### 9.3.1 General

The transit and transshipment of small arms and light weapons should be subject, on a case-by-case basis, to prior, written authorization by the competent authority of the State in which the transit or transshipment is to take place.

Simplified procedures may be used to facilitate the transit and transshipment authorization processes (see [Clause 5.2.4](#)).

#### 9.3.2 Source

Responsibility for authorizing the transit and transshipment of small arms and light weapons should reside with the same national authority responsible for authorizing the export of small arms and light weapons.

#### 9.3.3 Sequencing

Authorization for the transit or transshipment of small arms or light weapons should not be granted before the importing State has granted an import authorization and the exporting State has granted an export authorization (see [Clause 5.2.5](#)).

### 9.4 Applications for transit and transshipment authorization

Applications for transit and transshipment authorization 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 for transit and transshipment authorization should contain

- a) the name and contact details of the applicant;
- b) the import authorization;
- c) the export authorization;
- d) the end-user certificate;
- e) the intended end-use of the consignment;
- 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 or most recent import, and
  - 7) import marking (if applicable);
  - 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 Assessment of applications for transit and transshipment authorization**

### **9.5.1 General**

The competent authority of the State through whose territory small arms or light weapons are intended to transit or on whose territory they are intended to be transshipped should assess each application for transit and transshipment 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.

### **9.5.2 Grounds for denial**

Authorization for the transit or transshipment of small arms or light weapons should not be granted if

- a) the information listed in **Clause 9.4** has not been provided;
- b) any of the grounds for denial listed in **Clause 5.4.4** apply; or
- c) an assessment conducted in accordance with **Clause 5.4.5** finds a clear risk of diversion or re-transfer.

## 9.6 Form and content of transit and transshipment authorizations

The form of transit and transshipment authorizations should be in accordance with **Clause 5.5.1.**

At a minimum, transit and transshipment authorizations should contain

- a) a unique transit or transshipment authorization number;
- b) the identity of the competent national authority issuing the authorization;
- 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 name and contact details of the authorized end-user;
- j) the authorized end-use of the consignment;
- k) the value of the consignment; and
- l) a detailed description of the consignment; 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, and
  - 7) import marking (if applicable);
  - 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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).

## 9.7 Recordkeeping

### 9.7.1 General

The competent authority of the transit and/or transshipment State should keep detailed records of all authorizations issued for the transit or transshipment of small arms and light weapons and of all actual transits and transshipments that take place as a result of such authorizations.

Records should be organized and maintained in accordance with ISACS 05.30, Marking and recordkeeping, in particular its **Clause 5. [Normative Reference]**

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

### 9.7.2 Transit and transshipment records

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

- a) transit or transshipment 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
  - 1) number,
  - 2) issuing agency (in the importing State), and
  - 3) end-user (name and contact details);
- e) export authorization
  - 1) number,
  - 2) issuing agency (in the exporting State);
  - 3) issue date,

- 4) expiry date, and
- 5) recipient (name and contact details);
- f) value of the consignment; and
- g) detailed 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 or most recent import,
  - 7) import marking (if applicable),
  - 8) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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.

Laws, regulations and administrative procedures to control the brokering of small arms and light weapons shall be in place at the national level. These shall 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 shall be sufficient to minimize the risk that they weapons could be used for any purpose listed in **Clause 5.4.4**.

### 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.

### **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 on the brokering of small arms and light weapons 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
  - 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 in
    - reaching agreement or concluding contracts;
    - obtaining the necessary authorizations and documentation; or
    - arranging 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 which the brokering activity takes place, or
  - 2) the broker takes ownership of the consignment.

#### **10.3.3 Secondary brokering activities**

National controls on the brokering of small arms and light weapons should also apply to secondary brokering activities, which include the following services

- a) freight forwarding;
- b) transportation (by land, sea and air, including charter services);
- c) financial; and
- d) insurance.

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 5.2.4](#)).

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

#### 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 5.2.2](#)).

#### 10.4.3 Sequencing

A brokering authorization should not be granted before the importing State has granted an import authorization, but may be granted before export, transit and transshipment authorizations (see [Clause 5.2.5](#)), since arranging such authorizations can constitute brokering activities.

#### 10.4.4 Operating licence

Persons (natural or legal) that regularly 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.

### 10.5 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;
- e) the name and contact details of the end-user;
- f) an end-use assurance, authenticated in accordance with ISACS 03.21, *National controls over the end-user and end-use of internationally transferred small arms and light weapons*; [\[Normative Reference\]](#)
- g) the country of export;
- h) the name and contact details of the exporter;
- i) the value of the consignment; and
- j) a detailed description of the consignment; 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, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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).

## **10.6 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 5.4.4** apply; or
- c) an assessment conducted in accordance with **Clause 5.4.5** finds a clear risk of diversion or re-transfer.

## **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;
- 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;
- 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);
- j) the country of export;
- k) the name and contact details of the exporter;
- l) the value of the consignment; and
- m) a detailed description of the consignment; 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, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 5](#). [Normative Reference]

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

### 10.8.2 Brokering records

Brokering records 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
- 1) number,
  - 2) issuing 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) detailed description of the small arms or light weapons authorized for export, including their
- 1) quantities,
  - 2) makes,
  - 3) models,
  - 4) calibers,
  - 5) types (e.g. revolver, pistol, carbine, rifle, assault rifle, sniper rifle, recoilless rifle, sub-machine gun, light machine gun, heavy machine gun, grenade launcher, mortar, 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 ensure 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) keep relevant companies and individuals informed 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 industry – e.g. companies and individuals involved in the manufacture, buying, selling, brokering, transportation and storage of small arms and light weapons in relation to their international transfer – 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 install their own internal control 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 be provided with 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 a party;
- c) the national small arms and light weapons control list (see **Clause 6.3**);
- d) a list of States subject to arms embargos imposed by
  - 1) the UN Security Council, or
  - 2) a regional organization of which the State is a member;
- e) the names and contact details of the national authority (or authorities) responsible for authorizing the import, export, transit, transshipment and brokering of small arms and light weapons;
- f) forms to be used when requesting authorization for the import, export, transit, transshipment and brokering of small arms and light weapons; 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 communicated to industry in a timely manner.

### 11.2.4 Training

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

### 11.2.5 Inspection

Regular 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.

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

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

Where domestic law allows, sanctions should also apply to activities conducted outside of a State's territory by nationals and residents of the State.

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

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

### **11.4 Violation of arms embargoes**

The violation and attempted violation of arms embargoes imposed by the UN Security Council shall be designated as criminal offences under national legislation.

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 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 transshipment takes place within an area not subject to customs controls), customs officials shall determine 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 authorizations (if applicable), and
  - 4) the end-user certificate; 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 competent national authority (or authorities) responsible for authorizing the import, export, transit, transshipment 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

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 best practice 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 controls (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 (e.g. by financing the secondment of customs, export authorization or other relevant officials to the region).

### 12.2 Sharing information on national practice

#### 12.2.1 General

States should exchange information regularly on

- a) the content of national laws, regulations and administrative procedures relevant 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.

### **12.2.2 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 (to the extent they are competent);
- f) authorities concerned with the screening of companies and operations of companies engaged in brokering activities;
- g) other agencies involved in data administration; and
- h) criminal prosecution and surveillance authorities.

States and international/regional organizations in a position to do so should assist other States, upon their request, to develop and implement appropriate laws, regulations and administrative procedures related to controlling the import, export, transit, transshipment and brokering of small arms and light weapons, including through the provision of training and technical assistance.

## **12.3 Exchange of information on transfers**

### **12.3.1 General**

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

### **12.3.2 UN Register of Conventional Arms**

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

In cases where no small arms or light weapons have been imported or exported during a calendar year, States 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>.

### **12.3.3 Regional mechanisms**

#### **12.3.3.1 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) denials and revocations of small arms and light weapons transfer authorizations; and
- c) approvals of export and import 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 in the region, other States in the region should not authorize a similar export of small arms or light weapons without first consulting with the State that denied export authorization.

#### **12.3.3.2 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 of brokering operating licences (see **Clause 10.4.4**);
- c) denials and revocations of brokering operating licences; and
- d) 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 in the region, other States in the region should not grant a broker operating licence to the same person (natural or legal) without first consulting with the State that denied the authorization.

#### **12.3.4 Ad hoc mechanisms**

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.

#### **12.3.5 Other relevant information**

States should also share other relevant information that may serve to promote the harmonization of States' small arms and light weapons transfer control policies and assist the officials of other governments in assessing applications for transfer authorization, including

- a) seizures of illicitly trafficked small arms and light weapons, including
  - 1) their origin, and
  - 2) the means used to intercept them;
- 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; and
- f) non-State entities that are or may be attempting to acquire small arms or light weapons, in particular MANPADS.

### **12.3.6 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 General**

Making international transfers of small arms and light weapons transparent to the general public can enhance public confidence, prevent excessive and destabilizing accumulations of small arms and light weapons and strengthen peace and security. For this reason, public transparency of small arms and light weapons transfers should be increased at the international, regional and national levels, including by engaging in information exchange as set out in **Clause 12.3**.

Involving parliaments in, and making them accountable for, the development and implementation of transfer controls can result in greater restraint and responsibility when it comes to transferring small arms and light weapons internationally. For this reason, parliaments should oversee and be held accountable for the development and implementation of small arms and light weapons transfer controls, and may have a formal role in the assessment of applications for transfer authorization.

### **13.2 National reporting**

National reports detailing international transfers of small arms and light weapons should be published on a regular basis. Such reports should include information on authorizations granted and denied for small arms and light weapons imports, exports, transits, transshipments and brokering activities, as well as the quantities and types of weapons involved, countries of import, and end-users.

### **13.3 Mechanisms of parliamentary oversight**

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

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