



SYNERGIES

Between the **Arms Trade Treaty**
and **UN Security Council**
Resolution 1540

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SYNERGIES BETWEEN THE ARMS TRADE TREATY AND UN SECURITY COUNCIL RESOLUTION 1540

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Synergies Between the Arms Trade Treaty
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This report benefits from the expertise of speakers and participants in two meetings on the synergies between the ATT and UNSCR 1540 held in New York and Washington, DC in June 2016. The report is authored by Rachel Stohl, Senior Associate at the Stimson Center and Director of the Center’s Conventional Defense Program. Stimson is grateful to the Ministry of Foreign Affairs of the Government of Finland for its support of this project.

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INTRODUCTION

The Arms Trade Treaty (ATT) and UN Security Council Resolution (UNSCR) 1540 (2004) are two seemingly separate but interrelated regimes that impose important security obligations on Member States. Both the ATT and UNSCR 1540 provide unique opportunities for national capacity building and assistance to strengthen national institutions and enhance global cooperation surrounding the trade in conventional weapons and dual-use items.

The Arms Trade Treaty, which focuses on conventional arms, and UNSCR 1540, which focuses on dual-use items, aim to manage, regulate, and promote legitimate trade, while working to prevent illicit trafficking. Both instruments seek to facilitate and enhance trade effectiveness without undermining legitimate trade.

The synergies between the implementation of UNSCR 1540 and the ATT are reflected in thematic and reporting overlaps, and provide significant opportunities for capacity-building assistance. This short report examines the synergies between the ATT and UNSCR 1540 in terms of scope, objectives, challenges, and opportunities.

The Arms Trade Treaty

The Arms Trade Treaty is the first legally binding treaty to regulate the global trade in conventional weapons. Adopted by the UN General Assembly in April 2013, the treaty aims to establish international standards to combat the illicit arms trade, mitigate the adverse consequences of irresponsible arms transfers, and advance responsible transfer controls among UN Member States. The ATT contains criteria for States to use when making arms transfer decisions, and prohibits the transfer of conventional arms under certain circumstances. To monitor implementation and shed greater light on the global flow of weapons, the treaty requires States Parties to submit an initial report on implementation one year after the treaty enters into force for a given State, as well as provide reports on arms exports and imports annually to the treaty Secretariat. The ATT entered into force in December 2014 and currently has 92 States Parties, as well as an additional 41 Signatories.

UNSCR 1540

UN Security Council Resolution 1540 establishes binding obligations for all States to implement preventative measures to mitigate the proliferation of weapons of mass destruction (WMD), particularly to non-state actors. Specifically, UNSCR 1540 mandates that States refrain from providing support to non-state actors that would allow them to develop, acquire, manufacture, possess, transport, transfer, or use WMDs and their delivery systems, and take a range of domestic measures to prohibit or control proliferation-related activities. The resolution was adopted in April 2004 and is intended to support existing nonproliferation frameworks and treaties to help prevent WMDs from falling into the wrong hands. UNSCR 1540 calls upon States to submit a report on steps taken – or that a State intends to take – to implement the resolution. These national reports are part of the information the 1540 Committee uses to prepare matrices on implementation efforts for each State, which the 1540 Committee uses to engage States in implementation planning and to facilitate matching available resources with assistance needs to support implementation.

SYNERGIES BETWEEN THE ATT AND UNSCR 1540

The ATT and UNSCR 1540 have significant commonalities. The ATT and UNSCR 1540 each address challenges that threaten all UN Member States, including enhancing security and fostering long-term economic prosperity and development. Both instruments seek to address common global problems. UNSCR 1540 seeks to address the proliferation of weapons of mass destruction and the ATT seeks to control unregulated conventional arms transfers. The ATT and UNSCR 1540 are perceived as being integrally linked to the overall growth and development, as well as the economic viability, of UN Member States. Such conditions can be undermined by the undesirable influx of weapons, porous borders, and persistent fear and insecurity within a country or region.

Both instruments also require an investment of resources by governments that often times struggle to meet the financial, technical, or human resources necessary to come into full compliance with their obligations – a challenge for wealthy governments as well as for countries of the Global South.

The ATT and UNSCR 1540 are synergistic in terms of their approaches to implementation and the nature and level of engagement. Both instruments rely on multi-stakeholder involvement with a multi-pronged approach, encourage global cooperation, and require multi-dimensional sensitization. Both instruments can share infrastructures established to promote compliance and face similar challenges for effective and universal implementation.

OBJECTIVES AND OBLIGATIONS

Both the ATT and UNSCR 1540 tell States what they need to do to better regulate transfers, but do not tell States how to regulate. It is up to States to decide the form and instrumentalities of their national control systems. There are numerous approaches for implementing UNSCR 1540, and there are equally as many models for implementing the ATT. This flexibility allows national governments to adjust their approaches based upon their individual threat environments.

The ATT and UNSCR 1540 identify and regulate the trade in conventional arms and WMD-related materials, respectively. Importantly, WMD-related materials, as with conventional arms, are not prohibited by either instrument, although some WMD proliferation activities are prohibited by UNSCR 1540. Both regimes also control the means of weapons delivery, as they both control and regulate the trade in missiles.

The ATT and UNSCR 1540 promote adherence to and implementation of existing treaties and encourage global norms and standards. The two agreements also establish border controls and enforcement mechanisms, as well as reinforce national control lists. States Parties to the ATT are required to develop and maintain a national control list. By comparison, UNSCR 1540 highly encourages States to do so. In addition, both instruments develop oversight mechanisms for export, brokering, transit, and/or transshipment. The ATT also contains provisions to control imports. Although UNSCR 1540 doesn't refer to imports, many States report on their import controls and view them as important for implementing their export controls.

The ATT and UNSCR 1540 are also synergistic in their nature and levels of engagement with other stakeholders. Both seek to increase public-private collaboration to address security vulnerabilities and concerns, as well as to combat the illicit transit, transshipment, export, re-export, and brokering of conventional arms and dual-use materials. If implemented effectively, both instruments can support efficiencies in data management and sustainable training of supply chain personnel. These efficiencies can also support and build partnerships with industry and other relevant actors to better align economic interests and compliance with other related instruments and obligations.

The ATT and UNSCR 1540 also have synergies in the infrastructure established to promote compliance. For both instruments, there are designated focal and contact points (which, depending on the government, may or may not be the same) at the national level as well as coordination at the regional level. These interlocutors – often Ministries of National Security, Foreign Affairs, and Foreign Trade – can work together to strengthen national systems and processes that benefit not only ATT and UNSCR 1540 compliance, but also support other governmental priorities—for instance, in trade and public security.

REPORTING SYNERGIES

Both the ATT and UNSCR 1540 have monitoring implementation at their core. To that end, reporting can help clarify whether States have adequate systems for national control in place, and also can provide insight into how States interpret and understand the provisions of each instrument. Reporting can also demonstrate how States are aligning their national systems with their international obligations. Reports provide an opportunity and means for States to assess their own implementation as well as compare and analyze the implementation of other States to identify potential areas of weakness and/or strength. Reports facilitate the identification of opportunities to match assistance requests with available resources and can provide examples of best practice, demonstrating that a variety of approaches can be utilized to effectively implement an agreement's obligations.

The ATT requires States Parties to complete and submit two reports to the ATT Secretariat, as detailed in Article 13 of the treaty text. States are required to complete an initial report on measures undertaken to implement the ATT, which must be completed and submitted at least once (within the first year of entry into force for that State), but



must be updated as regulations and policies change (Article 13.1). States are also required to complete an annual report containing information on authorizations or actual exports and imports of the eight categories of conventional arms contained in Article 2(1) of the treaty that took place during the previous calendar year (Article 13.3).

UNSCR 1540 calls upon all States to present a “first report” on steps they have taken to implement the resolution. Resolutions 1673 (2006), 1810 (2008), 1977 (2011), and 2325 (2016) also encouraged States to provide additional information on their implementation of UNSCR 1540, and resolutions 1977 and 2325 encouraged States to prepare, on a voluntary basis, national implementation action plans to map out their priorities and plans for implementing key provisions of UNSCR 1540. While “calls upon” is a lower level obligation than “requires” when comparing UNSCR 1540 to the ATT, almost all UN Member States have submitted their first reports to the 1540 Committee and more than half of UN Member States have so far submitted additional information. Twenty-five States have submitted action plans to the Committee, with several more States currently in the process of preparing such plans.

There are clear synergies between the ATT and UNSCR 1540 with regard to the elements contained in the 1540 matrix and in the ATT initial report. Elements related to national control lists, export controls, import controls, transit/transshipment controls, brokering, diversion, enforcement, and risk assessment apply to both instruments’ reporting forms. In other words, if a State completes certain questions in its ATT form, it can provide the same information in similar questions in the UNSCR 1540 matrix and vice versa. The ATT-Baseline Assessment Project has developed a key to help States identify these reporting synergies (see Annex).

However, in many cases, both regimes face challenges in achieving universal and updated reporting, often due to reporting fatigue, a lack of adequate internal processes, or a lack of capacity and political will. For example, the

UNSCR 1540 reporting matrix features over 300 questions, which presents a challenge for States in terms of consistently completing and updating the various sections. Similarly, the ATT initial report form has multiple sections containing binding and non-binding obligations, which can require participation from multiple agencies and individuals within a single national government. Often these forms are not priorities given the large portfolios and other responsibilities and obligations of the personnel involved.

SHARED IMPLEMENTATION CHALLENGES

There are implementation challenges faced by States under both the ATT and UNSCR 1540. Many of these challenges are based on a lack of capacity. Both instruments require Member States to have the capacity to implement the obligations and enforcement regimes once they are adopted. Such capacity is necessary at multiple levels and requires engagement from multiple agencies and personnel. Often, agencies are under-resourced and unable to sustain national processes. And, even if such processes are in place, resource constraints may make it difficult to maintain these measures and processes.

Although both the ATT and the family of 1540 UNSCRs contain provisions for donor coordination, the reality of such coordination can be quite difficult. Donors often prefer to provide assistance bilaterally, and not use ATT or UNSCR 1540 mechanisms. Further, donors often have their own priorities, which may or may not reflect the actual needs of recipient States. States need to conduct an internal needs assessment, gap analysis, or policy audit in order to ask for assistance that reflects their actual needs, not just what donors want to fund.

Political will is an additional challenge faced by States with regard to ATT and UNSCR 1540 implementation. Although those tasked with overseeing the ATT or UNSCR 1540 portfolios are aware of the instruments and their obligations (though they are often different people for each



instrument), others may not be aware of the instruments or their obligations. Policymakers may need to be sensitized to the instruments’ obligations and importance, and understand that implementation is not simply about compliance.

CAPACITY BUILDING

Developing models of ATT and UNSCR 1540 compliance goes beyond establishing checklists and instead requires capacity building to enhance security and further economic development. In general, capacities that improve WMD interdiction and control may also support conventional arms control efforts and vice versa. The same policies that aid in intelligence gathering for WMD interdiction provide improved methods of confronting the illicit/gray market arms trade, as well as other illicit trade flows such as narcotics and human trafficking. However, the success of these measures depends on State practices, in particular, the national regulatory regimes that are utilized. The focus of these regimes is identifying and uncovering dual-use flows. Moreover, they need to reflect the commercial aspects of these technologies, not all of which have negative impacts or are obvious to customs and other officials.

States may require technical assistance, including the integration of the instruments’ obligations into national law; the acquisition of equipment and tools to assist in fulfillment of obligations; and, on a practical level, training to assist officials in the detection, interception, and seizure of WMDs, WMD-related materials, and conventional arms.

States requiring capacity to strengthen ATT and UNSCR 1540 compliance can utilize several approaches to develop national infrastructures to support compliance. For example, States can improve their regulatory practices, support trade facilitation and development priorities, and/or enhance training to identify dual-use items. Whatever path is chosen, States must communicate their assistance needs and share best practices and lessons learned to avoid resource duplication and waste.

Both the ATT and UNSCR 1540 benefit from the array of capacity-building efforts across other disciplines and priorities ranging from public health and economic competitiveness, to border security. In all approaches, there is a deep recognition that in order for security investments to be sustainable, they need to speak to the more immediate needs of the host government and support development priorities.

RECOMMENDATIONS AND NEXT STEPS



Awareness of the synergies between the ATT and UNSCR 1540 is an important first step to addressing potential opportunities for and challenges to effective implementation. However, more work is needed in order to make both instruments more effective and universal.

An initial step could be to conduct gap analyses to highlight States' implementation challenges for both instruments. These gap analyses could shed light on further overlapping areas between the two instruments and potentially help provide more targeted assistance and collaborative approaches to improve implementation and support universalization. Such analyses will require State buy-in and may take significant time to implement, as a questionnaire will need to be developed, circulated, completed, and analyzed.

In the short term, States can undertake several activities to utilize the synergies between the two instruments. On an international level, States can support implementation of the ATT and UNSCR 1540 independently and develop lessons learned documents from experiences with both instruments. Second, States can seek ways to support best/good/effective practice so as not to duplicate efforts or activities that support implementation. Third, States can seek to share experiences in common forums and through diplomatic channels. Fourth, States can coordinate with relevant regional and multilateral organizations, including customs agencies/organizations, to share information and develop best/good/effective practice.

States can also work domestically to develop synergies between the ATT and UNSCR 1540. First, States can develop synergies between national coordinating mechanisms and national points of contact. States can develop inter-agency bodies and ensure that national focal points are aware of each other and can work together to avoid the duplication of efforts. States can also work to avoid reporting fatigue and utilize the reporting synergies between the two instruments. The people completing the relevant reports should be in regular communication and share information, as data collected for one report can also be used by those completing other relevant reports.

CONCLUSION

Although ostensibly directed at two discrete global challenges, the Arms Trade Treaty and UNSCR 1540 share a sufficient degree of commonality to warrant the development of a strategy for joint implementation. Such a strategy would not only better assist governments stressed by multiple international obligations to better rationalize implementation resources, it would also help to coordinate donor assistance and UN Secretariat resources. The ATT is a relatively new international instrument. States are only now developing their national processes to comply with treaty obligations. By comparison, UNSCR 1540 has a longer track record of success and State buy-in, even as it struggled in its early years to attract requisite political and implementation attention. As a result, regular engagement between the UNSCR 1540 Group of Experts and the ATT Secretariat and United Nations Office for Disarmament Affairs (UNODA) to discuss common challenges in assistance and capacity building would be useful in forging synergies between the bureaucratic elements of the two instruments. Similar engagement with other UN, international, and regional bodies could also be useful in terms of promoting inter-agency coordination and point of contact networks.

Ultimately, the full and effective implementation of these measures would redound to the benefit of both the national and international security challenges they seek to address, as well as to a wider spectrum of national priorities, including more efficient and streamlined trade practices.



ANNEX

The ATT-Baseline Assessment Project (ATT-BAP) developed a key to help States identify reporting synergies, as part of its work to support ATT reporting compliance. This annex identifies selected reporting overlaps between the Arms Trade Treaty Reporting Template and the United Nations Security Council Resolution 1540 Reporting Matrix.

NOTE: The ATT initial reporting form contains questions about binding as well as non-binding obligations. Questions about non-binding obligations are denoted in a lighter grey font.

NATIONAL CONTROL LIST

ATT REPORTING TEMPLATE QUESTION(S)

1D. The national control list covers the following:

- i) Battle tanks [Article 2(1a)]
- ii) Armored combat vehicles [Article 2(1b)]
- iii) Large-caliber artillery systems [Article 2(1c)]
- iv) Combat aircraft [Article 2(1d)]
- v) Attack helicopters [Article 2(1e)]
- vi) Warships [Article 2(1f)]
- vii) Missiles and missile launchers [Article 2(1g)]
- viii) Small arms and light weapons [Article 2(1h)]

The national control list also includes the following, in order to enable the application of Articles 3 and 4:

- ix) Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]
- x) Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [for the application of Article 4]

[If 'No' to any of the items above, please provide background below for the application of Article 4]

3B. National export controls apply to the conventional arms covered under Article 2(1), and the items covered under Articles 3 and 4
(if 'No', please provide further information below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) Controls of NW, CW and BW, including related materials - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials?
Can violators be penalized?

- (13) Control Lists
- (14) Updating of Lists
- (15) Inclusion of technologies
- (16) Inclusion of means of delivery

OP 6, 7, and 8(d). Control lists, Assistance, Information - Can information be provided on the following issues?

- (1) Control Lists - items (goods / equipment / materials / technology)
- (2) Control Lists - other
- (5) Export control legislation in place
- (25) Control of importation

NATIONAL CONTROL LIST (CONTINUED)

ATT REPORTING TEMPLATE QUESTION(S)

1E. The national control list has been provided to the Secretariat of the Treaty [Article 5.4]
(if 'No', please elaborate further below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) Controls of NW, CW and BW, including related materials - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and related materials?
Can violators be penalized?

- (13) Control Lists
- (14) Updating of Lists
- (15) Inclusion of technologies
- (16) Inclusion of means of delivery

OP 6, 7, and 8(d) Control lists, Assistance, Information - Can information be provided on the following issues?

- (1) Control Lists - items (goods / equipment / materials / technology)
- (2) Control Lists - other
- (5) Export control legislation in place
- (25) Control of importation

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- viii) Small arms and light weapons [Article 2(1h)]

The national control list also includes the following, in order to enable the application of Articles 3 and 4:

- ix) Ammunition/Munitions for the conventional arms covered in Article 2(1) [for the application of Article 3]
- x) Parts and components in a form that provides the capability to assemble the conventional arms covered in Article 2(1) [If 'No' to any of the items above, please provide background below for the application of Article 4]

1H. Control list definitions are supplemented by more detailed definitions not in the control list itself [Article 5(3)](If 'Yes', please provide further information below)

OP 6, 7, and 8(d) Control lists, Assistance, Information - Can information be provided on the following issues?

- (1) Control Lists - items (goods / equipment / materials / technology)
- (2) Control Lists - other

EXPORTS

ATT REPORTING TEMPLATE QUESTION(S)

1A. Overview of legislation and ordinances governing the national control system [Article 5(2)]
(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)

3A. The national control system includes the following:
i) an authorization or licensing system for arms exports [Article 5(2)]

1B. The national control system includes the following:
i) competent national authorities (further specified below) [Article 5(5)]

3E. The competent national authority(-ies) for the control of exports [Article 5(5)]
(please specify below)

3M. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for an export authorization [Article 5(5)]
please specify below)

3A. The national control system includes the following:
i) an authorization or licensing system for arms exports [Article 5(2)]

3C. The national control system includes measures to ensure that all export authorizations are detailed and issued prior to export [Article 7(5)]
(if 'No', please provide further information below)

3L. Information / documentation included in an application for an export authorization
(please specify below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
(5) Export control legislation in place

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
(3) Enforcement agencies/ authorities
(11) National licensing authority
(12) Interagency review for licenses

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
(6) Licensing provisions
(7) Individual licensing
(8) General licensing
(9) Exceptions from licensing
(10) Licensing of deemed export/ visa
(12) Interagency review for licenses
(17) End-user controls

IMPORTS

ATT REPORTING TEMPLATE QUESTION(S)

1A. Overview of legislation and ordinances governing the national control system [Article 5(2)]
(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)

4A. The national control system includes measures that allow the regulation, where necessary, of imports of conventional arms covered under Article 2(1) [ref Article 8(2)], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)

1B. The national control system includes the following:
i) Competent national authorities (further specified below) [Article 5(5)]

4B. The competent national authority(-ies) for the regulation of imports [Article 5(5)]
(please specify below)

4A. The national control system includes measures that allow the regulation, where necessary, of imports of conventional arms covered under Article 2(1) [ref Article 8(2)], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)

4D. Imports of conventional arms subject to control are under specific circumstances permitted without regulation or under simplified procedure
(if 'Yes' please provide further information below)

4G. Information / documentation required for an import authorization
(please specify below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
(25) Control of importation

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
(11) National licensing authority

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
(25) Control of importation

TRANSIT / TRANSSHIPMENT

ATT REPORTING TEMPLATE QUESTION(S)

- 1A. Overview of legislation and ordinances governing the national control system [Article 5(2)]
(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)
- 5A. The national control system includes measures that allow the regulation, where necessary and feasible, of transit of conventional arms covered under Article 2(1) [ref Article 9], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)
- 5B. The national control system includes measures that allow the regulation, where necessary and feasible, of trans-shipment of conventional arms covered under Article 2(1) [ref Article 9], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)

- 1B. The national control system includes the following:
- i) competent national authorities (further specified below) [Article 5(5)]

5D. The competent national authority(-ies) for the regulation of transit and trans-shipment [Article 5(5)]
(please specify below)

5H. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a transit or trans-shipment authorization (when such an authorization is required) [Article 5(5)]
(please specify below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?

- (20) Transit control
- (21) Transshipment control

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?

- (4) Enforcement agencies/authorities
- (11) National licensing authority
- (12) Interagency review for licenses

TRANSIT / TRANSSHIPMENT (CONTINUED)

ATT REPORTING TEMPLATE QUESTION(S)

- 5A. The national control system includes measures that allow the regulation, where necessary and feasible, of transit of conventional arms covered under Article 2(1) [ref Article 9], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)
- 5B. The national control system includes measures that allow the regulation, where necessary and feasible, of trans-shipment of conventional arms covered under Article 2(1) [ref Article 9], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm whether they apply to all items in the national control list. If 'No', please elaborate below)
- 5E. Transit / trans-shipment of controlled equipment is permitted without regulation or under simplified procedure under certain circumstances (for instance in a free trade area)
(if 'Yes' please provide further information below)
- 5F. National control of transit and/or trans-shipment goes beyond the fulfillment of obligations under Article 6 of the Treaty
(if 'Yes', please specify the additional scope of control and indicate whether the additional control applies to all items in the national control list)
- 5I. Information / documentation required in an application for a transit / trans-shipment authorization
(please specify below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?

- (6) Licensing provisions
- (7) Individual licensing
- (8) General licensing
- (9) Exceptions from licensing
- (12) Interagency review for licenses

BROKERING

ATT REPORTING TEMPLATE QUESTION(S)

- 1A. Overview of legislation and ordinances governing the national control system [Article 5(2)]
(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)
- 6A. The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms covered under Article 2(1) [ref Article 10], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)

- 1B. The national control system includes the following:
i) competent national authorities (further specified below) [Article 5(5)]
- 6C. The competent national authority(-ies) for the regulation of brokering [Article 5(5)]
(please specify below)
- 6G. Apart from the competent national authority, the following ministries or government authorities may be involved in the decision-making process for a control measure related to brokering [Article 5(5)]
(please specify below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

- OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
- (3) Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology
 - (23) Control of providing funds
 - (24) Control of providing transport services
- OP 2 Nuclear Weapons (NW), Chemical Weapons (CW), and Biological Weapons (BW) - Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?
- (7) transfer

- OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
- (4) Enforcement agencies/authorities
 - (11) National licensing authority
 - (12) Interagency review for licenses

BROKERING (CONTINUED)

ATT REPORTING TEMPLATE QUESTION(S)

- 6A. The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms covered under Article 2(1) [ref Article 10], as well as items covered under Articles 3 and 4. [ref Articles 6(1) to 6(3)]
(if 'Yes', please provide further information below on the nature of control measures and confirm that they apply to all items in the national control list. If 'No', please elaborate below)
- 6D. National brokering controls contain exemptions (for instance for national armed forces or defence industry) [Articles 6 & 10]
(if 'Yes', please provide further information below)
- 6E. National brokering controls go beyond the fulfillment of obligations under Article 6 of the Treaty (for instance regulating brokering in other situations)
(if 'Yes', please specify the additional scope of control)
- 6H. Information / documentation required in an application related to brokering
(please elaborate below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

- OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
- (6) Licensing provisions
 - (7) Individual licensing
 - (8) General licensing
 - (9) Exceptions from licensing
 - (12) Interagency review for licenses

DIVERSION

ATT REPORTING TEMPLATE QUESTION(S)

- 7A. Measures foreseen in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)]
- i) Assessing the risk of diversion of an export [Article 11(2)]
(if 'No', please provide background below)
- 7C. Measures included in the national control system to prevent the diversion of conventional arms covered by Article 2(1) [Article 11(1)]:
- iii) Establishment of mitigation measures [Article 11(2)]

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

- OP 3 (c) and (d) and related matters from OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?
- (17) End-user controls
 - (22) Re-export controls

ENFORCEMENT

ATT REPORTING TEMPLATE QUESTION(S)

- 1A. Overview of legislation and ordinances governing the national control system [Article 5(2)]
(please list below. If the national control system is governed in whole or part by other means than legislation or ordinances, please indicate these also)
ii) a control list [Article 5(2)]
- 10D. Additional voluntary information relevant to national enforcement
(please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) and OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?: [Specifically the "Enforcement: civil/criminal penalties and other" column]

- (1) Border control
- (2) Technical support of border control measures
- (3) Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology
- (4) Enforcement agencies/authorities
- (5) Export control legislation in place
- (20) Transit control
- (21) Trans-shipment control
- (22) Re-export control
- (24) Control of providing transport services
- (25) Control of importation

- 10A. Measures are in place that provide the ability to enforce of the national laws and regulations that implement the provisions of the Arms Trade Treaty [Article 14]
(if 'No', please elaborate below)

OP 2 Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW) - Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?

- (1) transfer [specifically the "Enforcement: civil/criminal penalties and other" column]

OP 3 (a) and (b). Account for/Secure/Physically protect NW, CW, and BW, including Related Materials -
Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW, CW, BW and Related Materials? Can violators be penalized? [Specifically the "Enforcement: civil/criminal penalties and others" column]

ENFORCEMENT (CONTINUED)

ATT REPORTING TEMPLATE QUESTION(S)

- 10D. Additional voluntary information relevant to national enforcement
(please elaborate below - for instance measures taken to criminalize offences against national laws and regulations that implement the provisions of the Arms Trade Treaty and to prescribe legal penalties in these cases.)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (a) and (b). Account for/Secure/Physically protect NW, CW, and BW, including Related Materials -
Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW/CW/BW and Related Materials? Can violators be penalized? [Specifically the "Enforcement: civil/criminal penalties and others" column]

RISK ASSESSMENT

ATT REPORTING TEMPLATE QUESTION(S)

- 3O. Additional voluntary information relevant to national export controls
(please specify below - for instance on the control of re-exports, or further detail on national measures indicated in 3A-D and F)
- 4H. Additional voluntary information relevant to national import controls
(please specify below)

UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTION(S)

OP 3 (c) and (d) and OP6 and OP10. Controls of NW, CW and BW, including related materials. - Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW, CW, BW and Related Materials? Can violators be penalized?

- (17) End-user controls
- (22) Re-export control
- (25) Control of importation

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