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# ATT-BAP REPORTING GUIDANCE NOTES

## MODULE 9 – ENFORCEMENT

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The Arms Trade Treaty-Baseline Assessment project has developed a series of nine ATT-BAP Guidance Notes to assist States in the completion of their national ATT-BAP Survey and in the preparation of their initial report on measures to implement the Arms Trade Treaty, as required under Article 13 (1). Each of the ATT-BAP Guidance Notes focuses upon a particular topic and ATT commitment. Each Note:

- Identifies the relevant Treaty articles for each topic
- Introduces the ATT-BAP Survey questions and a sample of responses provided by States
- Provides information on potential sources of information for addressing the ATT-BAP Survey questions, highlighting similar questions or relevant responses contained in national reports on transfer control systems for other international instruments

### ENFORCEMENT: RELEVANT ATT ARTICLES

#### Article 5.5

Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.

#### Article 14

Each State Party shall take appropriate measures to enforce national laws and regulations that implement the provisions of this Treaty.

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## ATT-BAP SURVEY QUESTIONS

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The ATT-BAP Survey contains several questions for States to explain how they fulfill their ATT commitments with regards to enforcement. The questions seek information on relevant agencies and measures for enforcing national laws and regulations that implement the provisions of the Treaty, and relate to Articles 5 and 14.

Examples of answers provided by States that completed ATT-BAP Surveys during 2013-2015 are included below to show the types of information that States have included in their Surveys and are indicative of the type of information governments are willing to share publicly on measures taken to implement the ATT. Completed Surveys are available for review via the 'Country Profiles' and 'Database' pages on the Arms Trade Treaty – Baseline Assessment Project Portal at: <http://www.armstrade.info/>

## 9. ENFORCEMENT

	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Denmark	
A) Which agency/ies is/are responsible for enforcing arms transfer controls? [Article 5.5]	The custom authorities ensure that the necessary authorizations are in place at the time when the arms are being transferred in or out of the country
	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Lithuania	
B) What measures does your State take to enforce national laws and regulations that implement the provisions of the Treaty? [Article 14]	Fines, criminal proceedings, revocation or suspension of licenses granted, denials of issuing licenses in the future.
	Details / Reference / Web link /Additional comments
Response taken from ATT-BAP Survey completed by Sweden	
C) Please provide any other information on enforcement practices you would like to share.	The authorities responsible for enforcing the arms transfer controls regularly holds consultation meetings in order to ensure and facilitate enforcement of the Swedish regulations.

## SOURCES FOR INFORMATION

The information required to answer the questions and sub-questions contained in Section 9 Enforcement will be contained in primary and/or secondary legislation or a Presidential decree, as well as policy guidelines. States may be able to find and use relevant information contained within their reports on implementation of the UN Programme of Action (PoA) or their UNSCR 1540 implementation reports, specifically with regard to questions on legislation, policy guidelines and procedures.

### RELEVANT QUESTION(S) FROM UN POA REPORTING TEMPLATE AND UNSCR 1540 IMPLEMENTATION REPORT MATRIX:

ATT-BAP SURVEY QUESTION	UN POA REPORTING TEMPLATE QUESTION	UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTIONS
Question 9.A. - Which agency/ies is/are responsible for enforcing arms transfer controls?		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?: (4) Enforcement agencies/ authorities
Question 9.B. - What measures does your State take to enforce national laws and regulations that implement the provisions of the Treaty?		Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?: (7) transfer [specifically the "Enforcement: civil/criminal penalties and other" column]  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]

ATT-BAP SURVEY QUESTION	UN POA REPORTING TEMPLATE QUESTION	UNSCR 1540 IMPLEMENTATION REPORT MATRIX QUESTIONS
<p>Question 9.C. - Please provide any other information on enforcement practices you would like to share.</p>	<p>Question 6.3 - Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?</p> <p>Question 6.15 - During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution).</p> <p>Question 8.5 - Is it a criminal offence in your country to engage in a SALW brokering transaction without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?</p> <p>Question 8.8 - What penalties or sanctions does your country impose for illegal brokering activities?</p>	<p>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]</p>