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Transfer documentation for SALW

Head,
SEESAC,
UNDP Belgrade,
Internacionalnih Brigada 56,
11000 Belgrade,
Serbia

E-mail: rmds@undp.org.yu
Telephone: (+381) (11) 344 63 53
Fax: (+381) (11) 344 63 56

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**Head,
SEESAC,
UNDP Belgrade,
Internacionalnih Brigada 56
11000 Belgrade,
Serbia**

**E-mail: rmds@undp.org.yu
Telephone: (+381) (11) 344 6353
Fax: (+381) (11) 344 6356**

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Foreword

On 08 May 2003 the development of regional micro-disarmament¹ standards and guidelines was discussed during the RACVIAC sponsored seminar on '**SALW - A year after Implementation of the Stability Pact Plan**'. The consensus was that such standards and guidelines were desirable, and SEESAC agreed to develop a framework and then take responsibility for the future development of regional standards. It was agreed RMDS/G would be designed to support the work at the operational level, and would go further than the more generic 'best practice' documents currently available. After a wide-ranging discussion between stakeholders as to the status of RMDS/G it has been agreed that the term 'standards' will refer to the technical issues, whilst 'guidelines' will apply to 'programme' issues.

This RMDS/G² reflects the development of operational procedures, practices and norms, which have occurred over the past four years in the area of Small Arms and Light Weapons (SALW)³ control. Best operational practices have been identified and reviewed from within the region and beyond, and included as appropriate within this RMDS/G.

SEESAC has a mandate under the Stability Pact Regional Implementation Plan to fulfil, among others, operational objectives of 1) sharing information on and enhancing co-operation in the establishment and implementation of SALW control and reduction programmes and approaches among regional actors; and 2) providing linkage and co-ordination with the other relevant regional initiatives. The development of RMDS/G is one means of fulfilling that mandate.

The work of preparing, reviewing and revising these standards and guidelines is conducted by SEESAC, with the support of international, governmental and non-governmental organisations and consultants. The latest version of each standard, together with background information on the development work, can be found at www.seesac.org. RMDS/G will be reviewed at least every three years to reflect developing SALW control norms and practices, and to incorporate changes to international regulations and requirements. The latest review was conducted on 01 March 2006, which has reflected the development of the UN Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) www.unddr.org, which include RMDS/G as a normative reference in the Disarmament and the SALW Control modules.

¹ Defined as: 'The monitoring, collection, control and final disposal of small arms, related ammunition and explosives and light weapons of combatants and often also of the civilian population. It includes the development of responsible weapons and ammunition management programmes'. Often used interchangeably with SALW control in the past, but SALW Control is now the recognised terminology. The term Micro-Disarmament has only been used here to ensure consistency of the RMDS/G concept, rather than renaming the standards.

² The layout and format of RMDS/G are based on the highly successful International Mine Action Standards (IMAS). The cooperation of the UN Mine Action Service (UNMAS) is acknowledged by SEESAC during the development of RMDS/G.

³ There is no agreed international definition of SALW. For the purposes of RMDS/G the following definition will apply: '**All lethal conventional munitions that can be carried by an individual combatant or a light vehicle, that also do not require a substantial logistic and maintenance capability**'

Introduction

Small arms, light weapons and ammunition are inherently dangerous. In the wrong hands, and in sufficient quantities, they can be politically destabilising and lead to and exacerbate conflict. As such, they can present grave dangers, both to national governments and to international and regional peace-building efforts. The most effective way that they can be kept in check is by interventions and programmes for micro-disarmament and the control of SALW. This RMDS/G establishes best practices and guidelines on the responsibilities of a national government, including the national SALW commission, to control the movement of SALW by establishing documentation and recording systems for the transfer⁴ of weapons.

Any national legislation covering the transfer of weapons must also reflect a number of international commitments, including United Nations resolutions, and protocols against the illicit trafficking in firearms. Information on some of these protocols can be found in the OSCE Best Practice Guide on Export Controls⁵.

The drafting of such documentation, and the establishment of a system for recording the information, should assist in the control of arms movement in and out of the country, with the aim of identifying and controlling the flow of illegal weapons. Clear and accurate documentation will also assist national governments to maintain a database of weapons held legally in the country.

This RMDS/G applies mainly to those nations manufacturing and transferring legal weapons, but also can be applied to nation states that have stocks of weapons manufactured in a third country, or non-registered (illegal weapons), collected, surrendered or otherwise acquired, which are to be transferred to another country.

⁴ This includes, when appropriate, the import, export, transit, transshipment, re-export, intangible transfer, licenced production, brokering and transport of SALW.

⁵ OSCE Best Practice Guide on Export Control of SALW.

Transfer documentation for SALW

1 Scope

This RMDS/G establishes the guiding principles for the establishment of system of transfer documentation and recording for SALW. The principles for such documentation will be prepared by the national government, and the implementation of the transfer documentation with its documentation shall be the authority of the national government, which shall discharge this responsibility through appropriate and effective assessments, approvals, oversight, monitoring and follow-up. This authority may be concurrently delegated in whole or part to a national SALW authority, or through other arrangements, which provide for the safe, efficient and effective planning and execution of national SALW control intervention activities.

2 References

A list of normative references is given in Annex A. Normative references are important documents to which reference is made in this standard, and which form part of the provisions of this standard.

3 Terms and definitions

A list of terms and definitions used in this standard is given in Annex B. A complete glossary of all the terms and definitions used in the RMDS/G series of standards is given in RMDS/G 02.10.

In the RMDS/G series of standards, the words 'shall', 'should' and 'may' are used to indicate the intended degree of compliance. This use is consistent with the language used in ISO standards and guidelines.

- a) 'shall' is used to indicate requirements, methods or specifications that are to be adopted in order to satisfy the standard in full.
- b) 'should' is used to indicate the preferred requirements, methods or specifications.
- c) 'may' is used to indicate a possible method or course of action.

The term '**national authority**' refers to the government department(s), organisation(s) or institution(s) in each SALW country charged with the regulation, management and co-ordination of SALW activities.

The term '**transfer**' refers to the import, export, transit, transshipment, re-export, intangible transfer, licenced production, brokering and transport of SALW.

4 Role of transfer documentation a national SALW programme

SALW programmes need to be completely transparent in the way they are carried out, and also need to be, and be seen to be, as accurate as possible. Part of the accuracy and transparency comes from correct documentation and control procedures, and these include the procedures for the legal transfer of weapons, including those illegal weapons transferred for disposal to a country with better facilities for such destruction. In addition, transfer controls will assist the importing country with its own weapon registration process.

5 Establishment of transfer documentation for SALW

5.1 Transfer documentation

Most countries with long-standing weapons manufacturing capacity also have established transfer regulations, documentation and controls. Almost all other countries have some system of documentation, which may serve, adequately or not, to record and implement weapons transfers. Accordingly, while each country decides on its own documentation and system, this RMDS/G provides an outline of minimum requirements or standards to be met if a country is to discharge effectively its international obligations with respect to SALW transfers. It is for each state to decide on its own national export and import control system in accordance with national and international commitments, and there is no single model from which to work, but there are certain features which any transfer control system needs to be effective.

5.1.1 Responsibilities for drafting transfer legislation and documentation.

Legislation in most countries reflects a joint exercise of authority and initiative between the parliamentary institution and the executive. Both legislative committees and government ministries directly concerned with the subject matter generally take the lead. This should be no less true in the case of SALW legislation, specifically in this instance export or transit transfer documentation. Drafting of basic legislation in this field and of subsidiary regulations should include but need not be limited to involvement of the following:

- a) the national foreign ministry, because of the political sensitivity of arms exports and imports and their security implications;
- b) the national SALW authority, to integrate SALW import and export legislation and documentation with any national SALW surrender or SALW Control programme;
- c) the national SALW licensing authority;
- d) the interior ministry, to ensure that any weapons imports for them, (for police, border guard and customs use), are also covered by the common national transfer documentation;
- e) the finance ministry, (revenue, export and import duties, taxes); and
- f) the ministry responsible for border and customs controls.

Both to ensure relevance, but also transparency, involvement of the population through the engagement of civil society, NGOs, communities, and similar sources of public opinion should also be integral to these processes.

5.1.2 Features of national transfer documentation

Transfer documentation should include the following information:

- a) numbers and types of weapons to be transferred, including serial numbers and any original or added marking or coding, which serves as or reinforces identification, provided that no arms should be exported or allowed to transit without adequate identification marking;
- b) country of origin and manufacture of the weapons, including manufacturer if known;
- c) individual net cost or sale price for each weapon or bulk category thereof, and total cost of shipment, excluding freight, packing and insurance;
- d) originating and destination country of the shipment if in transit;
- e) approved licence for import from the recipient country government, including confirmation of specific government review and approval of broker, if any, importing agency, buyer or ultimate purchaser or user;

- f) approved licence for export from the originating country government, including confirmation of government review and approval of manufacturer or supplier, broker if any, exporting agency, buyer or ultimate purchaser or user;
- g) licence documentation with expiry date, including accurate identification, numbering of document, appropriate government signatures and stamps, for the exporting agent and importing agent, if any;
- h) end-user certification, which includes accurate description and identification of such end-user, by exporting, transit and importing governments;
- i) confirmation by end-user that exporting government will be notified formally of any intention to re-export or transfer to third party any part of the weapons shipment in question;
- j) agreement by importing government officially to inform the exporting and transit governments if there is any re-export, transfer, sale or other disposition by the originally-designated end-user;
- k) customs inspection certificates from the originating and transit country governments;
- l) certification of shipment routing, including transit, by exporting government;
- m) recorded authorization, including documentation support, a) through l) above, by a third-country government through which the shipment in question may transit; and
- n) notice in writing on all export and transit documentation of criminal penalties to be incurred for fraud, forgery, concealment, misrepresentation, or any other material and wilful negligence or specific violation with respect to the identification, origin, destination, parties involved, conditions of sale and purchase, or any other material condition under clauses 5.1.2 a) through m) above.

5.1.3 Implementing agencies

The following agencies should normally have the operational authority to prepare, review, assess, confirm, accept or reject specifics of any or all of the documentation under clause 5.1.2 above, as well as to implement the functional and oversight provisions involved in order to achieve the transfer in question:

- a) the national SALW authority;
- b) Ministry of Interior or Internal Affairs;
- c) Ministry of Defence;
- d) Ministry of Foreign Trade;
- e) the border and customs control agencies; and
- f) other directly engaged agencies of the government on a case-by-case basis.

5.2 Recording of transfer data

Transfer documentation provides data that is required in any national weapons database, weapons census or arms control component of a national SALW Control programme. Transfer documentation should, where possible, arrange the data to be compatible with the national database, to facilitate the quick and accurate assessment of the national weapons holdings and locations. Such data handling should be built in to the documentation itself, and also the weapons transfer handling procedures.

5.3 International co-operation on transfer legislation and documentation

Where nation states with common borders are concerned or threatened directly or indirectly by armed insurrection or criminality, common (i.e., comparable in its provisions and mutually-intelligible) transfer documentation may be adopted. This will facilitate accurate monitoring of cross-border movements of weapons and permit more rapid identification of illegal shipments. Where feasible, this commonality in transfer documentation could be further extended to regional transfer procedures.

6. Areas of responsibility

6.1 United Nations Development Programme (UNDP)

UNDP has a general responsibility for enabling, assisting and encouraging the effective management of SALW control programmes by continuously maintaining an overview of RMDS/G to reflect developing SALW control norms and practices, and by informing appropriate stakeholders of any changes to international regulations and requirements.

UNDP shall apply RMDS/G to its SALW intervention programmes, activities and contracts within South Eastern and Eastern Europe unless the local situation precludes their effective application. In such circumstances, when one or more RMDS/G is not appropriate, UNDP will provide alternative specifications, requirements and guidance.

6.2 Regional organizations

In certain areas of the world, regional organizations have been given a mandate by their member states to coordinate and support SALW control programmes within a state's national boundaries. (For example EUFOR within Bosnia and Herzegovina).

In these circumstances the regional organization should assume many of the responsibilities and roles of the national SALW authority, and could also act as a conduit for donor resources. The responsibilities and roles of regional organizations for SALW control will vary from state to state and may be subject to specific Memoranda of Understanding, or similar agreements.

6.3 National SALW authority ⁶

The national SALW authority should be responsible for ensuring the national conditions that enable the effective management of national SALW intervention projects. The national SALW authority is ultimately responsible for developing and managing the SALW intervention programme within its national boundaries.

The national SALW authority shall be responsible for establishing and maintaining a national SALW commission for the management of SALW intervention planning and operations. The national SALW commission should be consistent with the guidelines provided by RMDS/G, and other relevant national and international standards, regulations and requirements.

⁶ In this case the national SALW authority, if the same as the national SALW commission, may be responsible to itself.

Annex A (Normative) References

The following normative documents contain provisions, which, through reference in this text, constitute provisions of this part of the standard. For dated references, subsequent amendments to, or revisions of, any of these publications do not apply. However, parties to agreements based on this part of the standard are encouraged to investigate the possibility of applying the most recent editions of the normative documents indicated below. For undated references, the latest edition of the normative document referred to applies. Members of ISO and IEC maintain registers of currently valid ISO or EN:

- a) OSCE Best Practice Guide on Export Control of SALW;
- b) RMDS/G 01.10 - Guide to RMDS/G and SALW control measures;
- c) RMDS/G 03.10 - National SALW commissions;
- d) RMDS/G 03.20 - Arms control and transfer legislation;
- e) RMDS/G 03.40 - Marking and tracing of SALW;
- f) RMDS/G 04.10 - Management of SALW programmes;
- g) RMDS/G 04.20 - SALW accounting;
- h) RMDS/G 04.30 - Monitoring of SALW programmes;
- i) RMDS/G 04.40 - Verification of SALW programmes;
- j) RMDS/G 05.10 - SALW collection;
- k) RMDS/G 05.20 - SALW destruction; and
- l) RMDS/G 05.70 - Cross border controls.

The latest version/edition of these references should be used. SEESAC hold copies of all references used in this standard. A register of the latest version/edition of the RMDS/G standards, guides and references is maintained by SEESAC, and can be read on the RMDS/G website: <http://www.seesac.org/>. National SALW authorities, employers and other interested bodies and organisations should obtain copies before commencing SALW programmes.

Annex B **(Informative)** **Terms and definitions**

B.1.1

micro-disarmament

the collection, control and disposal of small arms, ammunition, explosives, light and heavy weapons of combatants and often also of the civilian population. It includes the development of responsible arms management programmes.

B.1.2

national authority

the government department(s), organization(s) or institution(s) in a country charged with the regulation, management and coordination of **SALW** activities.

B.1.3

Small Arms and Light Weapons (SALW)

all lethal conventional munitions that can be carried by an individual combatant or a light vehicle, that also do not require a substantial logistic and maintenance capability.

Note: There are a variety of definitions for SALW circulating and international consensus on a “correct” definition has yet to be agreed. For the purposes of RMDS/G the above definition will be used.

B.1.4

standard

a standard is a documented agreement containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

Note: RMDS/G aim to improve safety and efficiency in SALW Control by promoting the preferred procedures and practices at both headquarters and field level. To be effective, the standards should be definable, measurable, achievable and verifiable.

B.1.5

transfer

the import, export, transit, transshipment, re-export, intangible transfer, licenced production, brokering and transport of SALW.

Annex C (Informative) Example transit shipment authorisation

GOVERNMENT HEADINGS

*Standard Transit SALW⁷ Shipment Form

**Form Control Number:	
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1.	SUMMARY OF SHIPMENT	
1.1	Country(s) of manufacture of shipment or components:	
1.2	Country of shipment export / origin:	
1.3	Description, total number by types of weapons, ammunition and ordnance. (Complete detailed listing, including Serial Numbers, Stamps and other Markings to be attached as Annex A):	
1.4	Country of shipment destination(s) and final country of import:	
1.5	Transit country(s):	
1.6	Method of Shipment: (Sea/Air/Road/Rail) (Including identification of carriers and time frame)	
1.7	Mode of Shipment: (Sealed Containers/Rail Wagons/ Trucks or other)	
1.8	Storage Location: (Bonded warehouse / Other)	
1.9	Agent, including Broker, for shipment/storage in transit country(s):	
1.10	Total Shipment FAS Cost:	
1.11	Export, import and transit government criminal penalties and forfeiture apply in case of deliberate misrepresentation, fraud and/or wilfull negligence by any party to this shipment: (Enter applicable legislation)	

⁷ Small Arms and Light Weapons.

2.	AUTHORIZATIONS, APPROVALS AND CONFIRMATIONS	
2.1	Export Country Government	
2.1.1	Export agent, including any broker, trade name, owner and address:	
2.1.2	Export agent, including any broker, trade license number, and date of expiration:	
2.1.3	Authorization or license for this export shipment, including number, date, expiration, designation of licensee:	
2.1.4	Shipment routing, including transit, and specifying methods, modes, storage and carriers:	
2.2	Transit Country Government(s)	
2.2.1	Transit agent, including any broker, trade name, owner, address:	
2.2.2	Transit agent, including any broker, trade license number, date of expiration:	
2.2.3	Authorization or license for this transit shipment, including number, date, expiration, designation of license:	
2.2.4	Shipment routing, including transit, and specifying methods, modes, storage and carriers:	
2.3	Import Country Government	
2.3.1	Import agent, including any broker, trade name, owner and address:	
2.3.2	Import agent, including any broker, trade license number, date of expiration:	
2.3.3	Authorization or license for this import shipment, including number, date, expiration, designation of licensee:	
2.3.4	Shipment routing, including transit, and specifying methods, modes, storage and carriers:	
2.3.6	End-user certification:	
2.3.6	Government will advise export country government if components of shipment are to be re-exported/sold.	

3.	PHYSICAL INSPECTION AND VERIFICATION OF SHIPMENT AND DOCUMENTATION	
3.1	Export Country Government	
3.1.1	Customs inspection and verification of shipment and documentation before export:	
3.2	Transit Country(s) Government	
3.2.1	Customs inspection and verification of shipment and documentation at points of entry and exit from transit country:	
3.3	Import Country(s) Governments	
3.3.1	Customs inspection and verification of shipment and documentation:	
3.3.2	Confirmation to export and transit country governments of shipment arrival in entirety with complete required documentation:	
3.3.3	Confirmation of delivery of shipment to end-user:	

Notes to Standard Transit SALW Shipment Form

1. General

The Standard Transit SALW Shipment Form does not replace or obviate the need for cargo manifests, customs declarations, excise documents, or any other trade or government record required in the ordinary course of trade. The Form is specifically addressed to documenting oversight by governments engaged in an SALW shipment. The purpose is to ensure that each government involved can rely that each other government has official knowledge of the shipment and has exercised its respective responsibility for conformance of the shipment to the agreed regional or international standards.

This Form is a prime candidate for inaugurating a common and mutually intelligible documentation for control of SALW transport. It may be the only such mechanism that does not have to take into account in the proprietary interests of one country or another. In the case of transit, at least three states are always involved, and often more. National sensitivities over authorship and format basically do not apply in such circumstances, at least to the same degree. Moreover, no one government can be blamed for the common requirements applied to three.

On the other hand, devising a form to satisfy the requirements for several governments for a single shipment is a challenge. In effect, that context determines much of the shape and substance of the document.

For example, structure and substance have to take into account four principal criteria. First is the need to furnish to customs, police, border, tax and trade officials of at least three different countries a readily understandable instrument. Second, it has to include no unnecessary but all essential information. Third, it needs to reinforce controls without presenting undue obstacles to bona fide trade. Fourth, it must respect the sovereign rights of each country involved.

The following notes relate the substance and format of the 'Standard Transit SALW Shipment Form' to these criteria. Obviously, not all factors have the same weight. Taken together, however, they make up a comprehensive and practical instrument for transit oversight.

2. Format

The format comprises three Parts.

Part 1 is the summary to be completed by the export country government at the outset. This part is designed as a brief, short statement of the transaction which can be easily translated, read and understood by customs, police and other officials of each country engaged.

Part 2 records the reviews and approvals by each government with respect to the shipment. Both Parts 1 and 2 are to be completed in entirety with all appropriate signatures, stamps or seals *before* any physical movement of the shipment from the exporting country. The recording of approvals, signatures, etc., by each respective government shall be in the number of originals corresponding to the number of countries involved. Each government shall retain one version of each completed original. These approvals and authorizations can be exchanged or transmitted by post express or other means, provided they are completed and received by each government before physical shipment commences.

At the point where physical shipment takes place, Parts 1 and 2 of the Form, in the original, shall be attached to the shipment by the export country government.

At this juncture, **Part 3**, recording physical inspection and verification of the shipment and documentation, is also completed and attached and made part of the Form by the export country government. Original versions of the export country government's completion of its section of Part 3 are transmitted at the same time to each involved country government. This sequence is repeated by each of the subsequent country governments involved when it has in turn completed a physical inspection and verification of the shipment and documentation, including finally that of the import country government.