

## **Implementation of the International Tracing Instrument The Royal Kingdom of The Netherlands contribution 2009**

### **I Marking**

The EU-directive 91/477/EEC has been amended by EU-directive 2008/51/EC.

The Netherlands is currently in the process of preparing implementing legislation for the EU-Directive 2008/51/EC and the TOC weapons-protocol.

Each item of SALW held by the Defence organisation is uniquely marked and registered. The marking identifies the type, country code, serial number and the manufacturer of the item of SALW. If it appears that a weapon in the armed forces' stocks is not marked, it will be considered illegal and it will subsequently be destroyed.

Each item of SALW which is part of the armament or equipment of the Dutch police is uniquely marked and registered. The markings identify the type, serial number and manufacturer of the item of SALW. All service pistols of the Dutch police are additionally marked with a unique Dutch police acceptance mark.

### **II Record-keeping**

Under the Arms and Ammunitions Act traders can only obtain an authorization if they meet standards on age, behaviour and knowledge of arms. There may not be any reason to doubt the trustworthiness of the applicant. All authorizations are granted for a period of five years. At the end of this period the trader must still meet the criteria on age, behaviour, and knowledge of arms. There may not be any doubt concerning his trustworthiness. During those five years the trader must administrate transaction dates, the amounts, types and manufacturers of the arms traded, the names and addresses of the buyers and sellers of the arms, and administrate type and number of the authorization of the buyer or seller. Those authorized to trade in arms must have fulfilled all the administrative requirements during the five year period if the extension of the authorization to trade in arms is to be granted for another five years.

Within the Defence organisation full records are kept and maintained of holdings, use, expenditure and disposal of all SALW. These records are checked and subject to inspection. Procedures exist for reporting losses and thefts as well as subsequent necessary action.

Within the Dutch police organisation full records are kept and maintained on holdings, use and disposal of all SALW. First of January 2010 the police and prosecution started a new national working method to enhance registration of confiscated weapons from the moment of confiscation to the moment of destruction.

### **III Cooperation in tracing**

National Point of Contact:

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The Netherlands supports and co-operates with foreign law enforcement agencies as well as with Interpol and the World Customs Organisation (WCO).

### **IV Cross-cutting issues**

National laws and regulations:

In the Netherlands all trade, production, use, import, export, transition is forbidden by the Weapons and Ammunition Act (regarding the import and export act and the strategic goods import and export order). In line with the EU-Directive 2008/51/EC, amending EU-Directive 91/477/EEC, the Netherlands will make the distinction between brokering and trading. An authorization can only be obtained if the trader, user or producer, meets a standard on age, behaviour and knowledge of arms. Authorizations for trade are granted for a period of five years. Authorizations for use are granted for a period of one year. At the end of this period the applicant must still meet the criteria on age, behaviour, and knowledge of arms. There may not be any doubt concerning the trustworthiness of the applicant.

Implementation challenges and opportunities:

The Netherlands fully supports the efforts to organise the upcoming BMS4 in a way that allows for more efficiency and vigour by analysing the national reports, and focussing on a limited amount of issues in stead of consuming the entire mandate.

Measures taken in the field of international cooperation and assistance:

The Netherlands has contributed financially to several projects in 2009. For a detailed overview of these projects the Netherlands report on the implementation of the UNPoA can be consulted.

Regarding the specific topic of Marking and Tracing, financial support has been given to RECSA and other regional organisations and international NGO's. The Netherlands is willing to support states in their effort to implement the ITI. As priority regions in the Dutch SALW policy, the Great Lakes Region, the Horn of Africa, the Balkans and Afghanistan would be especially eligible for funding.

# Report

## On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

### Executive Summary

#### A.) National level

##### 1. National coordination agency

Export control rules and regulations are enforced by the Fiscal Economic Investigations Agency, as well as by Customs. These two agencies are part of the Ministry of Finance.

In general, coordination of and responsibility for regulations surrounding SALW is spread between the Ministry of Economic Affairs, the Ministry of Justice, and the Ministry of Foreign Affairs.

##### 2. National point of contact

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##### 3. Legislation, regulations, administrative procedures

i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

- production
- export
- import
- transit
- retransfer

National Laws, Regulations and Decrees		
Area:	Law/ Regulation/ Decree	Date
Production	Wet Wapens en Munitie - WWM	1997
	Arms and Ammunitions Act	

	No producers of small arms or light weapons are based in the Netherlands. The WWM prohibits the production in the Netherlands of goods and technology mentioned in the Firearms Directive (Council Directive 91/477/EEC) without authorization from the Minister of Justice.	
	<a href="http://www.justitie.nl/onderwerpen/criminaliteit/wapens/index.aspx#paragraph5">http://www.justitie.nl/onderwerpen/criminaliteit/wapens/index.aspx#paragraph5</a>	
Export	Wet Wapens en Munitie – WWM	1997
	Algemene douanewet	2008
	Besluit strategische goederen	2008
	Uitvoeringsregeling strategische goederen	2008
	Sanctiewet 1977	1977
	Arms and Ammunitions Act General Customs Law Decree on strategic goods Implementation order on strategic goods The Sanctions Act 1977	
	<p><b>Export</b></p> <p>The Decree on strategic goods, the Implementation order on strategic goods and the Arms and Ammunitions Act (WWM), prohibit the export from the Netherlands of goods and technology mentioned in the Common Military List of the European Union (2007/197/CFSP) and the Firearms Directive (Council Directive 91/477/EEC) respectively, without a licence from the Minister of Foreign Trade to all countries with the exception of Belgium and Luxembourg (due to the special Customs arrangements under the Benelux Treaty). The Netherlands assesses the license applications according to the 8 criteria defined in Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.</p> <p>The Sanctions Act 1977 provides for the possibility to implement recommendations, resolutions, and agreements of international organisations on international trade sanctions for military or other goods. It gives the Dutch government the jurisdiction to regulate the (re-)export of SALW as specified in Internationally established arms embargoes, when the weapons are exported from the Netherlands to the embargo-countries.</p>	
	<a href="http://www.exportcontrole.ez.nl">www.exportcontrole.ez.nl</a>	
Import	Wet Wapens en Munitie - WWM	1997
	Arms and Ammunitions Act	
	The WWM prohibits the import into the Netherlands of goods and technology mentioned in the Firearms Directive (Council Directive 91/477/EEC) without authorization (or completely depending on the type of weapons and ammunition) from the Minister of Justice.	
	<a href="http://overheidsloket.overheid.nl/index.php?p=product&amp;product_id=771">http://overheidsloket.overheid.nl/index.php?p=product&amp;product_id=771</a>	
Transit	Wet Wapens en Munitie – WWM	1997
	Algemene douanewet	2008
	Besluit strategische goederen	2008
	Uitvoeringsregeling strategische goederen	2008
	Sanctiewet 1977	1977

	Arms and Ammunitions Act General Customs Law Decree on strategic goods Implementation order on strategic goods The Sanctions Act 1977	
	<b>Transit</b> Transit through the Netherlands is defined as: the transport of goods that only enter the territory of the Netherlands in order to be transported through this territory to a destination outside the territory of the Netherlands. Although under international law "territory" would include the Netherlands' territorial waters and it's airspace, by exempting these parts of the territory in the transit controls, the scope of these controls is limited to those transactions that actually enter Netherlands' "soil". Since August 1st 2008 the controls on the export from and transit through the Netherlands of military goods is based on the General Customs Law, the Decree on strategic goods and the Implementation order on strategic goods. The goal of the transit controls is for the government to get better insight into the type and size of transit transactions of military goods through the Netherlands and to be able to act when a transaction is deemed undesirable. In principle, all transit transactions of military goods through the Netherlands now require a license from the Dutch Export Control Authorities, similar to the license requirement in case of export. Exempted from the transit-license requirement are transit transactions of military goods originating from or destined for Australia, Japan, New-Zealand, Switzerland, Member States of the European Union or NATO allies. However, whilst exempted from the transit-license requirement, for these transactions there is still a notification requirement. A notification needs to contain information on: the amount of goods, their final destination, their means of transport, their location of exit from the Netherlands, the name of the person filing the notification, and if this person is not the owner of the weapons, the name of the owner is also required. If present, the received export-licence from the relevant authority in the country of export must be presented. The Dutch government may decide to install an "ad-hoc" license-requirement based on the information acquired through the notification if there is uncertainty about the legitimacy of the export from the country of origin, and thus transit through the Netherlands. Furthermore, some transactions are also exempted from both the license and reporting requirement. These are transit transactions of defence material owned by and destined for Dutch or NATO troops, Joint Force Command Brunssum or the European Space Agency, or transactions of military vehicles owned or used by an army with the purpose of storing the vehicles or for using them in events such as state visits, naval reviews or aviation demonstrations.	
	<a href="http://www.exportcontrole.ez.nl">www.exportcontrole.ez.nl</a>	
Retransfer (Re-export)	Wet Wapens en Munitie – WWM Algemene douanewet Besluit strategische goederen Uitvoeringsregeling strategische goederen Sanctiewet 1977	1997 2008 2008 2008 1977

Arms and Ammunitions Act General Customs Law Decree on strategic goods Implementation order on strategic goods The Sanctions Act 1977
<b>Re-export</b> The re-export of SALW is controlled by the same laws, rules, and requirements (license-requirement) controlling the export of SALW.
<a href="http://www.exportcontrole.ez.nl">www.exportcontrole.ez.nl</a>

<b>Administrative Procedures</b>		
<i>Area:</i>	<i>Administrative Procedures</i>	<i>In place since</i>
Production	n.a. see <i>National Laws, Regulations and Decrees</i>	
Export	Wet Wapens en Munitie – WWM Algemene douanewet Besluit strategische goederen Uitvoeringsregeling strategische goederen Sanctiewet 1977	1997 2008 2008 2008 1977
	<p><b>(Re-)Export and transit</b> License-applications for the (re-)export of, and notifications for the transit of SALW are submitted to the Customs Licensing Office (CDIU) of the Ministry of Finance. The CDIU is mandated to grant licenses in name of the Minister of Economic Affairs. The CDIU will sort the license applications according to the country of destination of the arms transfer concerned. Applications for proposed destinations outside of the EU-, NATO- and Australia, Switzerland, New Zealand or Japan, will be sent to the Ministry of Economic Affairs (MEA) for further scrutiny. MEA will then seek the advice of the Ministry of Foreign Affairs (MFA) who will assess the proposed transaction to the 8 criteria defined in Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules. Export Licenses are issued on the basis of the information contained in the business-contract, in the International Import Certificate, and/or in the end-user statement, and on adherence to the 8 criteria defined in Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment. It is possible to launch an inquiry regarding an IIC, end-user statement or specific person/company via the embassy in the importing country. Taking into account this MFA advice, MEA will then instruct CDIU to either issue or deny the licence.</p>	
	<a href="http://www.exportcontrole.ez.nl">www.exportcontrole.ez.nl</a>	
Import	Wet Wapens en Munitie – WWM In en Uitvoer Wet In en Uitvoer Besluit Strategische Goederen Sanctiewet 1977	1997 1962 1963 1977

	The Arms and Ammunition Act prohibits the import of SALW without consent. In case of military arms the Minister of Defence is competent. In case of arms for other governmental organisations the Minister of Justice is competent. In all other cases the competence rests at the Minister of Finance/tax/department/Custom Licensing Office (CDIU)	
Transit	See export	
Retransfer	See export	

ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

The Netherlands is not a SALW producing country. Each firearm imported into the Netherlands will be marked when the UN Firearms protocol is implemented in Dutch national law (Arms and Ammunition Act).

Each item of SALW held by the Defence organisation is uniquely marked and registered. The marking identifies the type, country code, serial number and the manufacturer of the item of SALW. If it appears that a weapon in the armed forces' stocks is not marked, it will be considered Illegal and it will subsequently be destroyed. In addition to the physical marking each item of SALW is equipped with a passive, electronic 'rfid' (radio frequency identification) transponder. These transponders are read with the use of portable terminals before and after transportation and all data are stored in one centralized database.

A bill to align the Dutch Arms and Ammunition Act to the marking and tracing (EU) obligations is in preparation.

iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)

The Netherlands participates in, and supports the OSCE and EU SALW information exchange.

#### 4. Law enforcement/criminalization

i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

<b>National criminal offences relating to illicit SALW</b>		
<i>Area:</i>	<i>Law / other measure</i>	<i>Date</i>
Manufacture	Wet Wapens en Munitie Regeling Wapens en Munitie	1997
	Arms and Ammunition Act	

	Statutory Regulation Arms and Ammunition	
Possession	Wet Wapens en Munitie Regeling Wapens en Munitie	
	Arms and Ammunition Act Statutory Regulation Arms and Ammunition	
Stockpiling	See manufacture	
Trade	Wet Wapens en Munitie – WWM	1997
	Wet op de Economische Delicten	1950
	Arms and Ammunitions Act Economic Offenses Act	
<p><b>Enforcement measures for the Decree on strategic goods, the Implementation order on strategic goods, the WWM, the FVS (see <i>brokering</i>), and the Sanctions Act 1977</b></p> <p>Export control rules and regulations are enforced by the Economic Investigations Agency, as well as by Customs. These two agencies are part of the Ministry of Finance. The Economic Offences Act authorises the Enforcement Agency (i.e. the Fiscal and Economic Investigation Services (FIOD-ECD)) to conduct investigations, and also serves as the punitive framework for infringements of the FVS and the Sanctions Act 1977.</p> <p>- Those who violate the above mentioned laws face a jail-sentence of maximum six years, 74,000 EURO, or a work assignment (max. 480 hours). Enforcement of these sanctions expires after twelve years. Furthermore, the Economic Offences Act offers additional possibilities for penal sanctions such as the folding of the company involved, a temporary or even permanent ban to perform related economic activities, and/or confiscation of the goods in question and the profits gained by the illegal transaction. The additional sanctions might thus lead to an even higher financial loss than the value of the maximum fine. Finally, even without a formal conviction, the Court may order the destruction of commodities that in its judgement present a threat to the public order or public safety.</p> <p>- Those who violate the WWM face either a maximum jail sentences of nine months and a fine amounting to 18,500 EURO, or, if the violation is in relation to category II or III arms, the jail sentence may be four years, and the fine may be 74,000 EURO.</p> <p>If the violator breaks the act regularly or if there is intent to facilitate or prepare a terrorist act, the maximum jail-sentence is raised to eight years. The maximum fine is again 74,000 EURO.</p> <p>Expiration of enforcement of these sanctions is related to the length of the jail-sentence and thus, in consecutive order, six, twelve, and twelve years.</p> <p>A higher fine may be imposed for violations of both the Economic Offences Act and the WWM if the maximum fine is deemed too low in regard to the nature of the violation. If the maximum fine is 18,500 EURO it can under this circumstance be raised to 74,000 EURO. If the maximum fine is 74,000 EURO, it can under certain circumstance be raised to 740,000 EURO.</p> <p>Cases of infringements are handed over to the Public Prosecutor.</p>		

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ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

Where applicable, the Netherlands have taken the appropriate administrative and criminal enforcement measures against those involved in illegal arms trade.

iii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)

The Netherlands have an active prosecution policy in the prosecution of individuals violating UN arms embargoes.

<b>National measures for the enforcement of UN Security Council arms embargoes</b>		
<i>Area:</i>	<i>Legal means</i>	<i>Date</i>
Enforcement of UNSC arms embargoes	Sanctiewet 1977	1977
	Sanctions Act 1977	
	The Sanctions Act 1977 provides for the possibility to implement recommendations, resolutions, and agreements of international organizations on international trade sanctions for military or other goods. It gives the Dutch government the jurisdiction to regulate the (re-)export of SALW as specified in Internationally established arms embargoes, when the weapons are exported from the Netherlands to the embargo-countries.	
	If brokering of weapons is explicitly prohibited by internationally established arms embargoes, the Sanctions Act 1977 gives the Dutch government the jurisdiction to regulate brokering activities relating to countries targeted by the embargoes. This includes jurisdiction over brokering activities carried out by Dutch nationals outside the Netherlands.	
	www.exportcontrole.nl	

<b>National measures for the enforcement of UN Security Council arms embargoes</b>		
<i>Area:</i>	<i>Administrative means</i>	<i>In place since</i>

Enforcement of UN arms embargoes	See 4. Law enforcement/criminalization (i) Trade	
	<a href="http://www.exportcontrole.ez.nl">www.exportcontrole.ez.nl</a>	

## 5. Stockpile management and security

i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

<b>National standards and procedures for stockpile management and security</b>		
<i>Group:</i>	<i>Standards / procedures</i>	<i>Date</i>
Armed forces	Latest updated MOD document: Aanwijzing SG A/396 Materieelbeheer Defensie	
Police	Not available	
Other authorized bodies	-	
	-	

The Netherlands Defence stockpile locations or storage buildings are all established within the perimeter of military sites or facilities. Both SALW and ammunition storage are bound by national legislation concerning physical security and safety, including those concerning environmental aspects. Physical security measures include separate storage of weapons and ammunition, key control, alarm and detection systems, guard patrols and watchdogs. Access to arms and ammunition stocks is limited to personnel that have been subject to security clearance procedures and that have a written authorisation for such access. The relevant staff members are subject to regular training on regulations, practices and procedures related to stockpile security, inventory management and accounting control. As for transportation, SALW transports are always taking place with an armed escort. Arms and ammunition are transported separately in different vehicles.

ii) How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)

In general twice a year.

iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)

The Defence stocks of SALW are maintained at levels corresponding to the legitimate security requirements of the armed forces. Modernisation of Defence SALW stocks goes hand in hand with SALW disposal, mainly

taking place through destruction. As a result of this policy and practice on a regular basis no surpluses to requirements are identified within the Defence organisation.

## **6. Collection and disposal**

- i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)

The Defence stocks and SALW are maintained at levels corresponding to the legitimate security requirements of the armed forces. Modernisation of Defence SALW stocks goes hand in hand with SALW disposal, mainly taking place through destruction. As a result of this policy and practice, on a regular base no surpluses are identified within the Defence organisation. The Police and other State authorities have similar regulations on management and security of their stocks.

- ii) Is destruction the means used to dispose of such stocks? (II.18)

Armed forces: see answer 5iii. After removal from service of items of SALW, destruction is the means used to dispose of such items.

- iii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)

armed forces see answer 5iii.

- iv) Subject to the exceptions set out in paragraph II.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

All surplus of small arms used by the police and all confiscated small arms are destroyed.

- iv) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (II.19)

MoD: after removal from service the items of SALW are disposed by means of destruction. The method used for destruction is melting in blast furnaces.

- vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)

## 7. Export controls

i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)

See 3(i)

ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)

See 3(i)

Export control rules and regulations are enforced by the Economic Investigations Agency, as well as by Customs. These two agencies are part of the Ministry of Finance. The Economic Offences Act authorises the Enforcement Agency (i.e. the Fiscal and Economic Investigation Services (FIOD-ECD)) to conduct investigations

<b>National laws, regulations and administrative procedures used to ensure effective control over SALW export and transit</b>		
<i>Area:</i>	<i>Laws / regulations / procedures</i>	<i>Date</i>
Export	Title in the original language	
	Title in English translation (and short form)	
	Describe how the law is designed to ensure control over SALW export. Explain how it is implemented in actual practice.	
	Web link	
Transit	Title in the original language	
	Title in English translation (and short form)	
	Describe how the law is designed to ensure control over SALW transit. Explain how it is implemented in actual practice.	
	Web link	

*See above*

iii) Does your country use authenticated end-user certificates for this purpose? (II.12)

Yes. In principle all military shipments require an International Import Certificate or an end-user certificate if a license is to be granted.

iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)

Sometimes

## **8. Brokering**

i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)

- SALW-brokering activities are currently (but this will change in the near future) controlled by the Decree on Financial Involvement concerning Strategic Goods (FVS, covering goods on the Common EU military list) and the WWM. The Netherlands currently does not use the term brokering in its legislation. The relevant Dutch laws are rather directed at financial involvement, though excluding generic commercial services such as banking or transport, and trade in military goods and arms. This involvement must lead, directly or indirectly, to a material benefit, i.e. money, a commodity, or certain rights such as stock in a company.

- The FVS states that a Netherlands resident requires a license from the Minister of Finance in cases of financial involvement concerning third party transactions in military goods and arms, on condition that the strategic goods are either outside the EU, or are in the EU but have not been brought into free circulation. The licenses are assessed according to the same criteria used to assess license applications for the regular physical exports of weapons.

- The WWM, Article 9, states that companies or persons registered in the Netherlands need to obtain authorization in order to (amongst other activities) trade in weapons and munitions within the Netherlands. Brokering activities in relation to physical arms transactions originating in the Netherlands to a country outside the Netherlands, are currently not regulated as such by national legislation. In this case the export and re-export rules and regulations apply.

- If brokering of weapons is explicitly prohibited by internationally established arms embargoes, the Sanctions Act 1977 enables the Dutch Government to control it.

## **9. Marking, record keeping and tracing**

i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)

The MoD requires licensed manufacturers of SALW to apply and appropriate and reliable marking on each weapon as an integral part of the production process.

- ii) Is this marking unique? (II.7)

Yes

- iii) Does this marking identify the country of manufacture? (II.7)

Yes. In addition this marking identifies the type and serial number.

- iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

Each item of SALW held by the Defence organisation is uniquely marked and registered. The marking identifies the type, country code, serial number and the manufacturer of the item of SALW. If it appears that a weapon in the armed forces' stocks is not marked, it will be considered illegal and it will subsequently be destroyed. In addition to the physical marking each item of SALW is equipped with a passive, electronic 'rfid' (radio frequency identification) transponder. These transponders are read with the use of portable terminals before and after transportation and all data are stored in one centralized database.

- v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

Within the Defence organisation full records are kept of holdings, use, expenditure of disposal of SALW. These records are checked and subject to inspection. Procedures exist for reporting losses and thefts as well as subsequent necessary action. For the police forces, central and regional records are kept on holdings and use. On confiscated weapons records are also kept on data and disposal/destruction of the weapon.

Transfers of SALW are recorded by the Import and Exports Licensing Office, insofar as they are subject to notification or licensing under the Decree on Import and Export of Strategic Goods.

#### *Manufacture*

There are no manufacturers of SALW in the Netherlands.

#### *Holding*

The Chief Police in the district where the holder of SALW is registered keeps a record. All authorizations to hold weapons are granted for a period of five years and are then updated.

#### *Transfer*

The Customs Licensing Office keeps a record of transfers of SALW if and when the transfer is subject to notification or licensing. A record of licenses issued and licenses denied is kept for a period of ten years. What's more, licenses are included in the monthly overviews of individual data on all licenses issued for military goods as published on the website [www.exportcontrole.ex.nl](http://www.exportcontrole.ex.nl)

- vi) What national measures exist for tracing SALW held and issued by the State? (II.10)

SALW records are organised and maintained in a way enabling Defence and Police and other competent national authorities to trace any SALW.

- vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (III.11)

The Netherlands works closely with other governments on SALW trafficking investigations.

## **10. Disarmament, demobilization and reintegration (DDR)**

- i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (II.21)

-The World Bank's Multi Country Demobilization and Reintegration Programme (MDRP) programme in seven countries of the Great lakes region, and its follow up programmes. The Netherlands has a special focus on Burundi and the DRC.

-Several NGO's working in the field of reintegration, community based socio-economic development, reconciliation and rehabilitation of ex-combatants. Several different programmes in Africa focussed on SALW legislation, collection, storage and destruction as well as capacity building efforts.

- ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)
- iii) Please describe any DDR programmes or activities that your country has supported. (II.30, 34)

All multilateral DDR-programmes co-financed by the Netherlands take the needs of children (be it as a combatant or in a supportive or dependent

role) into account, and work towards reuniting them with their families and reintegrating them into civil society. In all reintegration efforts, the international statutes for the protection of children are leading for the Netherlands.

The humanitarian aid policy of the Netherlands focuses on vulnerable groups. We finance NGO's and Un organisations that specifically target the needs of children in conflict.

## **11. Awareness-raising**

- i) Please describe any public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus weapons and the voluntary surrender of SALW). (II.20)

The Netherlands aims to support various civil society organisations and governmental organisations that are active in this field.

- ii) Please describe any education and public awareness programmes on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (II.41)

The Netherlands supports several organisations such as Small Arms Survey, ISS (South Africa), UNIDIR, IANSA, Geneva Forum, Safer World and RECSA. Furthermore, the Netherlands contributed financially to the regional consultation for the Geneva Declaration on Armed Violence and development in Nairobi and in Sarajevo. The Netherlands contributes financially to OSCE projects on a regular basis and actively participates within OECD on these topics.

## **B.) Regional level**

### **1. Legally binding instruments**

- i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)

In order to implement the weapons protocol to the TOC, the EU is in the process of amending the weapons directive 91/477.

### **2. Moratoria and action programmes**

i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)

-The Netherlands has been supportive of RECSA in 2007 and 2008. This organisation is mandated by the signatories of the Nairobi declaration on the Problem of Illicit Small Arms and Light Weapons in the Great lakes Region and the Horn of Africa, to implement this agreement.

-The Netherlands supports the ongoing efforts within the EU to combat the illicit trade in SALW, mostly in cooperation with SIPRI and SITCEN.

### **3. Regional Cooperation**

i) Please describe any involvement your country has had in the establishment of subregional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)

ii) Please describe any initiatives your country has undertaken to encourage regional and subregional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)

- Support to RECSA in their efforts to implement the Nairobi protocol.

- Support for the Arms Management Programme (AMP) and implementation of national action plans (NAP) in Uganda and Burundi. Assistance to governments in Africa regarding the formulation and implementation of arms legislation and the practice of marking and tracing of weapons.

- The Netherlands works with Uganda and Burundi in exploring the possibilities for integration of the SALW approaches in these countries in their broader development strategy.

- Support to Saferworld's "Reducing armed violence, enhancing human security and creating the conditions for sustainable development through controlling small arms in the Great Lakes region, the Horn of Africa and Southern Africa."

## **C.) Global level**

### **1. International instruments against terrorism and crime**

- i) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)

Answer:

- Convention for the Suppression of Illicit Traffic in Dangerous Drugs, Geneva, 1936; Geneva Conventions of 1949 (the Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field, 1949; Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, 1949; Convention relative to the Treatment of Prisoners of War, 1949; and Convention relative to the Protection of Civilian Persons in Time of War, 1949);
- Convention on the High Seas, Geneva, 1958;
- Single Convention on Narcotic Drugs, New York, 1961;
- Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 1971;
- Convention on Psychotropic Substances, Vienna, 1971;
- Protocol I Additional to the Geneva Conventions of 12 August 1949, and relating to Protection of Victims of International Armed Conflict, Geneva, 1977;
- European Convention on the Suppression of Terrorism, Strasbourg, 1977;
- International Convention against the Taking of Hostages, New York, 1979;

- United Nations Convention on the Law of the Sea, Montego Bay, 1982;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 1984;
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 1988;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome, 1988 (Maritime Safety Navigation Convention);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Montreal Convention, Montreal, 1988 (Montreal Protocol);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Rome, 1988;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, New York, 1992;
- International Convention for the Suppression of Terrorist Bombings, New York, 1997;
- International Convention for the Suppression of the Financing of Terrorism, New York, 1999;
- United Nations Convention against Trans-national Organized Crime, New York, 2000;
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Trans-national Organized Crime
- Convention on Cyber crime, Strasbourg, 2001;
- Council Framework Decision on the European Arrest Warrant and the surrender procedure between member states, Brussels, 2002;
- United Nations Convention against Corruption, New York, 2003;
- Protocol amending the European Convention on the Suppression of Terrorism
- International Convention for the Suppression of Acts of Nuclear Terrorism
- European Convention on Extradition (1957) and both its additional protocols (1975, 1978).
- The Netherlands would like to note that it is party to the Convention on the Prevention and Punishment of the Crime of Genocide, 1948
- Convention on Offences and Certain Acts Committed on Board Aircraft, 1963.
- European Convention on mutual legal assistance in criminal matters
- EU convention on mutual legal assistance in criminal matters

## **2. International cooperation and assistance**

- i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent,

combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (III.3, 6, 10, 14)

The Netherlands established the Stability Fund from which SALW-projects can be financed: approximately 3 million Euros annually. From these funds, the Netherlands supports organisations such as Safer World, ISS, and RECSA in helping governments establish National Action Plans on Small Arms and Light Weapons and National Focal Points in the Great Lakes Region, the Horn and Southern Africa. The Ugandan National Focal Point receives funding bilaterally for the implementation of the Ugandan National Action Plan.

### **3. Cooperation with civil society and NGOs**

i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)

Cooperation with civil society is key in tackling the problem of SALW proliferation. Therefore the Netherlands has been cooperating with organisations such as :

- Saferworld : support for governments in implementing legislation and regulations.
- ISS : support for the Arms Management Programme since 2002, including support for governments and regional organisations with the implementation of legislation and regulations and research on several SALW topics (ways of destruction, illegal trade in SALW etc.)
- HALO Trust : SALW destruction in Afghanistan.
- Small Arms Survey : Annual yearbook with research results on the problem of SALW worldwide.
- Mine Action Group (MAG) : SALW destruction in the DRC.

### **4. Information exchange**

i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III.12)

ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (II.23)

In the area of information sharing, the Netherlands as a member of the EU working party on arms exports (COARM), shares information regarding denied export licenses. The information from all EU member States is combined in an electronic database.

In line with the Dutch participation in the Wassenaar-Arrangement the Netherlands shares information on licenses and transfers of conventional weapons and weapon systems with partners of the Wassenaar-Arrangement. These denial notifications are on a voluntary basis but the Netherlands provides members of the Wassenaar-Arrangement with the same information as provided in the EU-notifications. Wassenaar-Arrangement uses the 8 categories of weapons and weapon systems of UN.

Notification of transfers of conventional arms are an obligation for members of the Wassenaar-Arrangement.

## **5. Training, capacity-building, research**

- i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

The Netherlands supports organisations that are active in this field who organise various workshops, seminars and expert meetings:  
*HALO Trust and Mine Action Group (MAG)*: training local security officers to safely and effectively destroy SALW.  
*ISS, Saferworld and RECSA*: training for officials on the topic of e.g. new legislation. Furthermore, the Netherlands supports several arms destruction or stockpile management projects which include training for security officials.

- ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)

The Netherlands contributed to the OSCE and NAMSA PFP Trust Fund programmes, as well as NGO programmes which include these topics in destruction programmes.

NATO/NAMSA: ammunition and SALW destruction in Albania, Georgia, Ukraine.

UNDP: ammunition and SALW destruction in Bosnia-Herzegovina, Kosovo, Manu River Union (in cooperation with ECOWAS/ECOSAP).

Halo Trust: ammunition and SALW destruction in the DRC.

- iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)

**Answer:**

Financial support has been given to the following organisations with the intention to produce research aimed at better understanding the problems with SALW:

*Small Arms Survey*: annual yearbook

*ISS*: Arms Management Programme

*UNIDIR*: Security Needs Assessment Protocol

*IANS*: Global Outreach Programme

*APP*: Awareness raising, documentation centre

*Small Arms Survey*: Leading research institute on SALW

## APPENDIX A.

the date of commencement		Origin			commencement	
		Signing	Publication	Parliamentary Documents	Signing	Publication
	Pending			30979		
	Pending			31248		
18-07-2007	Alteration	09-07-2007	Stb. 2007, 257	30543	09-07-2007	Stb. 2007, 257
<u>01-06-2007</u>	Alteration	29-05-2006	Stb. 2006, 285	30182	07-05-2007	Stb. 2007, 172
<u>12-05-2006</u>	Alteration	07-04-2006	Stb. 2006, 236	29448	07-04-2006	Stb. 2006, 236
<u>01-02-2006</u>	Alteration	22-12-2005	Stb. 2006, 11	28484	09-01-2006	Stb. 2006, 23
<u>10-08-2004</u>	Alteration	24-06-2004	Stb. 2004, 290	28463	21-07-2004	Stb. 2004, 373
<u>01-05-2004</u>	Alteration	05-02-2004	Stb. 2004, 50	29217	05-02-2004	Stb. 2004, 50
<u>15-09-2002</u>	Alteration	13-07-2002	Stb. 2002, 420	26865	30-08-2002	Stb. 2002, 459
<u>01-07-2002</u>	Alteration	24-04-2002	Stb. 2002, 236	28020	28-05-2002	Stb. 2002, 300
	Alteration	18-04-2002	Stb. 2002, 244	28061	13-06-2002	Stb. 2002, 329
<u>01-04-2002</u>	Alteration	25-05-1998	Stb. 1998, 402	23147	12-12-2001	Stb. 2001, 656
27-04-2001	Alteration	12-02-2001	Stb. 2001, 191	26948	12-02-2001	Stb. 2001, 191
15-11-2000	Alteration	12-10-2000	Stb. 2000, 433	26586	08-11-2000	Stb. 2000, 478
01-02-2000	Alteration	27-05-1999	Stb. 1999, 243	23251	19-01-2000	Stb. 2000, 32
17-02-1999	Alteration	28-01-1999	Stb. 1999, 30	25836	04-02-1999	Stb. 1999, 40
01-01-1998	Alteration	04-12-1997	Stb. 1997, 580	25464	11-12-1997	Stb. 1997, 581
11-07-1997	Alteration	05-07-1997	Stb. 1997, 292	25413	05-07-1997	Stb. 1997, 292
	New Law	05-07-1997	Stb. 1997, 292	25413	05-07-1997	Stb. 1997, 292