Report of the Republic of Armenia on the National Legislation on Transfer of Arms, Military Equipment and Dual-Use Goods and Technology

2008
Reference – UN resolution 62/26

General.

All main principles and guidelines governing arms transfers are published in the official information bulletin of the Government of the Republic of Armenia. All information pertaining to the transfer of arms and related technology is prepared by the appropriate department of the Ministry of Defence.

According to the Legislation of the Republic of Armenia the export of arms requires an export license under any circumstances. All types of licenses (individual license, license for export of identical items in the form of recurring shipments, and general license) are issued by the appropriate state bodies in accordance with the “Law on licensing”.

The procedures for processing an application to export / import / transfer/ arms and related technology are as follows:

Permission is being provided by the Government of the Republic of Armenia on the basis of the conclusions of the Republican Commission on Military-Technical Cooperation. Other authorities involved are: the appropriate departments of the Ministry of Defence of the Republic of Armenia as well as other interested ministries and state agencies.

The national practices of Armenia are: verification whether or not the actual use of the exported item confirms to the use that was stated during the application for authorization to export, requirement to provide information about the country to which an item will be exported and information about the identity of the specific end-user of a controlled item. In the event of sanctions in respect of certain states introduced by the United Nations Security Council the Government introduces restrictions and bans on export to these states.

The procedures governing companies wishing to export arms is as follows. The Republican Commission on Military-Technical Cooperation is authorized to conduct negotiations and provide final conclusion to the Government of the Republic of Armenia for the approval of contract with foreign states.

Arms Transfer

1. The arms' transfer / export / import policy of the Republic of Armenia is based upon respect for and commitment to international law, and the purposes and principles enshrined in the Charter of the United Nations. The Republic of Armenia takes into consideration the obligations of States to fully comply with arms embargoes imposed by the United Nations Security Council in accordance with the Charter of the United Nations.
One of the main policy guidelines for Armenia is that arms trade / transfer / export / import must not undermine the essential security interests of the state or its international commitments. Meanwhile, the Republic of Armenia has reservations on limitations of trade or transfer in arms solely to governments.

2. International agreements that cover the transfer / trade / export / import are:
   - United Nations Register on Conventional Arms
   - Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
   - Commitments within the framework of CIS and Collective Security Treaty Organization.

3. National definition of transit and transshipment of arms is to be implemented according to the Customs Code of the Republic of Armenia. The term “transit” means the transportation of goods between two customs points under the customs control.

4. In case of the arms’ export the Republican Commission on Military-Technical Cooperation is authorized to conduct negotiations and provide final conclusion to the Government of the Republic of Armenia for the approval of contract with foreign states.

5. The all information pertaining to the transit of arms and related technology is prepared by the appropriate department of the Ministry of Defence. And all main principles and guidelines governing arms transfers are published in the official information bulletin of the Government of the Republic of Armenia.

6. Legislation, Regulations, Administrative Procedures, which cover the legal relationships regulating the circulation of arms and bullets/ammunition in Armenia, and the General Principles, Registration / Authorization, Enforcement, as well as other Provisions on Arms Transfer control in Armenia are regulated by the following legislative acts:
   - Law of the Republic of Armenia on Arms;
   - Decision of the Government of the Republic of Armenia on "Regulating the Circulation of Service and Civilian Weapons and Their Bullets on the Territory of the Republic of Armenia";
   - Order of the Minister of Interior of the Republic of Armenia on "Rules and Procedures of the Control over Service and Civilian Arms by the Bodies of Internal Affairs";
   - Decree of the President of the Republic of Armenia on Surrender of Arms and Other Military Inventory Illegally Held by Citizens or by Organizations;
   - RA Government Decision of 29.12.1995 on "Licensing of Arms’ Import and Export"
   - RA Government Decision of 05.12.2002 on “Arms’ Production Licensing”
   - RA Government Decision of 07.31.2003 on “Arms’ Transfer threw the State Border”
   - RA Government Decision of 29.12.1995 on "Licensing of Arms’ Import and Export";
   - RA Government Decision of 26.10.1999 on “Regulating the circulation of service and civil weapons and their bullets on the territory of the Republic of Armenia”, which also deals with stockpile management and security of SALW;
   - RA Government Decision of 07.31.2003 on “Arms’ Transfer threw the State Border”.
7. However the process of arms in/out, transfer or transit is implemented according to the legal documents mentioned above and the Criminal Law of the Country. Particularly the Article 235 of Criminal Code deals directly with the criminal offences on illegal manufacture, possession, stockpiling, acquisition, sales, transportation, theft of arms and ammunition or explosives, as well as inaccurate or careless stockpiling of arms.

**Non-proliferation and Export control of dual-use goods and technologies**

Armenia fully shares the objectives of the international community regarding non-proliferation and the promotion of the peaceful uses of nuclear energy. Its commitment to non-proliferation is being additionally fulfilled through an establishment of an effective system on export control and that has not hindered our capacity to continue cooperation in the peaceful use of nuclear energy.

The export policy of the Republic of Armenia is based upon respect for and commitment to international law, and the purposes and principles enshrined in the Charter of the United Nations. Although Armenia itself is not a member of various multilateral export control regimes, it strongly adheres to the goals of these regimes.

The Republic of Armenia firmly believes that the export controls are established in support of nuclear non-proliferation. The Law of the Republic of Armenia on Export, Transit and Control of Dual-Use Goods and Technologies represents as a major milestone to strengthen a national export control system.

The Law establishes interaction between the government and companies seeking to export dual-use items and services. It stipulates a robust interagency review of technology-security considerations and a rigorous system of monitoring and enforcement to ensure compliance with export regulations. The procedures involve regular inspection and auditing by the government of companies' procedures and records and regular reports from exporters to agencies on their export activities. Companies should be required to implement screening procedures and to consult with the government before exporting to unknown or questionable parties.

There are two very important provisions in the Law, which need special mentioning. First, due to the fact that the export or transit of some sensitive items may involve substantial foreign policy or national security considerations, the regulatory body is given an ability to have those applications held for some specified period and even revoke the previously given permissions, if new facts come up regarding these items. Second, there is a criminal punishment for not complying with regulations, falsification of the documentation, etc. The administrative punishment would be a fine and criminal punishment is imprisonment up to five years.

According to the Law the national export control does not maintain a "black list" of countries, and the necessary licenses can not be issued for exporting or transiting goods and technologies to countries under ongoing embargoes and economic sanctions of the United Nations Security Council.
The Law introduces international non-proliferation criteria to the national legislation. It required the partial review of the existing laws in order to make this particular law work. Notably, the Criminal Code of the Republic of Armenia has been supplemented by adding new provision regarding unlawful actions with the export and transit of dual-use items and technologies.

Also the control national list is changed in compliance with the EU dual-use list. And there is a national database of all companies dealing with the export and transit of dual-use items and technologies.

Armenia is also very active on the multilateral level while participating on the COCOM Cooperation Forum and the Minsk Accord on CIS Export Control Coordination Meetings. Armenia acceded to the Nuclear Non-Proliferation Treaty (NPT) as a nuclear-weapons-free state and signed the multilateral Chemical Weapons Convention in 1993, and is a member of the International Atomic Energy Agency. Armenia had also the International Convention on Nuclear Security, is a party to the Convention on the Physical Protection of Nuclear Material, and is an adherent to the Nuclear Test Ban Treaty.

While being a state which is a Non-Nuclear Weapons State and the signature of the Treaty on the Non-Proliferation of Nuclear Weapons, Armenia took an obligation to place all peaceful nuclear activities under International Atomic Energy Agency safeguards. Shortly after the formal accession to the Treaty as a non-nuclear weapon state, Armenia concluded a comprehensive Safeguards Agreement with the International Atomic Energy Agency (IAEA), which made it possible to reactivates peaceful nuclear program with the assistance of the IAEA and to alleviate the severe constraints on electricity supply in the country.

Two very important laws in this regard are to be mentioned here which are "The Law on Peaceful Utilization of Nuclear Energy" (adopted in 2000) and "The Law on Licensing" (adopted in 2001). And there are two more legal documents which are to be mentioned: The Joint Convention on the Safety of Spent Fuel Management and The Safety of the Radioactive Waste Management on June 18, 2001.