



Republic of Zambia

Lessons learned document on the Republic of Zambia's experience of establishing a national control list

The Republic of Zambia signed the Arms Trade Treaty (ATT) on 25 September 2013 and deposited its instrument of ratification on 20 May 2016. The treaty entered into force for the Republic of Zambia on 18 August 2016. Under Article 5(2) of the ATT, the Republic of Zambia is required to establish and maintain a national control list to ensure that its national control system can implement the provisions of the treaty. Article 5(3) requires that the national control list shall cover categories contained in Article 2(1) of the ATT and shall not cover less than the descriptions used in the UN Register of Conventional Arms at the time of the ATT's entry into force for categories (a)-(g) and in relevant UN instruments for category (h). Furthermore, the national control list shall be provided to the ATT Secretariat, which shall make it available to other states parties. The Republic of Zambia does not have a national control list.

This 'lessons learned document on the Republic of Zambia's experience of establishing a national control list' consists of two parts. The first part outlines the Republic of Zambia's approach for establishing and maintaining a national control list. The second part presents key lessons learned and findings from Zambia's national stakeholder workshop to build capacity to establish and maintain a national control list.

Zambia's approach for establishing and maintaining a national control list

The European Union Arms Trade Treaty Outreach Project (EU ATT-OP) introduced the ATT's requirement for a national control list that covers items contained in Articles 2(1), 3, and 4 to key stakeholders in the Republic of Zambia. The EU ATT-OP Roadmap for the Republic of Zambia does not foresee additional time and resources to develop capacity to fulfil this ATT obligation. Therefore, the Zambian government requested support from the Arms Trade Treaty Voluntary Trust Fund (ATT VTF) to build capacity to establish and maintain a national control list to fulfil its obligations under ATT Article 5. The Republic of Zambia asked the Small Arms Survey to provide assistance, drawing upon appropriate national experiences and practices, to enable Zambia to establish and maintain a national control list. In 2019, the ATT VTF awarded the Republic of Zambia funding to support the implementation of the 'Building Capacity to Establish and Maintain Zambia's National Control List' project.

Under the project, the Republic of Zambia, with the support of the Small Arms Survey, organized a national stakeholder workshop to: (a) increase understanding of the national control list obligations contained in ATT Article 5; and (b) consider how to fulfil these obligations in the best interests of the Republic of Zambia. The workshop took place from 6–8 November 2019 in Lusaka (Zambia), bringing together participants from the Ministry of Defence, the Ministry of Finance (Zambia Revenue Authority), the Ministry of Foreign Affairs, and the Ministry of Justice, as well as the Republic of Zambia’s Armed Forces, Immigration Service, National Service, and Police Service.

The implementing partner for the ATT VTF project and the ATT national contact point for the Republic of Zambia ensured that the workshop was coordinated with the European Union Arms Trade Treaty Outreach Project II (EU ATT-OP II) roadmap activities for the Republic of Zambia. The NCP for the Republic of Zambia, the German Federal Office of Economics and Export Control (BAFA), and the Small Arms Survey decided that the workshop should take place back-to-back with the final EU ATT-OP roadmap activity for the Republic of Zambia, which took place from 4–5 November 2019. Therefore, representatives of the Small Arms Survey attended the EU ATT-OP roadmap activity, and a representative of BAFA participated in part of the ATT VTF ‘Workshop to build capacity to establish and maintain Zambia’s ATT national control list’ (6–8 November 2019).

The first day of the workshop opened with an introduction to the Republic of Zambia’s national control list obligations in the ATT, before proceeding to outline the different approaches taken by ATT states parties to fulfil this obligation. In particular, there was an examination of the national control lists of five ATT states parties, which the workshop participants compared and contrasted with ATT obligations and international standards (i.e. the Wassenaar Arrangement Munitions List). This gave workshop participants an understanding not only of the ATT obligations, but also of the different ways in which ATT states parties can fulfil their ATT Article 5 obligations, and of why other international standards could be utilized to provide the foundations for the Republic of Zambia’s national control list. The director of investigations of the Zambian Revenue Authority provided participants with a refresher on how Zambia currently controls international transfers of military goods, reiterating the urgent need for a national control list. At the conclusion of the first day, workshop participants from different government ministries and agencies concluded that the Republic of Zambia’s national control list would not consist solely of the categories and category descriptions outlined as the minimum requirements of ATT Article 5(3). Such an approach does not satisfy the security and foreign policy interests of the Republic of Zambia, nor enable implementation of United Nations Security Council Resolutions and other obligations contained in ATT Articles 6 and 7.

Workshop participants spent the second day of the workshop reviewing a draft national control list for the Republic of Zambia. The Small Arms Survey and a consultant had prepared the draft, drawing on the UK national control list for ‘Military Goods, Software and Technology’. The UK national control list includes the 22 categories of the Wassenaar Arrangement Munitions List, as well as several ‘national’ categories. After having reviewed the draft individually, in groups, and in the plenary, workshop participants accepted that the first 22 categories of the UK national control list (and the Wassenaar Arrangement Munitions List), with minor amendments, could serve as the basis for the Republic of Zambia’s national control list, fulfilling ATT requirements and the Republic of Zambia’s needs. The main differences between the text of the UK national control list,

the Wassenaar Arrangement Munitions List, and the draft national control list of ‘Military goods’ for the Republic of Zambia consist of the following:

- ML1. The Wassenaar Arrangement Munitions List refers to ‘smooth-bore weapons with a calibre of less than 20 mm, **other arms** and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories ...’, while the UK national control list refers to ‘smooth-bore weapons with a calibre of less than 20 mm, **other firearms** and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories ...’. The Republic of Zambia’s draft national control list proposes a slight change that corresponds to ATT Article 2(1h) as follows: ‘smooth-bore weapons with a calibre of less than 20 mm, **other small arms** and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories ...’.
- ML6. A minor addition to the Technical Notes for ML6b to note that the NIJ 0108.01 standard for Ballistic Resistance for Protective Materials is from the ‘**United States of America** National Institute of Justice’.

Workshop participants also discussed options for adding items that are not covered by the definitions of the 22 categories of the draft national control list, such as machetes, Tasers and associated electric shock weapons, paramilitary equipment, chemicals, and explosives. Workshop participants decided that no additional categories should be added to the draft national control list’s 22 categories at this stage, but some participants considered that a review of the scope of the list should take place in the near future. The agenda included sessions for the morning of 8 November to validate the control list and discuss next steps. However, the workshop was able to conclude in the early evening of 7 November with agreement that the draft national control list would be presented to the Republic of Zambia’s inter-ministerial committee, with options for its adoption. The workshop considered two options for the adoption of a national control list:

- Option 1. Include the national control list as a schedule in the National Conventional Arms Control Act, which is under preparation but will need further assistance before finalization during 2020–21.
- Option 2. Adopt the national control list under the Anti-Terrorism and Non-Proliferation Act No. 6 of 2018, with amendments to provisions in the Act for several paragraphs relating to scope and offences.

Thus, the workshop not only secured consensus amongst key stakeholders on the scope and contents of the draft national control list, but also provided concrete recommendations for the adoption of the draft national control list. The workshop participants also recommended the use of the national control list for regulating the export, import, transit, trans-shipment, and brokering of conventional arms, ammunition, and their parts and components.

Key findings from the Republic of Zambia’s national stakeholder workshop to establish and maintain a national control list

1. The development of a national list using just the minimum requirements of the ATT is insufficient for international trade controls that satisfy the national security and foreign policy requirements of the Republic of Zambia. It is not necessary to start the development of a national control list from a blank piece of paper. The experience of other ATT states parties provided a useful starting point for deliberations by national experts in the Republic of Zambia. The workshop participants assessed the strengths and weaknesses of different

national control lists, which helped to inform the approach for the Republic of Zambia's national control list.

2. 'We do not need to reinvent the wheel when developing a national control list.' The workshop participants determined that the Wassenaar Arrangement Munitions List provides definitions of the technical characteristics of military goods that can help to identify items to be controlled. The definitions in the Wassenaar Arrangement Munitions List are more useful than the descriptions for categories of the UN Register of Conventional Arms when developing and establishing a national control list. Furthermore, the regular reviews of the Wassenaar Arrangement Munitions List by technical experts from major arms-producing countries can also help with maintaining a technologically up-to-date national control list.
3. The Republic of Zambia will consider whether to develop descriptions for national categories of 'military goods' that are not covered by the Wassenaar Arrangement Munitions List. This issue will be considered further after the existing 22 categories have been tested in practice. National experts in the Republic of Zambia do not want to rush the process of developing national categories that go beyond the scope of the ATT and the Wassenaar Arrangement Munitions List.
4. Workshop participants expressed a preference for applying the national control list not only for the export of items covered by ATT Articles 2(1), 3, and 4, but for all types of international transfers as outlined in the ATT, and for the full range of items covered by the 22 categories of the draft national control list.
5. Usually, the national control list is a schedule or regulation linked to relevant legislation for the national transfer control system. The Republic of Zambia does not yet have legislation in place that establishes and outlines the national transfer control system, but rather has a patchwork of relevant legislation and established practices for controlling international transfers of conventional arms (see draft initial report on measures to implement the ATT). The Republic of Zambia is currently in the process of drafting a National Conventional Arms Control Act to provide a legislative framework for ATT implementation and the national transfer control system. Nevertheless, the workshop participants recognised that the Anti-Terrorism and Non-Proliferation Act No 6 of 2018 provides an existing piece of legislation that provides for restrictions on the supply of firearms, explosives, and weapons of mass destruction (WMD) materials to terrorists, but not conventional arms. Therefore, it could be possible to introduce the Military Goods Control List as a schedule of this Act, which covers some of the provisions contained in Articles 6 and 7 of the ATT, pending the introduction of the National Conventional Arms Control Act. The Republic of Zambia's inter-ministerial committee on the ATT will consider this issue.
6. For enforcement purposes, the harmonized code descriptions used by the customs officers of the Zambia Revenue Service will not help to identify items on the national control list. The workshop did not consider options for overcoming this challenge. The Small Arms Survey's consultant discussed with representatives of the Zambia Revenue Service the desirability of developing a small dedicated cell within the Zambia Revenue Service that would have the necessary knowledge and resources to undertake intelligence gathering, liaison, and investigation, as well as the expertise for determining whether items are covered by the national control list. Workshop participants also discussed the inclusion of a general introductory module on the implementation of the ATT in training courses for the Zambia Revenue Service, for which a dedicated cell in the Zambia Revenue Service could take the lead.

7. The final issue considered by the workshop participants was how best to inform those involved in the trade and use of the items contained on the national control list of the existence of a new list. The workshop participants considered outreach events and workshops with industry, academia, laboratories, and transportation providers to provide information on the listed military goods and procedures for licensing, as well as providing information via a website. As a first step of raising awareness about the list, the workshop participants vowed to share the document with their superiors and peers.

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