

CONVENTIONAL ARMS CONTROL ACT, 2025

No. 24



of 2025

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SCHEDULE

An Act to provide for the establishment of the National Conventional Arms Control Authority and the National Conventional Arms Control Committee as part of the national system for the control of international trade in conventional arms; to regulate the authorisation, research, manufacturing, transfer, transit, and brokering of conventional arms; to promote transparency and responsible trade in conventional arms; and to provide for matters incidental thereto.

Date of Assent: 05.11.2025

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title and commencement

1. This Act may be cited as the Conventional Arms Control Act, 2025, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

2. In this Act, unless the context otherwise requires —
- “Arms Trade Treaty” means the Arms Trade Treaty adopted by the United Nations General Assembly on 2 April, 2013, as amended from time to time;
 - “Authority” means the National Conventional Arms Control Authority established under section 5;
 - “broker” means any person or entity who, for a fee, commission or gain, facilitates the transfer of conventional arms between two or more persons in different states, and includes any act of mediation, negotiation or arrangement;
 - “brokering” means negotiating, facilitating or arranging transactions that may involve the export, import, transit of conventional arms, ammunition, dual use goods, or parts and components to, from or through Botswana, or from a place outside Botswana to another place outside Botswana;
 - “Committee” means a Committee established under section 8 (1);
 - “conventional arms” means any arms or related items listed in the Schedule to this Act and includes major weapons systems, small arms and light weapons, their parts and components, and related technologies but excludes any firearm or ammunition regulated under the Arms or Ammunition Act and NBC weapons;
 - “Director” means a Director appointed under section 5 (3);
 - “dual use goods” means products, technologies, services or other goods which, besides their normal use and application for civilian purposes, can also be used for the furtherance of general military capability;
 - “end-user” means the final recipient of conventional arms, as identified in an end-user certificate or other authorisation document;
 - “export” means the sending or transporting of conventional arms from Botswana to any foreign country or territory;
 - “import” means the bringing of conventional arms into Botswana from any foreign country or territory irrespective of whether it is done in exchange for currency or any other commodity;
 - “manufacture” in relation to conventional arms includes design, development, production, and assembly thereof, and “manufacturing” must be interpreted accordingly;
 - “NBC weapons” means nuclear, biological and chemical weapons and has the same meaning assigned to it under the Counter Terrorism Act;
 - “re-export” in relation to conventional arms, means the export of conventional arms that were previously imported, to a country other than the original exporting State whether or not it is done in exchange for currency or any other commodity;
 - “trade” includes any activity related to the manufacturing, marketing, contracting, exporting, re-exporting, importing or conveyance of conventional arms;

Interpretation

Cap. 24:01

Cap. 08:08

	<p>“transit” means conveyance or movement through Botswana to another country of conventional arms that has been imported; and</p> <p>“transshipment” means the conveyance or movement of goods through Botswana to another country, where the goods are unloaded from one means of transport and re-loaded to a different means of transport while in the territory of Botswana.</p>
Objects of Act	<p>3. The objects of this Act are to —</p> <p>(a) regulate and control the development, trade, manufacture, transfer, brokering, and transit of conventional arms;</p> <p>(b) ensure compliance with Botswana’s international obligations under the Arms Trade Treaty and other relevant agreements;</p> <p>(c) prevent the transfer of conventional arms to the illicit market or to end users or for end uses that are not authorised; and</p> <p>(d) establish transparent and accountable processes for arms control decision-making.</p>
Act binds State	<p>4. This Act binds the State.</p>

PART II — Establishment of National Conventional Arms Control Authority and Committee of Authority

Establishment of Authority	<p>5. (1) There is hereby established a body to be known as the National Conventional Arms Control Authority.</p>
Cap. 26:01	<p>(2) The Authority shall be a public office and accordingly, the provisions of the Public Service Act shall apply with the necessary modifications to the office and the officers thereof.</p> <p>(3) The Authority shall be under the general supervision of the Director, who shall be appointed by the Minister.</p>
Objectives of Authority	<p>6. The objects of the Authority are to —</p> <p>(a) give effect to the provisions of the Arms Trade Treaty and other international instruments and obligations to which Botswana is a party relating to the regulation of conventional arms;</p> <p>(b) regulate the trade, transfer, brokering, transit, and end-use of conventional arms in a manner that promotes transparency, accountability and responsible conduct;</p> <p>(c) prevent and combat the illicit trade in conventional arms and their diversion to illegal market or for unauthorised use;</p> <p>(d) ensure that conventional arms transfers do not contribute to or facilitate armed conflict, serious violations of international humanitarian law or human rights law, terrorism or organised crime;</p> <p>(e) promote the development and implementation of effective national systems and controls for the management and oversight of conventional arms;</p> <p>(f) foster international and regional cooperation and information exchange on matters relating to conventional arms control; and</p>

(g) promote public awareness, education and dialogue on issues relating to arms control and disarmament, consistent with national security interests.

7. The Authority shall be responsible for —

Functions of
Authority

- (a) coordinating the oversight and regulatory aspects of the acquisition of conventional arms by Botswana in accordance with national and international obligations;
- (b) implementing Government policy relating to the international trade in conventional arms;
- (c) protecting the economic and national security interests of Botswana in the regulation of the international transfer of conventional arms;
- (d) promoting effective national control over the international transfer of conventional arms, consistent with Botswana's obligations under the Arms Trade Treaty;
- (e) fostering national and international confidence in the Authority's control procedures and decision-making processes;
- (f) establishing and maintaining an effective, accountable and transparent control system for the international transfer of conventional arms;
- (g) developing and maintaining institutional structures and administrative processes for the effective implementation of this Act;
- (h) formulating guidelines and standards for the assessment of applications for permits under this Act;
- (i) maintaining and updating a secure database of registered suppliers and service providers of conventional arms, in accordance with this Act;
- (j) maintaining accurate and comprehensive records of all licences and permits issued, denied, suspended or revoked;
- (k) compiling and submitting annual reports to relevant national and international bodies on the import and export of conventional arms;
- (l) liaising and coordinating with other Government Agencies, law enforcement bodies and regional or international counterparts for the effective enforcement of this Act;
- (m) promoting public awareness, accountability and transparency regarding the international transfer of conventional arms, within the limits of national security considerations;
- (n) advising the Committee on policy and operational matters relating to the international transfer of conventional arms;
- (o) undertaking or commissioning research to inform national policy and international engagement on matters related to conventional arms control; and
- (p) performing any other function related to the implementation of this Act, or necessary to ensure Botswana's compliance with its international obligations concerning the transfer of conventional arms, as may be assigned by the Committee or the Minister.

Establishment
and
membership
of Committee

8. (1) There is hereby established a Committee of the Authority which shall perform such functions as may be conferred to it under this Act.

(2) The Committee shall consist of the following members appointed by the Minister —

- (a)** the Permanent Secretary in the Ministry responsible for defence and security, who shall be the Chairperson;
- (b)** a nominee from Botswana Defence Force;
- (c)** a nominee from Botswana Police Service;
- (d)** a nominee from the Chemical, Biological, Radiological and Nuclear Weapons Management Authority;
- (e)** a nominee from the Ministry responsible for justice;
- (f)** a nominee from the Ministry responsible for international relations;
- (g)** a nominee from the Ministry responsible for trade;
- (h)** a nominee from the Directorate of Intelligence and Security;
- (i)** a nominee from Botswana Unified Revenue Service;
- (j)** a nominee from the Attorney General's Chambers;
- (k)** a nominee from the Office of the President; and
- (l)** two persons appointed by the Minister from the private sector possessing such skill, experience, and competence in subjects or fields relevant to the objectives of the Act.

(3) The Director shall be an *ex-officio* member of the Committee.

(4) The members shall elect a member from among their number to be the Deputy Chairperson.

Functions of
Committee

9. (1) The Committee shall —

- (a)** provide strategic and policy direction to the Authority in the exercise of its functions;
- (b)** approve procedures, guidelines and internal rules for the effective implementation of the provisions of this Act;
- (c)** oversee the licensing, permits and authorisation processes for the transfer, brokering and transit of conventional arms;
- (d)** consider and determine high-risk or sensitive applications for arms transfers or brokering activities, including those involving potential end-use in conflict-affected or embargoed areas;
- (e)** advise the Minister on matters of national policy relating to arms control and Botswana's obligations under the Arms Trade Treaty and related international instruments;
- (f)** monitor and evaluate the performance of the Authority in achieving its objectives and fulfilling its mandate;
- (g)** receive and consider reports on compliance, investigations, and enforcement actions carried out by the Authority; and
- (h)** promote inter-agency coordination among national institutions involved in arms control, border management and national security.

(2) The Minister may give the Committee written directions, of a general or specific nature, regarding the exercise of its powers and the performance of its functions, which directions shall not be inconsistent with the provisions of this Act and the Arms and Ammunition Act.

(3) The Committee shall give effect to the Minister's direction given in accordance with subsection (2).

10. (1) The Committee shall meet at least once every three months for the transaction of business.

Meeting of
Committee

(2) Notwithstanding the provisions of subsection (1), the Committee shall meet when the Chairperson so directs.

(3) There shall preside at the meeting of the Committee —

(a) the Chairperson;

(b) in the absence of the Chairperson, the Deputy Chairperson; or

(c) in the absence of the Chairperson and the Deputy Chairperson, a member of the Committee selected for purposes of that meeting by the members present.

(4) The Committee —

(a) shall regulate its meetings and proceedings in such manner as it thinks fit;

(b) may request advice and assistance from such persons as it considers necessary to assist it to perform its functions;

(c) may appoint subcommittees from amongst its members to assist it in the performance of its functions; and

(d) may co-opt any person whether for a particular period or in relation to a particular matter to be dealt with by the Committee.

(5) At any meeting of the Committee, a quorum shall be constituted by not less than two-thirds of the members.

(6) A decision of the Committee on any question shall be the majority of the members present at the meeting and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

11. The Committee may, for the purpose of performing its functions, establish such sub-committees as it considers appropriate and may delegate to any such sub-committee any of its functions as it considers necessary.

Sub-committees
of Committee

12. (1) A member shall, immediately upon commencement of a meeting, at which any matter which is the subject of consideration and in which matter the member is directly or indirectly interested in a private capacity, disclose such interest and shall not take part in any consideration or discussion of or vote on any question concerning the matter.

Disclosure of
interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1) and the Committee makes a decision which benefits such member, the decision shall be void.

(4) A person who contravenes the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P50 000 or to imprisonment for a term not exceeding five years, or to both.

13. (1) A member attending a meeting of the Committee shall observe and preserve the confidentiality of all matters coming before the Committee, and such confidentiality shall subsist even after the termination of their terms of office or their expert mandates.

Confidentiality

(2) Any person to whom confidential information is revealed through working with the Committee or the Authority shall not disclose that information to any other person unless he or she is required to do so in terms of any written law.

(3) A person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P50 000 or to imprisonment for a term not exceeding five years, or to both.

Secretariat of
Committee

14. The Authority shall provide secretarial services to the Committee.

PART III — *Inspections and Compliance Monitoring*

Appointment
of inspectors

15. (1) The Director may appoint such number of officers of the Authority as he or she deems fit to be inspectors for purposes of this Act.

(2) The Authority shall issue to an inspector appointed under subsection (1) an identity card of the Authority, and when exercising a power conferred on him or her under this Act the inspector shall, on being requested by a person in charge of a place to be inspected, show the identity card to that person.

Inspections

16. An inspector may, during normal office hours, enter any premises other than a private dwelling occupied or used by a person in possession of a permit issued under this Act, in order to determine whether the specifications and conditions of the licence, permit or authorisation are being complied with.

Entry and
search of
premises with
a warrant

17. (1) An inspector may, on the authority of a warrant issued under subsection (2), enter any premises specified in the warrant, including a private dwelling, and may —

- (a) inspect, photograph, copy, test or examine any document, record, object or material which he or she reasonably suspects may be relevant to the investigation authorised by the warrant, or cause such document, record, object or material to be so inspected, photographed, copied, tested or examined;
- (b) seize any document, record, object or material referred to in paragraph (a), if he or she has reason to suspect that it may afford evidence of a contravention of this Act; and
- (c) examine any activity, operation or process carried out on the premises.

(2) The occupant of the premises and any other person present shall, upon request by an inspector acting under a warrant issued by court —

- (a) make available, accessible or deliver to the inspector any document, record, object or material relevant to the investigation and which is in their possession or under his or her control;
- (b) furnish such information as he or she may have in relation to the matter under investigation; and
- (c) render such reasonable assistance as the inspector may require to exercise his or her functions under this Act.

18. An inspector may, without a warrant, exercise any power referred to in section 17 if —

Entry and search of premises without a warrant

- (a) a person who is competent to do so consents; or
- (b) there are reasonable grounds to believe that a warrant would be issued under section 17, and that the delay in obtaining the warrant would defeat the object of the warrant.

19. A person who —

Obstruction or hindrance of inspector

- (a) obstructs or hinders an inspector in the exercise of his or her powers under this Act;
- (b) refuses or fails to comply with a request by an inspector under this Act; or
- (c) makes a statement to an inspector which the person knows to be false or misleading or which he or she does not believe to be true,

commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding five years, or to both.

20. (1) Subject to the provisions of this section, any inspector, a member of the Botswana Police Service or Botswana Defence Force, an officer of the Directorate of Intelligence and Security or a customs officer may demand from any person whom he or she has reasonable grounds to believe to be in possession of a conventional arm, the production of his or her permit or end-user certificate.

Forfeiture, seizure and disposal of conventional arms seized by inspector

(2) Any conventional arm that is traded or possessed in contravention of this Act shall be forfeited to the State and shall be disposed of as the Authority may direct.

(3) Where a person has been convicted of an offence under this Act, any conventional arms or other thing seized by means of or in respect of which the offence was committed shall be forfeited to the State and disposed of as the Authority may direct.

21. An inspector shall not be liable to be sued in any civil court in respect of anything done or omitted to be done by such inspector, if the thing is done or omitted to be done bona fide in the course of the operations of the Authority, render that inspector personally liable to an action, claim or demand.

Indemnity

22. Where a member of the Botswana Police Service suspects, on reasonable grounds, that an offence under this Act has been or is being committed in, at or on any place or by any person, and that member of the Botswana Police Service has and may exercise, in relation to that place or person, in addition to any powers that he or she may have by virtue of being a member of the Botswana Police Service, any of the powers of an inspector under this Act.

Members of Botswana Police Service to have powers of inspectors in certain circumstances

23. (1) Upon a written request of the Authority, a person who trades in conventional arms in the course of business shall furnish the Authority with such information, within the period specified or at such intervals as may be specified in the request.

Duty to furnish information

(2) The information referred to under subsection (1) shall be accompanied by any data or documents indicated in the request.

PART IV — *Control of Manufacturing, Possession and Trade in Conventional Arms*

Conventional
arms permit
and
manufacturing
licence

24. (1) Subject to the provision of section 25, a person shall not manufacture or trade in or have in his or her possession a conventional arm unless he or she holds a permit issued by the Authority under this Act.

(2) A conventional arms permit or a manufacturing licence shall describe the conventional arms to which it relates and specify any relevant information in reference to the conventional arms as may be prescribed.

(3) A manufacture licence application shall be made in such form as may be prescribed.

(4) A person who —

(a) contravenes the provisions of subsection (1); or

(b) has in his or her possession conventional arms in excess of quantities authorised in the permit, licence or authorisation,

commits an offence and is liable, upon conviction, to a fine not exceeding P500 000 or to imprisonment for a term not exceeding five years, or to both.

Application
for
conventional
arm permit

25. (1) A person who wishes to obtain a permit referred to in section 24 shall apply to the Authority in such manner as may be determined.

(2) The Authority may —

(a) issue the permit, subject to such conditions as it may determine; or

(b) refuse to grant the permit.

(3) A person who is aggrieved by a decision of the Authority under this Act may appeal to the Minister by lodging, with the Director, a written notice of appeal together with grounds of appeal, within 14 days of the date of the decision.

(4) A permit issued under subsection (2) shall —

(a) specify the quantity, type and value, where applicable, of the conventional arms authorised for domestic transfer or destruction, export, re-export, marketing, import, conveyance, manufacture, trade or brokering;

(b) where applicable, specify —

(i) the duration of the permit,

(ii) the port of entry or exit,

(iii) the person, country or territory to or from which the conventional arms may be transferred,

(iv) the route and method of transfer or destruction, and

(v) any other relevant logistical or operational detail; and

(c) contain such other conditions as the Authority may determine.

(5) An application for a permit to re-export conventional arms shall be accompanied by notification from the government of the country from which the items were originally imported, indicating its consent to the re-exportation.

(6) A person applying for a permit under this section shall submit, in the specified form and manner, an undertaking to the Authority that the re-exportation of the conventional arms shall not contravene end-user restrictions imposed by any foreign supplier.

(7) A permit issued under subsection (2) shall expire —

- (a) where the particulars of the permit holder no longer correspond with those in the permit issued under this Act;
- (b) upon the take-over, deregistration, insolvency or liquidation of the business for which the permit was issued; or
- (c) upon the death of the permit holder.

(8) A permit issued under this section shall not be transferable.

(9) The Authority shall not issue a permit to an applicant, or where the applicant is a company, to any company where an executive officer or a member of its Committee of directors —

- (a) has, under any law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt and has not been discharged or rehabilitated, or
 - (ii) made an assignment, arrangement or composition with creditors, which has not been rescinded or set aside, or
- (b) has, within the 10 years immediately preceding the date of the application, been convicted —
 - (i) in Botswana, or
 - (ii) outside Botswana of an offence which, if committed in Botswana, is also an offence,

and sentenced to a term of imprisonment of not less than six months without the option of a fine, and has not received a free pardon, regardless of whether the sentence was suspended.

(10) The Authority shall have the power to revoke, suspend, or amend a permit issued under this Act, where it is satisfied that —

- (a) the continued possession or exercise of such permit poses a risk to public safety;
- (b) the permit undermines national security;
- (c) the permit is contrary to the objectives of this Act;
- (d) the permit holder has violated any provision of this Act or its regulations;
- (e) the permit was obtained by fraud, misrepresentation or material non-disclosure;
- (f) the permit is no longer required or justified; or
- (g) the permit holder has, in writing, requested to surrender or amendment of the permit, and the Authority considers such request reasonable in the circumstances.

(11) Before taking any action under this section, the Authority shall —

- (a) notify the permit holder in writing of its intention to revoke, suspend or amend the permit; and
- (b) afford the permit holder an opportunity to make representations within a reasonable period, as specified in the Notice.

(12) Notwithstanding subsection (11), the Authority may take immediate action without prior notice where it considers that delay would result in an imminent threat to public safety or national security, provided that the permit holder shall be afforded an opportunity to be heard as soon as reasonably practicable thereafter.

(13) A decision under this section shall be communicated in writing, with reasons, and shall inform the permit holder of his or her right to appeal in accordance with this Act.

Exceptions to
possession of
conventional
arms

26. A person shall not be regarded as being in possession of a conventional arm under this Act where such possession is —

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- (a) solely for the purpose of surrendering it to a law enforcement officer or an authorised officer;
- (b) temporary pursuant to a lawful transfer authorised under this Act,
- (c) by an official institution or a member thereof, and is in accordance with the procedure specified in, or under a licence, permit or authorisation issued under any Act;
- (d) by the defence force or police force of another country, or by a multinational or international peacekeeping or policing agency, or a member thereof acting in an official capacity, where such possession is authorised by the Minister, after consultation with the Minister responsible for international affairs and the Minister responsible for defence and security;
- (e) by a manufacturer or dealer licensed under the Explosives Act, where such possession is authorised by a permit or licence issued under that Act;
- (f) of radio communication apparatus, in accordance with a licence issued under the Botswana Communications Regulatory Authority Act;
- (g) in respect of conventional arms not specified in paragraphs (a) to (f), where such possession is —
 - (i) by a security entity of Botswana, including the Botswana Defence Force, Botswana Police Service, or another security entity established by law, in the performance of its functions,
 - (ii) necessary for the lawful transfer of a conventional arm, where such possession is authorised by a permit issued under this Act and subject to any conditions specified in the permit, or
 - (iii) for the purpose of carrying out emergency repairs to a vehicle, aircraft or vessel; or
- (h) for the purpose of maintenance, repair or upgrade of a conventional arm, where —
 - (i) the possession is by a person solely for the purpose of maintaining, repairing or upgrading conventional arms lawfully owned by a person permitted under this Act, and
 - (ii) the maintenance, repair or upgrade —
 - (aa) is completed within a reasonable period of time; and
 - (bb) does not involve the use of the conventional arm for any purpose other than functional testing.

27. When considering an application under section 25, the Authority shall have regard to the following principles —

Consideration
of applications

- (a) each application shall be assessed on a case-by-case basis;
- (b) the national security interests of Botswana and its allies shall be safeguarded;
- (c) transfers of conventional arms shall not contribute to internal repression, including systematic violations or suppression of human rights and fundamental freedoms;
- (d) transfers of conventional arms shall not be authorised where the recipient government systematically violates or suppresses human rights and fundamental freedoms;
- (e) transfers of conventional arms shall be avoided where they are likely to —
 - (i) escalate regional military conflicts,
 - (ii) introduce destabilising military capabilities into a region, or
 - (iii) contribute to regional instability;
- (f) the Authority shall adhere to international law, international norms and practices, and the international obligations and commitments of Botswana, including arms embargoes imposed by the United Nations Security Council;
- (g) due regard shall be given to calls for reduced military expenditure in the interest of development and human security;
- (h) transfers that may contribute to terrorism or organised crime shall be avoided;
- (i) the conventional arms control system of the recipient country, including its record of compliance with end-user certificate undertakings, shall be considered, and exports shall not be authorised to any government that has violated such undertakings;
- (j) the inherent right of individual and collective self-defence of sovereign States, as recognised under the Charter of the United Nations, shall be taken into account; and
- (k) exports of conventional arms shall be avoided where there is a risk that such items may be used for purposes other than the legitimate defence and security needs of the government of the recipient country.

*PART V — Export, Import, Transit and Transshipment of
Conventional Arms*

28. (1) Subject to the provisions of this Act, a person shall not import or export a conventional arm unless he or she holds a permit issued by the Authority under this Act.

Import, export,
transit and
transshipment
permit

(2) The transit or transshipment of any conventional arm through Botswana is prohibited unless a person has a transit or transshipment permit issued under this Act.

(3) An application under subsection (1) shall be made to the Authority and sections 25 and 27 shall apply to such an application with necessary modifications.

- (4) An application for an import or export permit shall be accompanied by —
- (a) the information under section 29 (i);
 - (b) in cases where ownership of the conventional arms is not to be transferred —
 - (i) the Authority obtains a letter from the government of the country of import stating that the conventional arms are intended for demonstration or evaluation purposes and indicating whether the items shall be returned, or
 - (ii) the Committee obtains a letter from the applicant stating that the conventional arms are being exported for the sole purpose of repair or integration, and that they shall be returned;
 - (c) where there is an undertaking that the conventional arms shall be returned, the Committee verifies that the items have been returned to Botswana in accordance with the undertaking; and
 - (d) in cases where the conventional arms have been expended during a demonstration, the Authority obtains a certificate from the government of the country of import confirming that the items have been expended.
- (5) An application for a permit to transit or for transshipment shall —
- (a) be accompanied by an undertaking by the government of the country of origin in the form of an end-user certificate, confirming that the conventional arms shall not be transferred, re-sold, or re-exported to any other country without the prior approval of the Authority; and
 - (b) be accompanied by an undertaking by the government of the country of origin stating that the conventional arms shall not be used to facilitate unlawful armed conflict, serious violations of international humanitarian law or human rights law, terrorism or organized crimes.
- (6) In considering an application for a permit to import, export, transit or for transshipment, the Authority may —
- (a) issue the permit, subject to such conditions as it may determine; or
 - (b) refuse to grant the permit.
- (7) A person who is aggrieved by a decision of the Authority under this Act may appeal to the Minister by lodging with the Director, a written notice of appeal together with grounds of appeal, within 14 days of the date of the decision.
- (8) A permit issued under subsection (6) shall —
- (a) specify the quantity, type and value, where applicable, of the conventional arms authorized for import, export, transit or transshipment;
 - (b) where applicable, specify —
 - (i) the duration of the permit,
 - (ii) the port of entry or exit,
 - (iii) the person, country or territory to or from which the conventional arms may be transferred,
 - (iv) the route and method of transfer or destruction, and
 - (v) any other relevant logistical or operational detail; and
 - (c) contain such other conditions as the Authority may determine.

(9) An application for a permit to re-export conventional arms shall be accompanied by notification from the government of the country from which the items were originally imported, indicating its consent to the re-exportation.

29. (1) Subject to section 28, where conventional arms are exported, a person authorised by the government of the country to which the items are exported shall issue an end-user certificate that —

End-use
certificate on
exports

- (a) states the name and address of the declared end-user;
- (b) describes the conventional arms, the quantity, and the intended end-use;
- (c) includes an undertaking that the conventional arms shall not be transferred or re-exported to any other person or country without the prior authorisation of the Government of Botswana;
- (d) includes an undertaking to provide proof of importation by way of a delivery verification;
- (e) confirms the authority of the issuer to issue the certificate; and
- (f) includes any other information as may be prescribed.

(2) Where conventional arms are exported, the Authority may require a person authorised by the government of the country to which the items are exported to issue a certificate that includes an undertaking that the items shall not be —

- (a) transferred or re-exported to any other person or country without the prior authorisation of the Authority; and
- (b) used in the development or manufacture of weapons of mass destruction or for related purposes.

(3) The Authority may, on such terms and conditions as may be prescribed, exempt any exporter from complying with subsection (1).

30. Where conventional arms are imported into Botswana, the Authority may issue an end-user certificate confirming that the items or services shall not be transferred, sold, or re-exported to any other person or country without the prior approval of the relevant authority of the exporting country.

End-user
certificate on
import

PART VI — *Miscellaneous Provisions*

31. (1) The Authority shall keep and maintain records, in such manner as may be prescribed, of —

Record-
keeping

- (a) a permit issued under this Act for the export of conventional arms;
- (b) actual exports of conventional arms conducted pursuant to a permit issued under this Act; and
- (c) conventional arms that are —
 - (i) imported into Botswana as the final destination, or
 - (ii) authorised to transit through Botswana.

(2) The record referred to under subsection (1) shall include —

- (a) the quantity, value, model and type of the conventional arms exported;
- (b) the countries of export, import, and transit;

- (c) the end user of the conventional arms, where applicable;
- (d) the date of issuance and expiry of the permit; and
- (e) such other information as may be necessary or provided.

(3) The Authority shall retain the records referred to under this section for a minimum period of 10 years from the date on the events set out in subsection (1) occurred.

Broker permit

32. (1) A person shall not engage in brokering activities in relation to conventional arms, or their parts or components, without a broker's permit issued by the Authority.

(2) An application for a broker's permit referred to under subsection (1) shall —

- (a) be made to the Authority in such form as may be provided; and
- (b) be accompanied by such information and documentation as may be provided, including —
 - (i) the identity and nationality of the applicant,
 - (ii) the identity and roles of the parties to the transaction,
 - (iii) the type, quantity and destination of the conventional arms, and
 - (iv) any other information necessary to assess the risk of diversion or the potential for violation of international obligations.

(3) The Authority shall not issue a broker's permit unless it is satisfied that the proposed brokering activity —

- (a) is consistent with Botswana's international obligations;
- (b) does not pose a risk of diversion of conventional arms; and
- (c) may not facilitate violations of international humanitarian law or international human rights law.

(4) The Authority may impose such conditions on a broker's permit as it considers necessary for the purposes of this Act.

(5) The Authority shall keep and maintain a register of all applications for broker's permits and all permits issued, for such period as may be determined.

(6) A person who contravenes this section commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding five years, or to both.

(7) For purposes of this section, "diversion" means the unauthorised transfer or re-transfer of conventional arms, or their parts or components, from the authorised recipient or end-use to an unauthorised recipient or for an unauthorised end-use.

Obligation to furnish information

33. (1) The Authority may, by written notice, require a person to give such information as may be prescribed within such reasonable period and in such manner as is specified in the notice.

(2) The Authority may, by written notice given to a person, require the person to give to the Authority particular documents, or documents of a particular kind, specified in the notice, within such reasonable period as is specified in the notice.

(3) Any person who fails to comply with a notice given under this section commits an offence and is liable to a fine not exceeding P150 000 or to a term of imprisonment not exceeding two years, or to both.

(4) The power of the Authority under this section to require a person to give information or documents is in addition to any obligation to give information or documents that the person may have under section 17, or any other power the Authority has under this Act to require the person to give information or documents.

34. (1) The Authority shall prepare an annual report and submit it to —

Reports to
United Nations
and other
institutions

(a) the Secretary-General of the United Nations, for the purposes of the United Nations Register of Conventional Arms, established under United Nations General Assembly Resolution 46/36 L of 6 December, 1991; and

(b) the Secretariat of the Arms Trade Treaty, in accordance with Article 13 (3) of the Arms Trade Treaty;

(2) A copy of the annual report referred to under subsection (1) (a) shall be laid before the National Assembly prior to its submission to the Secretary-General of the United Nations and the Secretariat of the Arms Trade Treaty.

(3) For the purposes of this section, “Secretariat” means the Arms Trade Treaty Secretariat established in accordance with Article 18 of the Arms Trade Treaty to support and assist States Parties in the effective implementation of the Arms Trade Treaty.

35. (1) The Authority shall, within a period of two months after the end of the financial year or within such longer period as the Minister may approve, submit to the Minister a report detailing all transfers of conventional arms concluded during the preceding calendar year.

Report to
Minister

(2) A report referred to in subsection (1) shall —

(a) specify the recipient country, type, description and total value per category of conventional arms exported during the reporting period, and

(b) indicate the quantity of each category of controlled items exported, except where such disclosure is prohibited by a confidentiality clause in the relevant contract of sale.

(3) Where information under subsection (2) (b) is subject to confidentiality, the Authority shall submit such information to the National Assembly on a confidential basis.

(4) The Committee may omit information relating to the technical specifications of conventional arms from a report submitted under this section, where such omission is necessary to protect military or commercial confidentiality.

(5) For the purposes of this section, “transfers” include the following activities —

(a) registration;

(b) marketing;

(c) contracting;

(d) export;

(e) import; and

(f) conveyance.

Prohibition of unauthorised disclosure of information

Act. No. 16 of 2024

Extra-territorial jurisdiction

Offences and penalties

Administrative penalties and fines

36. A person shall not disclose any information concerning the business or operations of the Authority, except where the disclosure is —

- (a) authorised in writing by the Authority;
- (b) required under the Access to Information Act;
- (c) made to a person who needs the information in order to perform his or her official duties; or
- (d) necessary for the implementation of a decision of the Authority.

37. (1) A citizen of Botswana, or a person who permanently resides in Botswana, who commits an act outside Botswana that constitutes an offence under this Act if committed in Botswana, commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding five years, or to both.

(2) Any act prohibited under this Act undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person may not be convicted of an offence under subsection (1) if such a person has been acquitted or convicted in the country where that offence was committed and section 39 shall apply with necessary modification to this provision.

38. A person who contravenes any of the provisions of this Act for which a penalty is not prescribed commits an offence and is liable to a fine not exceeding P500 000 or to a term of imprisonment not exceeding five years, or to both.

39. (1) Notwithstanding any other action that may be taken under this Act, the Committee may, in addition to such action, impose an administrative fine, as may be prescribed, on any person who —

- (a) trades in conventional arms in contravention of this Act;
- (b) fails to comply with, or contravenes, a condition of a permit or an end-user certificate issued under this Act;
- (c) furnishes false or misleading information in response to a request made under this Act or fails to furnish information as required;
- (d) obstructs or hinders an inspector in the exercise of his or her powers under this Act; or
- (e) refuses or fails to comply with a lawful directive, instruction or requirement of the Authority under this Act.

(2) An administrative fine imposed under subsection (1) shall be in addition to, and not in substitution for, any criminal proceedings that may be instituted under this Act.

(3) In determining whether to impose an administrative fine, and the amount thereof, the Committee shall have regard to the following factors —

- (a) the nature, gravity, extent and duration of the contravention;
- (b) the impact of the contravention on national security or the economy;
- (c) the circumstances in which the contravention occurred;
- (d) the level of benefit or profit gained from the contravention;
- (e) the degree of co-operation by the person with the Authority; and
- (f) whether the person has previously contravened this Act.

(4) Where the Committee intends to impose an administrative fine on a person, the Committee shall serve on that person an infringement notice informing the person of —

- (a) the nature of the contravention alleged to have been committed;
- (b) the amount of the administrative fine proposed to be imposed;
- (c) the period within which the administrative fine is to be paid, which shall not be less than 21 days from the date of service of the notice; and
- (d) the person's right to make written representations to the Committee, within the period specified under paragraph (c), as to why the administrative fine should not be imposed.

(5) An infringement notice form shall be served in such manner as may be determined by the Authority.

40. The Minister may by Order published in the *Gazette*, amend the Schedule to this Act to include such other categories of conventional arms as may be necessary.

Power to amend
Schedule

41. The Minister may make regulations for any matter which is required to be prescribed or for the better carrying out of the provisions of this Act and without derogating from the generality of the foregoing, such regulations may prescribe —

Regulations

- (a) a permit regime for all permits to be granted;
- (b) information which may be contained in the end-user certificate;
- (c) administrative penalties and fines; and
- (d) such transitional arrangements as may be necessary for purposes of this Act.

SCHEDULE
(section 2)

Categories of Conventional Arms

Part I: Major Conventional Weapons Systems

1. Battle Tanks

Armoured combat vehicles designed for offensive operations, with high firepower and protection, primarily armed with a high-calibre direct-fire main gun.

2. Armoured Combat Vehicles (ACVs)

Armoured vehicles designed for combat and troop transport, including armoured personnel carriers and infantry fighting vehicles.

3. Large-Calibre Artillery Systems

Guns, howitzers, artillery pieces, and multiple-launch rocket systems with a calibre of 100mm and above.

4. Combat aircraft and unmanned combat aerial vehicles (UCAV)

Includes fixed-wing or variable-geometry wing aerial vehicles as defined below:

- (a) Manned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions.
- (b) Unmanned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction.

The terms "combat aircraft" and "unmanned combat aerial vehicles (UCAV)" do not include primary trainer aircraft, unless designed, equipped or modified as described above.

5. Attack Helicopters

Rotary-wing aircraft designed for attacking ground targets, equipped with integrated weapon systems.

6. Warships

Naval vessels designed or equipped for military use, including destroyers, frigates, corvettes, submarines, and other vessels of war.

7. Missiles and Missile Launchers

Guided or unguided ballistic or cruise missiles and their launchers capable of delivering conventional payloads.

Part II: Small Arms and Light Weapons

1. Small Arms

Man-portable firearms intended for individual use, including:

- (a) revolvers and self-loading pistols;
- (b) rifles and carbines;
- (c) sub-machine guns;
- (d) assault rifles; and
- (e) light machine guns

2. Light Weapons

Weapons intended for use by several persons serving as a crew, including:

- (a) heavy machine guns;
- (b) hand-held under-barrel and mounted grenade launchers;
- (c) portable anti-aircraft and anti-tank guns;
- (d) recoilless rifles;
- (e) portable launchers of anti-tank missiles or rocket systems;
- (f) portable launchers of anti-aircraft missile systems;
- (g) mortars of calibre less than 100mm;

Part III: Ammunition and Munitions

1. Ammunition or Munitions

Ammunition and munitions designed for use with any of the conventional arms listed in Parts I and II, including shells, cartridges, projectiles, and explosive warheads.

Note: This excludes any firearm or ammunition regulated under the Arms and Ammunition Act.

Part IV: Parts, Components and Technology

1. Parts and Components

Any specially designed parts and components essential for the functioning of the items listed in Parts I and II.

2. Related Technologies

Technical data, designs, blueprints, or software required for the development, production, or use of the items listed above, when subject to export control laws.

PASSED by the National Assembly on this 6th day of August, 2025.

DR. GABRIEL G. G. MALEBANG,
Clerk of the National Assembly.