

Handbook of Best Practices on Small Arms and Light Weapons

Organization for Security and Co-operation in Europe

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Decision No. 5/03 Best Practice Guides
on Small Arms and Light Weapons

- I. Best Practice Guide on
National Controls over Manufacture of Small Arms and Light Weapons
- II. Best Practice Guide on
Marking, Record-keeping and Traceability of Small Arms and Light Weapons
- III. Best Practice Guide on
National Procedures for Stockpile Management and Security
- IV. Best Practice Guide on
National Control of Brokering Activities
- V. Best Practice Guide on
Export Control of Small Arms and Light Weapons
- VI. Best Practice Guide on the
Definition and Indicators of a Surplus of Small Arms and Light Weapons
- VII. Best Practice Guide on
National Procedures for the Destruction of Small Arms and Light Weapons
- VIII. Best Practice Guide on
Small Arms and Light Weapons in Disarmament,
Demobilization & Reintegration (DD&R) Processes

Decision No. 5/03 Best Practice Guides on Small Arms and Light Weapons

The Forum for Security Co-operation (FSC),

Reaffirming its commitment to the full implementation of the OSCE Document on Small Arms and Light Weapons (SALW), (FSC.DOC/1/00), in which participating States agreed to consider the development of best practice guides on certain aspects related to the control of small arms and light weapons,

Recalling FSC Decision No. 11/02 of 10 July 2002, in which it was decided that in order to assist participating States in implementing the OSCE Document on Small Arms and Light Weapons the FSC would develop best practice guides on the following aspects: national marking systems; national procedures for the control of manufacture; national export and import policy; national control of brokering activities; national procedures for stockpile-management and security; definitions for indicators of a surplus; techniques and procedures for destruction; and small arms measures as part of disarmament, demobilization and reintegration,

Noting the possibility that a Handbook gathering these Best Practice Guides may serve as a guide for national policy-making by participating States and encourage higher common standards of practice among all participating States,

Recalling preambular paragraph five of the OSCE Document on SALW, in which participating States noted the opportunity for the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, to provide a substantial contribution to the process in the United Nations on combating the illicit trade in SALW in all its aspects,

Acknowledging that such a Handbook gathering these Best Practice Guides could also be useful to other United Nations Member States in their efforts to implement the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, as well as other international commitments on SALW,

Recognizing the work done by participating States to complete this task,

Decides to:

- Welcome the development of the Best Practice Guides and endorse the compilation of those that are currently available into a Handbook in all six OSCE languages;
- Ensure that the remaining Guides are included in the Handbook when finalized and reviewed;
- Encourage participating States to make this Handbook available to all relevant national authorities for its implementation as appropriate;
- Task the Conflict Prevention Centre to ensure the widest possible distribution of this Handbook after its completion;
- Request that this Handbook be presented at the First OSCE Annual Security Review Conference, to be held in Vienna on 25 and 26 June 2003, and at the First Biennial Meeting of States on the Implementation of the United Nations Programme of Action, to be held in New York from 7 to 11 July 2003;
- Take account of this Handbook, including the possibility of its further development during regular review of the OSCE Document on SALW, in accordance with Section VI of the Document;
- Request that this decision be appended to the Handbook and distributed with it.



Handbook of Best Practices
on Small Arms and Light Weapons

Best Practice Guide on National Controls over Manufacture of Small Arms and Light Weapons



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19 September 2003

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I. Introduction

The existence of effective procedures to control the manufacture of small arms and light weapons (SALW) constitutes an important element in efforts to prevent the destabilizing accumulation and uncontrolled spread of such weapons.

In accordance with the OSCE Document on Small Arms and Light Weapons, “the participating States agree to ensure effective national control over the manufacture of small arms through the issue, regular review and renewal of licences and authorizations for manufacture. Licences and authorizations should be revoked if the conditions under which they were granted are no longer met. The participating States will ensure that those engaged in illegal production can, and will, be prosecuted under appropriate penal codes” (OSCE, 2000, Section II(A)1).

Each State should adopt a decision on the establishment of its own national system for control over the manufacture of SALW.

Because of the diversity of national legal and administrative systems, no uniform procedure exists for control over the manufacture of SALW. Nevertheless, there are a number of elements available to ensure the effective functioning of such a control system, in the form of a legal framework, and decision-making and implementation mechanisms.

This Guide provides information and suggests approaches and procedures for the control over SALW manufacture. It contains references to relevant international commitments and cites the necessary elements of national legislation, setting out the norms and principles of control over SALW manufacture. It also considers effective measures for their enforcement.

For the purposes of this Guide, small arms and light weapons are man-portable weapons made or modified to military specifications for use as lethal instruments of war. The categorization of SALW used here is that of the OSCE Document on Small Arms and Light Weapons (OSCE, 2000, Preamble, para.3).¹

¹ According to the OSCE Document on Small Arms and Light Weapons, small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

II. International Commitments

A number of important international commitments relating to national control over the manufacture of SALW are set out in resolutions of the General Assembly of the United Nations.

At present, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UNGA, 2001a), is the only global legally binding instrument that establishes common procedures for the prevention and suppression of the illicit manufacture of firearms.²

In accordance with the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UNGA, 2001b), member States undertook to put in place adequate laws, regulations and administrative procedures to exercise effective control over the production of SALW. The States also undertook to prevent the illegal manufacture of SALW through the adoption of all necessary measures at the national level.

In accordance with the OSCE Document on Small Arms and Light Weapons, participating States agreed to ensure effective national control over the manufacture of SALW, and also to exchange with each other information on national procedures for control over their manufacture (OSCE, 2000, Section II).

The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (OAS, 1997) was adopted by the member States of the Organization of American States to prevent, suppress and eradicate the illicit manufacture of firearms. This document is designed to facilitate co-operation and the exchange of information and experience, with a view to ensuring effective control over the manufacture of firearms.

A full list of references can be found in the Annex.

² The Protocol enters into force ninety days after the fortieth ratification, acceptance, approval or accession, but it shall not enter into force before the entry into force of the Convention (Art. 18). At the time of going to print, 52 States had signed the Protocol and five had ratified.

III. National Legislation

National legislation concerning control over the manufacture of SALW should reflect all the existing international obligations of the State in this field.

As a rule, national control over the manufacture of weapons and military equipment also extends to the manufacture of SALW.

National legislation concerning control over the manufacture of SALW may reflect the following:

- i) Licensing requirements and conditions;
- ii) Licensing and authorizing bodies;
- iii) Procedures for the submission and examination of applications for licences and authorizations;
- iv) Licensing and authorization procedures;
- v) Suspension, review, renewal and revocation of licences and authorizations;
- vi) Enforcement of licensing requirements;
- vii) Penalties (e.g., criminal liability for unlicensed manufacturing).

National legislation on the control over the manufacture of SALW should include political guidelines regulating this activity without prejudice to the rights, legitimate interests and health of citizens, or the defence and security of the State.

The licensing authority should take into account SALW export criteria when considering licences for export-oriented SALW production on their national territory, or for licensed manufacturing of SALW outside their national territory.³

The export of SALW or collaboration with foreign citizens, companies or States with respect to the development and manufacture of weapons require an export licence or special permit in addition to authorization for the manufacture of SALW. *[See BPG on Export Controls]*

To prevent illicit trafficking in SALW, national legislation regulating the control over the manufacture of SALW should strive for transparency in the manufacture and international transfers of SALW.

³ For these criteria, see the OSCE Document on Small Arms and Light Weapons, Section III(A).

IV. Procedures

The manufacture of SALW can proceed only after a licence has been issued by an authorized State agency.

1. Licensing requirements and conditions

To obtain a licence for the manufacture (development or repair) of SALW, a manufacturer should meet a number of requirements and conditions, which may include:

- i) Appropriate standard specifications and strict compliance with them;
- ii) Appropriately qualified personnel;
- iii) Structural sub-units for the manufacture of SALW;
- iv) Premises, equipment, testing grounds and measuring apparatus;
- v) Where appropriate, the protection of State secrets;
- vi) Maintenance of records and safe storage of documentation, weapons and their component parts, as well as experimental and pre-production models; *[See BPG on Marking, Tracing and Record-Keeping]*
- vii) Protection of the production and storage facilities for weapons and their major components; *[See BPG on Stockpile Management and Security]*
- viii) Special unit for quality control of manufactured weapons and for monitoring compliance with the relevant statutory and technical norms;

ix) Possibility for special commissions to monitor compliance with the licensing requirements and conditions.

The manufacturer should, in co-operation with the competent authorities, ensure continued compliance with such requirements and conditions.

2. Licensing and authorizing bodies

In order to facilitate and streamline the procedures for the issuance of licences for manufacturing SALW, it is preferable for manufacturers to deal with a single authorized State body. Other appropriate State authorities should participate, where necessary, in decisions regarding the issuance of licences and authorizations.

The State authorities for issuing licences and authorizations are required to keep the following records (a register of licences): *[See BPG on Marking]*

- i) Licensed activities;
- ii) Information on the applicant;
- iii) Date of the decision to issue the licence;
- iv) Licence number;
- v) Licence validity period;
- vi) Information on licence modifications;
- vii) Information on extending the validity of the licence;
- viii) Grounds for and dates of renewal, suspension and/or revocation of the licence.

The information contained in the licence register may be open to the public.

3. Issuance of licences and authorizations

A licence application may be based on the requirements set out in the relevant national legislation.

As a general matter, a licence should not be transferable and should be specific to a particular location.

Manufacturers are required to comply with the licensing requirements for the manufacture of SALW. They are also required to submit adequate and complete information to the State body authorized to issue the licence.

In order to issue a licence, the designated licensing authority should be provided with all the necessary documentation (original documents or certified copies), including, *inter alia*:

- i) Company's founding documents, articles of incorporation or other proof of licensed business;
- ii) Information on the weapons to be manufactured;
- iii) Proof that the company meets State standards for protection of proprietary and State

classified information, as applicable;
iv) Information on foreign control and/or ownership in the applicant company, as applicable.

The applicant is liable for inaccurate or false information as provided for in the national legislation.

A licence for the manufacture of SALW should contain, at a minimum, the following information:

- (i) Name, corporate status and place of registration of the manufacturer;
- (ii) Date of issue and expiry;
- (iii) Licensed activity;
- (iv) Name of the licensing authority.

The period of validity of the licence should be of a reasonable length.⁴ The authorization may be extended through the application procedure specified in the national legislation.

A licence or authorization may be refused on the following grounds:

- i) If the intended activity of the applicant is contrary to the interests of national or public security;
- ii) If the applicant has submitted inaccurate or false information;
- iii) If the applicant has failed to meet the licensing requirements and conditions.

⁴ In certain countries, it is common practice to issue licences with an unlimited period of validity. If the period of validity of the licence is unlimited, the manufacturer should be required to notify the relevant national supervision authorities about any changes to the licensed activities. This may involve modification, expansion or cessation of production or changes in the manufacturer's location, name or corporate status.

4. Suspension, review, renewal and revocation of licences and authorizations

In the case of repeated violations or a gross violation of the licensing requirements and conditions, the licensing authority may suspend or revoke the licence. The licensing authority may provide the licensee with a reasonable period to remedy any violations.

The decision to renew a licence should be taken after written notification of compliance by the licensee, as well as subsequent verification. The licensee should then be informed in writing about the decision.

A licence may be suspended or revoked in the following cases:

- i) Cessation of business, such as through bankruptcy or dissolution of the corporate entity, etc.;
- ii) Non-compliance with national legislation or requirements;
- iii) Violation of the conditions of the licence.

Some provision should be made for review of the decision to suspend, revoke or renew the licence.

5. Control over compliance with existing requirements

The licensing authorities may monitor compliance with the requirements and conditions for the manufacture of SALW through a special commission or a competent administrative authority established for this purpose. Routine inspections should be carried out regularly within a reasonable timeframe.

Extraordinary inspections can be carried out to verify compliance, as well as on receipt of information, documents or other evidence of violations of the licensing requirements and conditions.

V. Control at the manufacturing stage

The manufacture of SALW should be monitored by both the manufacturer and the recipient, on the basis of instructions or guidelines specified in the national legislation.

1. Control by the recipient

SALW manufacture should be ordered by bodies authorized by national governments. At a minimum, a contract for the manufacture of SALW should contain the following information:

- i) Type of weapons;
- ii) Number of pieces;
- iii) Period of manufacture.

The specifications of the manufactured SALW should be listed in the technical documentation. The required materials to be used to manufacture the weapons and the basic combat characteristics of the weapons should be specified when each model is developed. The manufacturer is responsible for ensuring that the finished product complies with the required specifications.

The recipient may control the quality of the finished product at the manufacturer's premises through its representatives, who will carry out control checks of the manufacturing quality at both the production and assembly stages.

In the event of transportation of the finished product by the recipient, the serial numbers and

completeness of all SALW should be verified, recorded and maintained in accordance with national law.

Where applicable, the manufacturer should provide decommissioning (destruction) certificates for the components manufactured at other enterprises.

2. Control by the manufacturer

At the stage of SALW manufacture, controls could cover:

- i) Use of technical (design and technological) weapons documentation;
- ii) Use of special equipment required to manufacture the weapons;
- iii) Parts, assemblies and finished weapons;
- iv) Substandard weapons and their parts, registered by serial number during manufacture or destruction;
- v) Marking and stamping of the weapons.

During the manufacture of SALW, records (log books) should be kept to indicate the number and type of firearms manufacture, including serial numbers and other appropriate information necessary to trace the firearm.

Procedures for testing, storing and transporting firearms should be established.

3. Control over SALW components

Major components for the manufacture of SALW (i.e., firearms frames and receivers) should be controlled and appropriately marked upon manufacture. Manufacturers should ensure that assembly and production lines permit the accurate marking and accounting of these components. Manufacturers should establish appropriate procedures for proper storage, transportation and record-keeping of these components. *[See BPG on Stockpile Management and Security]*

4. Control over finished SALW

After final assembly, each weapon should be assigned a full identification number. The corresponding documentation should be completed and handed over to the recipient, together with the finished products. *[See BPG on Marking, Record-Keeping and Tracing]*

Authorization to transport major components and completed firearms should be established. Manufacturers should also ensure proper accounting and recording of the finished products, especially when the major components or finished products are to be transported.

The manufactured SALW to be transferred to the recipient should be kept in storage facilities, if possible on the main production site. The storage facilities should be appropriately secured to prevent unauthorized access. *[See BPG on Stockpile Management and Security]*

5. Penalties for violations of SALW management procedures

Appropriate civil, administrative or criminal penalties should be established for violations of State procedures for manufacturing, transferring or storing SALW.

Annex

References

- OAS(Organization of American States) (1997). *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, AG/RES.1[XXIV-E/97]), of 13 November.
- OSCE. Forum for Security Co-operation (2000). *OSCE Document on Small Arms and Light Weapons*. FSC.DOC/1/00 of 24 November.
- OSCE. Conflict Prevention Centre (2002). *Overview of the first Information Exchange on SALW of 30 June 2001*. FSC.GAL/9/02 of 23 January.
- (2002). *Model Answer for the OSCE Information Exchange on SALW of 30 June 2001*. FSC.GAL/39/02 of 27 January.
- United Nations (1945). *Charter of the United Nations*. Signed 26 June.
- UNGA (United Nations General Assembly) (2001a). *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Conference against Transnational Organized Crime*. Adopted 31 May. Reproduced in UN Document A/RES/55/255 of 8 June.
- (2001b). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. Adopted 20 July. Reproduced in UN Document A/CONF.192/15.



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Best Practice Guide on Marking, Record-keeping and Traceability of Small Arms and Light Weapons

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I. Introduction

Today, a consensus has emerged within the international community on the need to mark Small Arms and Light Weapons (SALW) in order to combat illicit trafficking in all its aspects. SALW marking and record-keeping are basic preventive measures to be adopted and implemented at the national level. However, these measures are not sufficient in themselves and must be supplemented by close co-operation between States to enable the tracing of weapons that have been illegally trafficked or diverted. Preventive measures, including marking and record-keeping, combined with co-operation in tracing, contribute to the implementation of the broader concept of SALW traceability.

No international legally binding document defines prescriptions for a comprehensive SALW marking and record-keeping regime. Consequently, no existing document sets out the global architecture of a traceability mechanism. However, different aspects of this concept have been the subject of recommendations listed in the OSCE Document on Small Arms and Light Weapons (OSCE, 2000) and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNGA, 2001b). These two documents, as well as other existing legally binding international agreements such as the UN Protocol against the

illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (UNGA, 2001a), and the OAS Inter-American Convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials (OAS, 1997), may help States adopt and implement appropriate measures to prevent, combat and eradicate the illicit SALW trade.

The initiative put forward by France and Switzerland to build a mechanism for an effective traceability of Small Arms and Light Weapons has also helped define the main elements of the process.

The UN Programme of Action mentions marking and traceability as key elements for preventing, combating and eradicating the illicit trade in SALW (UNGA, 2001b, Articles II.7, III.6, III.9-12, IV.1). Following this programme, the UN General Assembly (GA), in its fifty-sixth session, requested the Secretary General to undertake a study on the feasibility of an international instrument to enable States to identify and trace illicit SALW in a timely and reliable manner (UNGA, 2001c, para. 10.).

This was to be done with the assistance of governmental experts. It is envisaged that the report produced by this group of experts, which is due to be presented at the fifty-eighth GA session, will be a major contribution to the subject.

Nevertheless, most States apply national laws or regulations with respect to the marking of SALW and record-keeping associated with their manufacture and trade. Little, if any, inter-state harmonization of these marking and record-keeping regimes has taken place to date in most parts of the world. In an effort to remedy that situation, several specialized non-governmental organizations (NGOs) have put forward proposals to improve and harmonize State practices.

A list of references can be found in Annex B.

II. Scope and Objectives

This guide applies to SALW categorized by the OSCE Document when they are manufactured or transferred by States.¹

The adoption and implementation of national measures and co-operative regimes should permit the tracing of SALW from the time of manufacture, in order to detect possible points of diversion. The system should guarantee that, where a weapon has been recovered from illicit channels, the authorities of the country in which it was discovered or authorities mandated by the United Nations are able to:

- Easily determine the basic information enabling identification of the weapon and its origin;
- Obtain from the country of manufacture information that will allow tracking of the weapon from the point of manufacture.

This guide will develop solutions for each of the following aspects relating to traceability:

- Marking;
- Record-keeping;
- Legal basis and penal regime;
- Exchange of information;
- Co-operation.

¹ This guides does not apply to non-military grade weapons and ammunition, which are not covered by the OSCE Document. The OSCE Document itself covers SALW “made or modified to military specifications for use as lethal instruments of war” (OSCE, 2000, Preamble, footnote to paragraph 3). Certain prescriptions contained in this guide, however, can be applied to non-military grade weapons and ammunition by States on their own initiative, with a view to integrating them into a tracing system.

III. Marking

Two types of marking can be distinguished according to the stage of life of a weapon:

- The initial identification marking;
- Additional markings that can help improve the weapon's traceability, including proof marking and marking at import, weapons assignment marking, such as weapons assigned to a country's armed or police forces.

1. Initial identification marks

Identification marking is commonly affixed at the time of manufacture. For the purposes of tracing, States should require, at a minimum, that the following basic information appears on the frame and receiver of the weapon:

- The place and country of the manufacturer;
- The name of the manufacturer;
- A unique serial number.

In addition, the weapon type and/or model should also be marked. The name of the country should be marked in an easily readable way in order to facilitate a request for further information from that country. The appropriate national authorities should be able to ascertain the weapon's year of manufacture and other relevant information.

Unmarked firearms should be regarded as illegal and must therefore be confiscated, seized and destroyed unless otherwise authorized by the appropriate lawful authorities. However, for

regularization purposes, unmarked firearms previously in commission and legal possession may be kept, provided an appropriate marking is applied to them. This marking should correspond to the marking at the time of manufacture in use in that State.

When a weapon acquired abroad is not properly marked, the importing State should ensure that the minimum identification markings are affixed at the time of import, provided that the weapon has not been acquired through illicit trade.

The minimum identification markings should at a minimum, appear on the primary structural component, which is generally the frame or the receiver of the weapons. If possible, the markings should be done in such a way as to prevent their removal or alteration without rendering the weapon permanently inoperable. Parts other than the frame and receiver of the weapon, or their equivalents, can also be marked (barrel, breech, slide rail, certain mobile parts, etc.) but these markings are not so essential for tracing purposes.

Markings on the frame and receiver, or their equivalents, must be in plain view and easy to interpret. However, the serial number and all other information except the country of manufacture may be expressed by a combination of geometric symbols with numeric and/or alphanumeric code.

2. Additional marks

a) Import marking

States should require appropriate markings on imported SALW that permit the identification of the country of import and, if possible, the year of import.

b) Weapons assignment marking

States wishing to improve the traceability of their weapons may consider adopting appropriate provisions markings to further distinguish these weapons according to their use, including:

- Weapons designed for the armed forces;
- Weapons designed for the security forces of public services or agencies;
- Weapons designed for security forces of local authorities.

c) Proof marking

Some national or international documents provide for proof marking. The main international convention on small arms proof marks is the CIP Convention, currently comprising 12 countries (CIP, 1969). However, its provisions do not apply to weapons intended for use by armed forces. Furthermore, proof marks are not a substitute for the minimum marks required at manufacture or import.

3. Marking techniques

A large variety of marking techniques can be used, but markings should be easily identifiable, difficult to alter or remove and, if altered or removed, easily recoverable through technical means. A comparison of the various techniques available requires an analysis based on a number of criteria, such as resistance to erasing (through wear and tear or as the result of deliberate counterfeiting), information accessibility, information storage capability, maintenance, cost, etc. Moreover, the choice of a technique should take into account the material of which the weapon is made (steel, alloys or resins), and the type of weapon to be marked.

The more common traditional processes include those listed below.²

- i) Stamping: Sufficient force is applied to a matrix bearing the information. Under the impact of the force applied, the matrix produces a mark by making an indent in the metal. The depth of the mark depends on the matrix used, the metal to be marked and the degree of force applied.
- ii) Casting.
- iii) Engraving: Removing metal with engraving tools such as hand-held chisels, routers, acid or laser beams.
- iv) Hot marking: Use particularly for resin parts.
- v) Riveting or soldering a plate: Notably for certain thin metal firearms on which other processes would be hard to use.

² It should be mentioned that other processes do exist, and are now used infrequently by certain States. These include chemical processes and painting, the latter of which seems more suitable for resin weapons that are difficult to engrave.

For barrelled weapons, stamping is generally thought to provide the best guarantee in terms of resistance to erasing, accessibility of information and cost. Contrary to other processes, stamping actually substantially alters the molecular structure of the metal, which ensures that the data will remain despite attempts to erase it.

Vastly different techniques may be preferred for some light weapons (mortars, portable rocket launchers, grenade launchers, etc). If possible, the marking should be done in such a way as to prevent the removal or alteration of markings without rendering the weapon permanently inoperable. Research is under way to perfect sophisticated marking systems involving new technologies that still require substantial investment. These technologies include:

- Chemical tracers;
- Radio frequency identification (RFID) systems;
- Electronic chips inserted into weapon structure;
- Adding a metallic element to the steel or aluminium alloy;
- Including coloured particles in the steel or plastic parts;
- Mechanical deformation.³

4. Other provisions for reliable marking

In order to provide maximum guarantees, marking must be included in the manufacturing process and certified by internationally recognized quality standards. *[See BPG on Manufacture]*

The administrative bodies and economic agencies responsible for marking at each stage of a marked weapon's life should be explicitly designated in national legislation and regulations, as should the marking system they should apply.

In any agreement on the transfer of a licence or relocation of production activity, the commercial and industrial clauses governing the operation should provide for the implementation of specific marking provisions, as defined both by this guide and a suitable industrial and commercial monitoring facility. *[See BPG on Manufacture]*

³ This last method consists of making minute holes to mark a code on the weapon's frame. Once the production process is complete, the weapon is polished to render the marking invisible. To recover the marking, a suitable chemical solution is used or the weapon is x-rayed.

IV. Record-keeping and Tracing

Record-keeping involves the collection and maintenance of data in order to facilitate the identification of any weapon, its legal status and the location of its storage, at a given stage of its life.

1. Different registration levels

States should refer to the following record keeping scheme, to be followed in accordance with their own legal system.

- i) At manufacture: A record should be kept by the manufacturer of SALW produced. *[See BPG on Manufacture]*
- ii) At testing: If a State participates in a proof-testing regime for SALW, a record of testing for each individual weapon should be kept by the agency conducting the testing.
- iii) At import: The importer of SALW or other designated body should maintain a record of every weapon imported at the time of entry into the country. *[See BPG on Export Control]*
- iv) At commercial sale: The retailer should keep and maintain a record of every weapon sold from its inventory or submitted to any other operation in its installation.
- v) At possession: A record should be kept of the allocation of SALW to a public department. This record could also be kept by authorities issuing holding authorizations for other persons. *[See BPG on Stockpile Management and Security]*

vi) In case of loss or theft: A record should be kept of lost or stolen weapons to facilitate prompt notification of national competent authorities. *[See BPG on Stockpile Management and Security]*

vii) At destruction: A record should be maintained of weapons destroyed at the direction of competent national authorities by those carrying out the destruction. *[See BPG on Destruction]*

All the above information shall be made available to competent national authorities if requested by national law.

2. Registers

All registers used for record-keeping should be appropriately authenticated. States shall assure the maintenance for as long as possible, and not less than ten years, of the information necessary to trace and identify SALW to enable them to carry out successful tracing.

If entities other than governmental bodies are authorized to maintain certain records, they shall ensure the conservation of the above-mentioned information for as long as they perform this activity. On completion of this function, those entities shall transmit the registers in their possession to the competent governmental authority or to the dealer taking over this activity.

3. Nature of registered information

The information to be recorded at the stages mentioned above should, at a minimum, include for each weapon:

- The identification marking;
- A precise description of the weapon, notably its type and model;
- All additional, possibly coded, information affixed on the weapon.

As appropriate, a record could be kept of the origin and destination of the weapon and, eventually, of the export or import licences.

4. Non-registered SALW

Non-registered SALW, where legally held, should be submitted to official regulation. The competent authority would then be responsible for recording their possession. If those fire-arms weapons are not properly marked, they should be recorded at the time of regularization marking (*see Section III.1 above*).

Illicitly manufactured or trafficked SALW may only be regularized if approved by a competent legal authority, and for a specific purpose, such as for museums or law enforcement training. States shall adopt the necessary measures to ensure that all SALW seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of unauthorized persons or entities (*See Section III.1 above*).

V. Legal basis and penal regime

It is recommended that each State that has not already done so adopt laws and regulations on marking and record-keeping of SALW consistent with their legal systems. The provisions of concern should provide for obligations, prohibitions and punishment of offences. They should cover all aspects that would promote the concept of traceability.

States should consider adopting and implementing legislative and other measures consistent with their constitutional and legal systems, in order to establish as penal offences the following intentionally committed acts:

- Manufacturing of and trade in unmarked SALWs;
- Falsification, illegal removal or alteration of SALW markings that render the weapon unique;
- Failure to register SALWs;
- Any form of falsification of SALW record-keeping.

VI. Information sharing

States should exchange among themselves, in conformity with their respective domestic laws and applicable treaties, relevant information on matters such as:

- i) Authorized producers, dealers, importers, exporters, and, whenever possible, carriers of SALW;
- ii) The means of concealment used in the illicit manufacturing of or trafficking in SALW, and methods to detect them;
- iii) Routes customarily used by organizations engaged in illicit trafficking in SALW;
- iv) Legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in SALW.

States should co-operate in the tracing of SALW that may have been illicitly manufactured or trafficked. Such co-operation shall include accurate and prompt responses to trace requests.

States should undertake to exchange similar information with the United Nations Security Council, within the framework of the embargoes agreed by the Security Council or UN peacekeeping missions.

Subject to the obligations imposed by their constitutions or any international agreements, the States should guarantee the confidentiality of any information they receive, if requested to do so by the State providing the information. If, for legal reasons, such confidentiality cannot be maintained, the State that provided the information should be notified prior to disclosure.

Where required, the States involved in a tracing operation may decide by mutual agreement to communicate the information exchanged with third parties.

VII. Co-operation in tracing

States should co-operate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in SALW. States should further identify a national body or a single point of contact to act as a liaison among States for the purposes of co-operation in information exchange and SALW tracing.

Unless otherwise agreed, information received during a tracing operation should be deemed confidential. The requested State should be empowered to restrict the use of the information it provides. The nature and scope of that restriction should not prevent the requesting State from continuing the tracing operation through other means.

The State requesting co-operation from another State should support its request with all relevant information, such as:

- The type and quantity of the weapons concerned, and the date and place of their confiscation, seizure, collection or recovery;
- Markings and any further information that may help identify them;
- Any further available information to help identify the weapons or ammunition concerned (descriptions, photographs, etc.);
- Any further relevant information, such as where the weapons were found, identities of persons detained with the confiscated weapons, etc.

The State that receives the request for co-operation should undertake to acknowledge receipt thereof, and to provide any information it possesses to the requesting State, as rapidly as possible (a week could be considered as a reference). Such information might include:

- i) Confirmation that the weapons concerned were manufactured in the State from which information has been requested, if this is shown by the marking.
- ii) Any further information on the weapons concerned that is likely to ensure reliable identification, such as, for example: the date of manufacture; relevant information on the manufacturer; hidden or other identification markings; special characteristics; and the date on which technical testing was conducted, and identification of the testing body, and so on.
- iii) If the weapons concerned have been transferred legally out of the requested State, the date of export; the importing State and transit States where relevant; the final consignee, and any additional information to assist the requesting State in tracing the weapons.
- iv) If the weapons concerned have not been transferred legally out of the requested State, confirmation of that fact and communication of any additional information to assist the requesting State in tracing the weapons. The requested State shall also specify whether an investigation has been launched on the apparent loss, theft or diversion of the weapons concerned.

Annex A

Registration Data

| No. | Firearm identifier | | | | | | | Proof | | |
|-----|--------------------|-------|---------|------------------------|--------------|---------------|-------------------|-------------|--------------|--------------------|
| | Type | Model | Calibre | Country of manufacture | Manufacturer | Serial number | Coded information | Designation | Date of exit | Certificate number |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

| No. | Data on possession | | | Data on import | | | | Sale or transfer | | |
|-----|--------------------|-----------------|---------------|-------------------|----------|----------------|---------------|------------------------|-------------------|-----------|
| | Current holder | Previous holder | Transfer date | Country of import | Importer | Licence number | Transfer date | Purchaser or consignee | Date of operation | Signature |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

ANNEX B

References

Documents drafted by States

Exchange of Information by the OSCE participating States, 30 June 2001.

Exchange of Information by the OSCE participating States, 30 June 2002.

DFAIT (Canadian Department of Foreign Affairs and International Trade) (1999) *Marking Small Arms: an Examination of Methodologies* (excerpt). Working paper. Ottawa: DFAIT.

International documents

CIP (Commission Internationale Permanente) (1969). Convention for the reciprocal recognition of proof marks on small arms (with regulations and annexes). 1 July.

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal Convention 1991) (1991). Signed at Montreal on 1 March 1991.

Annex B

- ECOWAS (Economic Community of West African States) (1998). *Moratorium on Importation, Exportation and manufacture of light weapons in West Africa*. 31 October.
- EU (European Union) (1991). *Council Directive on control of the acquisition and possession of weapons*, 91/477/EEC of 18 June. Reproduced in the Official Journal of the European Union, 1991 No. L 256/51.
- (2002). *Council Joint Action on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons*, 2002/589/CFSP of 12 July. Reproduced in the Official Journal of the European Union, 2002 No. L 191/1.
- OAS (Organization of American States) (1997). *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, AG/RES.1[XXIV-E/97]), of 13 November.
- OSCE. Forum for Security Co-operation (2000). *OSCE Document on Small Arms and Light Weapons*. FSC.DOC/1/00 of 24 November.
- . Conflict Prevention Centre (2002). *Overview of the first Information Exchange on SALW of 30 June 2001*. FSC.GAL/9/02 of 23 January.
- SADC (Southern African Development Community) (2001). *Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region*. Blantyre, Malawi. 14 August.
- UNGA (United Nations General Assembly) (1997). *Report of the UN Panel of Governmental Experts on Small Arms*. A/52/298 of 27 August.
- (1999). *Report of the UN Panel of Governmental Experts on Small Arms*. A/54/258 of 19 August.
- (2001a). *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Conference against Transnational Organized Crime*. Adopted 31 May. Reproduced in UN Document A/RES/55/255 of 8 June.
- (2001b). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. Adopted 20 July. Reproduced in UN Document A/CONF.192/15.
- (2001c). *The illicit trade in small arms and light weapons in all its aspects*. General Assembly Resolution 56/24V, 24 December.
- Wassenaar Arrangement (Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies), Documents available at <<http://www.wassenaar.org>>.

NGO Documents

- Berkol, I. (2002). *Marking and Tracing Small Arms and Light Weapons, Improving Transparency and Control*. *Group for Research and Information on Peace and Security (GRIP) 2002 Annual Report*. Brussels: GRIP.
- Enhancing Traceability of Small Arms and Light Weapons Flows: Developing an International Marking and Tracing System (2000). *Biting the Bullet Briefing No. 5*. London: BASIC, International Alert and Saferworld.
- 'Firearms Marking: Model Standards and Common Number Serial Codes.' 2000. Sardinia, Italy. World Forum on the Future of Sport Shooting Activities (2000) Workshop Report.
- Small Arms Survey (2002). *Caught in the Crossfire: The Humanitarian Impact of Small Arms*. In: Small Arms Survey. Small Arms Survey Yearbook: Counting the Human Cost. Oxford: Oxford University Press.
- and UNIDIR (2002). The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons. Geneva: UNIDIR/Small Arms Survey.
- 'Technical and Manufacturing Aspects of Firearms Marking in the Context of UN Regulation Efforts'. 1999. Brescia, Italy. World Forum on the Future of Sport Shooting Activities (1999) Workshop Report.



Handbook of Best Practices
on Small Arms and Light Weapons

A decorative graphic on the left side of the page, consisting of a grid of grey squares. The grid is 6 rows high and 15 columns wide. The top row has 1 square, the second row has 3, the third has 4, the fourth has 5, the fifth has 5, and the sixth has 3. From the fourth row, a horizontal line of 11 squares extends across the page to the right edge.

Best Practice Guide on National Procedures for Stockpile Management and Security

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This Guide was drafted by the governments of Spain, Switzerland and the United Kingdom.

I. Introduction

1. Aim

The aim of this best practice guide is to provide guidance for the effective management and security of national Small Arms and Light Weapons (SALW) stockpiles. It is anticipated that this guide will contribute to and facilitate the development and application of high common standards in this field.

2. Scope

This best practice guide deals only with SALW as categorized by the OSCE Document on Small Arms and Light Weapons (OSCE, 2000).¹ This categorization excludes ammunition. The scope of the guide is to elaborate a methodology for the development of policy and general operational guidelines and procedures on all aspects of SALW stockpile management and security procedures. The guide covers primarily the stockpiles of the military (government armed forces) during peacetime. Ammunition for SALW as well as combined ammunition and SALW storage sites are not a main feature of this guide, except in relation to their potential storage and transportation with SALW.

3. References

The primary reference materials for this guide are the national returns to the OSCE Information Exchange on Stockpile Management and Security Procedures of 30 June 2002. A number of additional documents from other international organizations, national governments and non-governmental organizations (NGOs) were also used.

A list of references can be found in Annex A.

4. Methodology

The subject of stockpile management and security can be technically complex. Therefore, it is important to understand the terminology in current use and the way the standards were developed. These standards are a synthesis of practices as identified in the answers of participating States to the OSCE information exchanges as of 30 June 2002 as well as from other sources. While these best practice standards are not exhaustive, they form a sound basis for most cases. Selected answers and information were chosen for best practice only when the following criteria were applied.

¹ According to the OSCE Document, small arms and light weapons are man-portable weapons made or modified to military specification for use as lethal instruments of war. Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100mm.

a) Types of stockpile

The different types of stocks taken into account for stockpile management and security of SALW are national stockpiles of the armed forces (e.g. military storage facilities), including reserve stocks and the inventory of reserve organizations, as well as government-held surplus stocks. This excludes manufacturers' stocks, as well as SALW that are part of the personal equipment of armed forces personnel. Former armed forces SALW now in private possession are also excluded.

b) Transport

In this context, transport means secure movement of SALW:

- from provider (manufacturer or dealer) to an ultimate recipient (armed or security forces);
- from a governmental or supplier storage site to a military storage site;
- from one military storage site to another military storage site (including to reserve stocks and inventory of reserve organizations);
- from a military storage site to one or several units/formations;
- from a military storage site to a destruction facility; or,
- from a military storage site to a dealer or buyer (e.g. for elimination of surplus).

Transports can be conducted by land, air, and sea.

II. Procedures

1. The appropriate characteristics of stockpile locations

a) Location of stockpiles

It will normally be most practical to locate stockpiles close to where they are required to be issued to personnel. Depending on the national defence policy and the view of the authorities on how expeditiously the SALW should be available to the personnel, the stockpiles can be concentrated in one location or more broadly spread. This mainly depends on the prevailing threat analysis. Consequently, forces designed for rapid reaction need to ensure that their SALW are available without delay, therefore they are more likely to be stored locally; SALW for reserve forces and surplus weapons will more likely be stored at centralized sites. Wherever stockpiles are located, they should be regularly reviewed in terms of requirement and the stocks should be kept to the minimum levels consistent with the role of the personnel and/or the capacity of the site.

b) Assessment of locale

An assessment of the environment surrounding the stockpile location should be conducted in order to assess the potential security risk to the stockpile. The locale should also be taken into account in the preparation of contingency plans for an emergency situation. For example, a heavily-populated urban environment presents different conditions and factors to be considered from that of an isolated rural environment.

c) Secured site

The stockpile location should be a secure armoury within a secure establishment. The existence of SALW stockpiles should be made known to those in charge of overall security at the site, and, as appropriate, to security authorities in the local area.

d) Standard laws and regulations

The stockpile location should operate within all appropriate national laws and regulations governing the storage of SALW, as well as those covering security and health and safety.

e) Additional regulations governing stockpiles

It is beneficial for a stockpile location to have its own set of regulations covering such issues, for ease of reference and to facilitate quick reaction in the event of an emergency.

Regulations for a stockpile location should:

- Outline the scope of the instructions;
- Detail who is the officer in charge of the location (name, location and telephone number at minimum);
- Outline any security threats;
- Detail all those at the location with security responsibilities (security officers, safety officers, armaments officers, transport officers, stores officers, accounting officers etc);
- Outline security procedures to be followed in different areas of the establishment (storage, servicing etc);

- Outline control of access to buildings, areas, compounds;
- Outline control of security keys;
- Outline accounting procedures, including for audits and spot checks;
- Cover authorization, security training, education and briefing of staff;
- Detail action to be taken on discovery of intrusion, theft, loss or surplus;
- Detail the response to be taken by any emergency or response forces;
- Prescribe actions to be taken in response to activation of alarms.

2. Lock-and-key and other physical security measures

a) Security assessment

A security assessment should be developed for each stockpile, taking into consideration such factors as: object of protection, threat analysis, existing material stockpiled, surrounding area, possible physical measures of protection, other technical measures, access control, and guarding and controlling of stock inventory. Differences regarding the objects to be secured can be very important depending on several factors – among them, the dimension and type of the storage site and the type of armament stored. Unit level stocks and facilities require different means of protection depending on whether they are located inside or outside military facilities. The security system should reduce the possibilities of sabotage, theft, trespass, terrorism or any other criminal acts. The security system should also provide an integrated capability to detect, assess, communicate, delay and respond to any

unauthorized attempt at entry.

b) Cost-benefit analysis

Bearing in mind that total security is unattainable, a reasonable cost-benefit relation between the means of physical security and the stores to be secured should be undertaken. Security should be maintained at the maximum level possible, consistent with operational, safety and mission requirements to reduce protection cost.

c) Physical security

Physical security measures should be a combination of:

- security staff;
- active or passive systems; and
- devices.

These measures depend on the location and type of the stockpiles and should be based on the security assessment.

d) Storage

Small unit level arms should be stored in arms racks or metal containers that should be constructed in such a way as to prevent easy removal and should be secured with spot-welded bolts, as a minimum. Unless the arms are under constant surveillance, additional security measures should be considered.

e) Storage building doors and windows

The storage building doors should be armoury vault doors or solid hardwood with steel plate on the outside face, with door bucks, frames, and keepers rigidly anchored. They should be secured with security padlocks and hasps. Windows and other openings should be kept to a minimum,

closed and firmly locked. Armoury doors should be kept locked or bolted on the inside when individuals are working inside. Those inside should have the means to communicate with those outside.

f) Alarm and intruder detection systems

Only approved alarm systems (according to international standards) should be used. They should be checked periodically. It is recommended to undertake a daily visual check and periodical in-depth checking. Intruder detection systems should include point sensors on doors, windows and other openings and interior motion or vibration systems. Intruder detection systems should activate a response from the guardforce as soon as possible. The alarm system should be connected to a central monitoring station.

g) External lighting systems

Exterior building and doors should be equipped with appropriate lighting. The intensity of the light should allow detection of unauthorized activities. Switches for the light should be accessible only to authorized staff.

h) Guard patrols and dogs

Patrols should be made at prescribed intervals, and random checks should also be conducted. Security staff should check the arms storage installation during off-duty hours. Security staff should be designated, trained and properly equipped, and should be ready to react in a timely fashion to respond to possible incidents. Military working dogs should be used as a complementary measure.

i) Fencing

Required perimeters should be fenced, and they should meet minimum standards. Clear zones should be established around the fence, both inside and outside, with adequate extension. The perimeter fence should have a minimum number of gates consistent with operational requirement.

j) Key controls

Keys for armouries and/or stores should be issued only to those personnel who require access in order to perform their official duties. The number of keys should be the minimum necessary and the keys themselves should be difficult to reproduce. Keys for SALW storage locations should be held separately from those of their related ammunition stores, and within secure containers. Keys should not be left unsecured or unattended. The handling of keys should be registered. This registration should be kept for a minimum period of at least one year. Inventories of keys should be conducted periodically.

k) SALW and related ammunition

In principle, SALW and related ammunition should be stored separately. Small quantities of arms and ammunitions could be stored together for the purposes of maintaining limited site security (e.g. arming a reaction force to provide security for the storage site or arsenal). Weapons should be stored only fully assembled in secure armouries.

l) Procedures for immediate reporting of any loss

Any losses or recoveries of SALW should be reported as soon as possible to the Security Officer

(who should notify the overall site Security Officer and others as appropriate).

Reports should include :

- Identification of the specific stockpile location and/or the storage sites (if the report is communicated externally) and of the individual reporting;
- Item identification, quantity, serial numbers and other identifying marks;
- Date, time and place of loss/recovery and outline of circumstances of loss or recovery;
- Action taken: who is investigating the loss; who has been informed; any action being taken to prevent any further loss.

m) Additional security measures

Central control or monitoring systems should be installed wherever required to ensure immediate security checks. In this case all alarm signals will emanate from the central control station from which a response force can be dispatched. Other additional systems, such as video cameras, should be used to assist in locating and evaluating an unauthorized intrusion.

3. Access control measures

a) Right of access

The right of access should vary according to the type of installation and the category of SALW. Generally, only approved staff with a legitimate reason should be authorized to gain access, and full records of authorizations and access should be maintained. Authorization should only be granted

by designated Commanders or Chiefs of Security.

b) Security clearance

Security clearance should be mandatory for all personnel allowed access to SALW stockpiles.

c) Issuance of and access to keys

Keys for SALW stores should be issued only to those personnel who require access in order to perform their official duties. The handling of the keys should be registered. Ordinarily, no individual should be allowed to have access to the keys to both the SALW and related ammunition stores. If, in certain circumstances, personnel might have access to both areas, a double checking system is recommended.

4. Inventory management and accounting control procedures

a) Management and system

It is essential that a system is in place to manage the inventory of SALW and account for the stores. Whether the records are kept manually on paper or held on a computer database, back up copies of the data should be kept at a separate location in the event of loss or theft of the originals. It should be clear to all those involved in inventory management and accounting for how many years records should be kept. Records should be held for as long as possible, with a view to improving the traceability of SALW.

b) Audit of records

Once a system is in place it should be regularly audited and its effectiveness reviewed. The records should themselves be checked and subject to security inspections at regular intervals – ideally at least once every six months. Checks/inspections should be recorded in dedicated logs that are then themselves inspected at regular intervals.

c) Stock-check or inspection of SALW Stores

Checks of stores, which should also include unannounced ‘spot checks’, should normally be conducted by authorized personnel other than those allowed unsupervised access to holdings. Where bulk stores are being checked, seals on boxes should be inspected, and where a large amount of boxes are stored, care should be taken to carefully inspect the boxes in the middle of the stockpile, as well as those others which are not easily inspected on a visual basis. SALW should be accurately counted (i.e. individually) and quantities agreed with stock records. Issue, receipt and expenditure documentation should be examined to ensure their accuracy, and that transactions have been correctly authorized. Procedures for immediate reporting of loss and theft must be in place.

5. Protection measures in emergency situations

Protection measures in emergency situations should be complemented by an overall site security plan, together with comprehensive regulations for the stockpile location. An emergency plan should be prepared, which should include details of enhanced security procedures to be followed in emergency situations (or when the site is on a higher alert status than normal). Ideally, stockpile locations should be able to call on armed response forces to prevent loss or damage to the SALW in storage during an emergency situation (and any legal implications should be addressed beforehand).

6. Procedures aimed at maximising transport security

a) Objective

Transport of SALW requires specific security and safety measures. Transport regulations and security are imperative in order to prevent loss and theft of SALW as well as to prevent abuse and illicit trafficking. Strategies for clandestine transports are part of such standards.²

² Strategies for clandestine transports, such as air transport, may involve not flying directly to the final destination, using circuitous routes with multiple landings and involving several interacting groups and a number of subsidiary or intermediate actors, not all of whom may be aware of the nature of the cargo. This strategy can also be used for official legal SALW transports in order to enhance security.

b) Regulations

National civilian ordinances and military regulations are an essential basis for the standardization of transport security. These should be combined with international agreements like the “European Agreement on the Transport of Dangerous Goods by Road” or the “International Ordinance on the Transport of Dangerous Goods by Rail (Appendix I to the International Agreement on Rail Freight Transport).” It should be noted that SALW in themselves are not “dangerous goods” in this respect. Transportation should be planned and conducted as is customary for other precious items (e.g. currency, gold, diamonds, etc). It is when SALW are transported with related ammunition that they should be considered “dangerous goods.” Effective regulation for cargo verification and inspection mechanism can help prevent illicit transfers of SALW that are facilitated by falsified transport documentation.

c) Documentation

Each transport of SALW should be accompanied by cargo documentation/freight papers. Hand-over/take-over protocols requiring signatures upon receipt should also be in place.

d) Emergency Procedures

As a rule, SALW and related ammunition should be transported in separate vehicles. Only in exceptional circumstances should they be transported together. In case of accident, standardized contingency plans should be at hand that include directives for traffic and safety regulation, instructions for medical care, as well as notification procedures in order to contact the authorities in charge, weapons experts, and medical and fire prevention personnel.

e) Land transport

Land transport can be conducted by marked or unmarked military vehicles (sometimes even armoured vehicles), civilian transport, or secured and sealed railway wagons or containers. If civilian contractors are used to move SALW by land, then procedures for authorization, security, monitoring and inspection of both the movements and the contractors themselves should be in place beforehand. They should be either equipped with specific protection measures (e.g. alarm systems on vehicles or electronic tracers in boxes), monitored by the military police, or guarded by military or security forces, depending on the quantity of SALW transported and the respective risk assessment. Transport routes should generally be planned in advance and information concerning these routes should be treated as classified.

f) Air Transport

Military air transports should follow military regulations and procedures.

Air transport can be conducted by transport agents. These are individuals or organizations, such as cargo companies or air freight agencies, who assume primary responsibility for facilitating, managing or organizing the transport of the stocks of SALW from the point of dispatch to their final destination. They may use leased or chartered freighter aircraft with hired air crews. Such agents should purchase or otherwise obtain the necessary overflight authorization for the countries through which the goods will be transported. Detailed flight and routing plans should be charted and overseen to ensure adherence.

g) Sea Transport

SALW shipments should be conducted in locked/sealed containers by cargo companies or agencies by leased or chartered ships with hired crews. Shipments should be inspected in transit and checked upon receipt by the receiving authority to ensure that seals are intact. The shipments should be checked for any other signs of theft or loss.

h) Additional Measures

The following additional measures should be implemented:

- The SALW should be rendered inoperable and functional parts should be stored separately;
- Procedures and arrangements for regular traffic between the same two locations should be varied and reviewed regularly;
- Containers should be placed side-by-side, and use should be made of the barriers of rail doors;
- SALW should be placed in the rear of containers;
- Special training for drivers and accompanying personnel should be provided;
- Transports should be equipped with communication systems.

7. Precautions and sanctions in the event of loss and theft

a) Objective

Impeccable and authoritative regulations for the investigation and clarification of the loss and theft of SALW, as well as the effective prosecution of any violations, can help reduce SALW proliferation. They are also an important factor in preventing

the diversion of SALW from the legal to the illicit market. The lack of regulations, lax security, poor record-keeping, neglect and corruption can all increase the likelihood of theft and loss.

b) Authority for Investigation

A designated authority should be responsible for the investigation and clarification of loss and theft of SALW. It should have the necessary competence and the possibility to act without delay. In general, this should be a military prosecutor or military legal authority, or a government authority, acting in co-operation with civil police and local authorities.

8. Security training for personnel regarding SALW stockpile locations/buildings

a) Personnel Selection

The careful and systematic selection and recruitment of all personnel involved in tasks regarding stockpile management and security of SALW is essential. The requirements should include reliability, trustworthiness, and conscientiousness, as well as the appropriate professional qualifications. In addition, every individual should be subject to security clearance.

b) Security Training

Key personnel should receive periodic training on regulations, behaviour and procedures relating to security within SALW stockpile locations, inventory management and record-keeping. This specific security training should be provided at the time of assignment to duty and should be regularly

updated. If any changes are made, or new directives or regulations come into effect, a training update should be provided. For emergency situations, such as damage to property, burglary and theft, intrusion and intelligence activities, or fire and natural disasters, special training should be given which also includes appropriate practical exercises.

9. Assistance for improving stockpile management and security procedures

a) Objective

It is imperative that experience and knowledge is made available for every State, over and above the OSCE information exchanges on SALW and the standards provided by this best practice guide.

b) Assistance

States that have identified problems and discrepancies but which lack the capacity or resources to solve these problems should seek assistance from other States or from regional or international organizations that are in a position to provide it.

c) Training

Countries with the ability and capacity to provide assistance and training in order to improve national stockpile management and security procedures should be encouraged to offer workshops and training courses, or at least designate a point of contact from which other states can request such support.

d) Co-operation

It is also important to co-operate regularly and exchange information and experiences with international organizations (e.g. United Nations, UNIDIR, Wassenaar Arrangement, NATO/EAPC, etc.), research institutes (e.g. Small Arms Survey), and NGOs working on SALW issues (e.g. International Alert, Saferworld, International Action Network on Small Arms, World Forum on the Future of Sport Shooting Activities, etc.).³

³ For the role and engagement of the NGOs in relation to the small arms issue, see Bachelor, P. 'NGO Perspectives: NGOs and the Small Arms Issue', UNIDIR disarmament forum 2002 no. 1, pp. 37-40.

III. Security Plan

1. Context

This section outlines the procedure for the development of a security plan, and the attached Annex gives an example of a model plan. Because security plans should be tailored to the requirements of specific locations and their holdings, a standard model cannot be prescribed in its entirety. Nevertheless, some essential elements can be identified. The elements outlined in this section should be taken into account in developing a specific security plan for SALW stockpiles.

Sites at which SALW stockpiles are located should ideally have a specific security plan for each SALW location, or, at minimum, information reflecting the SALW locations should be included in the overall security plan of the parent site.

2. Purpose and elements

The security plan can be used for the following purposes:

- i) Analysis: The plan can be used as an analytical tool for planning and updating the security system of a site.
- ii) Allocating responsibilities: After a thorough risk assessment, the commander of the responsible authority will have the fullest information readily available for deciding security priorities, as well as for addressing any residual risk not covered by the security system.

- iii) Inspections: Examination of a security plan will allow well-prepared inspections to focus on the weakest areas of the security system.
- iv) Investments in security: These priorities should be a consequence of the security plan.
- v) Determining the role of personnel: In assessing the situation, distribution and functions of the security staff and others with access to SALW locations.

3. Structure

The following elements for the structure of a security plan should be considered:

- i) Denomination of the site.
- ii) Description of the site, including the surrounding area (especially insofar as it may affect the security); identification of areas at different levels of security, main buildings and their functions; type of content and value of the various stocks; aspects of safety and environmental conditions; as well as any further information which may be used for the security plan. Section II paragraph 1 should be taken into account.
- iii) Risk assessment should include all possible risk and should not only be an essential part of the planning procedure but also of the security plan.

iv) Physical security measures, such as active and passive systems, as well as the tasks of the security staff, should be described in detail for all areas of the site, in line with the conclusions of the risk assessment.

v) Contingency plans should be developed for all possible emergency scenarios in accordance with a risk assessment. These plans should be kept as a separate annex of the security plan.

vi) Procedures for reporting loss, damage and further incidents should be considered.

Prescriptions regarding maintenance of means, training of security staff and any other indications concerning security should be included.

vii) The security plan should be signed by the commander of the unit or chief of security.

A minimum number of complete copies of the security plan should be made. One copy should be given to the officer responsible for inspection. Additional copies should only be provided if the recipient's "need to know" can be confirmed. The complete document should be classified at a high level. Dissemination of parts of the document which are classified at a lower level should also be done on a restricted basis.

4. Updating and classification

The security plan should be updated periodically, and especially if a change in any of the factors on which it is based occurs (e.g. changes in the chain of command, in the function of the security chief, in the security means, or in the results of risk assessment). It should be a flexible document, easily adaptable to changing requirements and circumstances.

ANNEX A

References

- Exchange of Information on National Procedures for Stockpile Management and Security, submitted by the OSCE participating States, 30 June 2002.
- Greene, O. (2000) Stockpile Security and Reducing Surplus Weapons. *Biting the Bullet Briefing No. 3*. London, BASIC, International Alert, and Saferworld.
- OSCE. Forum for Security Co-operation (2000). *OSCE Document on Small Arms and Light Weapons*. FSC.DOC/1/00 of 24 November.
- OSCE. Conflict Prevention Centre (2002). *Overview of the first Information Exchange on SALW of 30 June 2001*. FSC.GAL/9/02 of 23 January.
- Practical Guide for Collection and Destruction: Tackling Small Arms and Light Weapons (2000). Bonn International Center for Conversion (BICC) and Monterey Institute of International Studies (eds.). February.
- Small Arms Survey (2001). *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press.
- (2002). *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press.
- US DoD (United States Department of Defense) (1991). Physical Security Program. Government regulation DOD5200.8-R. May. Available at:
<http://www.dtic.mil/whs/directives/corres/pdf/52008r_0591/p52008r.pdf>
- (2000). "Physical Security of Sensitive Conventional Arms, Ammunition and Explosives. Government manual DOD 5100.76-M. 12 August. Available at:
<http://www.dtic.mil/whs/directives/corres/pdf/510076m_0800/p510076m.pdf>
- Wassenaar Arrangement, (2000) *Best Practices for Effective Enforcement for the Control of Surplus or Demilitarised Equipment*, agreed 1 December.
- 'Stockpile Management and Security of Small Arms and Light Weapons' (2000). Thun, Switzerland. Swiss Federal Department of Defence, Civil Protection and Sports. Workshop Documentation. Restricted document for course participants only.
- 'First PFP Swiss Training Course on Stockpile Management and Security of Small Arms and Light Weapons' (2001). Brugg, Switzerland. Partnership for Peace/Swiss Federal Department of Defence, Civil Protection and Sports. Workshop Documentation. Restricted document for course participants only.
- 'Second PFP Swiss Training Course on the Management of Small Arms: Stockpile Management and Security' (2002). Spiez, Switzerland. Partnership for Peace/Swiss Federal Department of Defence, Civil Protection and Sports. Workshop Documentation. Restricted document for course participants only.

ANNEX B

Model for a Security Plan

This is an indicative list of subjects that should be covered in a security plan:

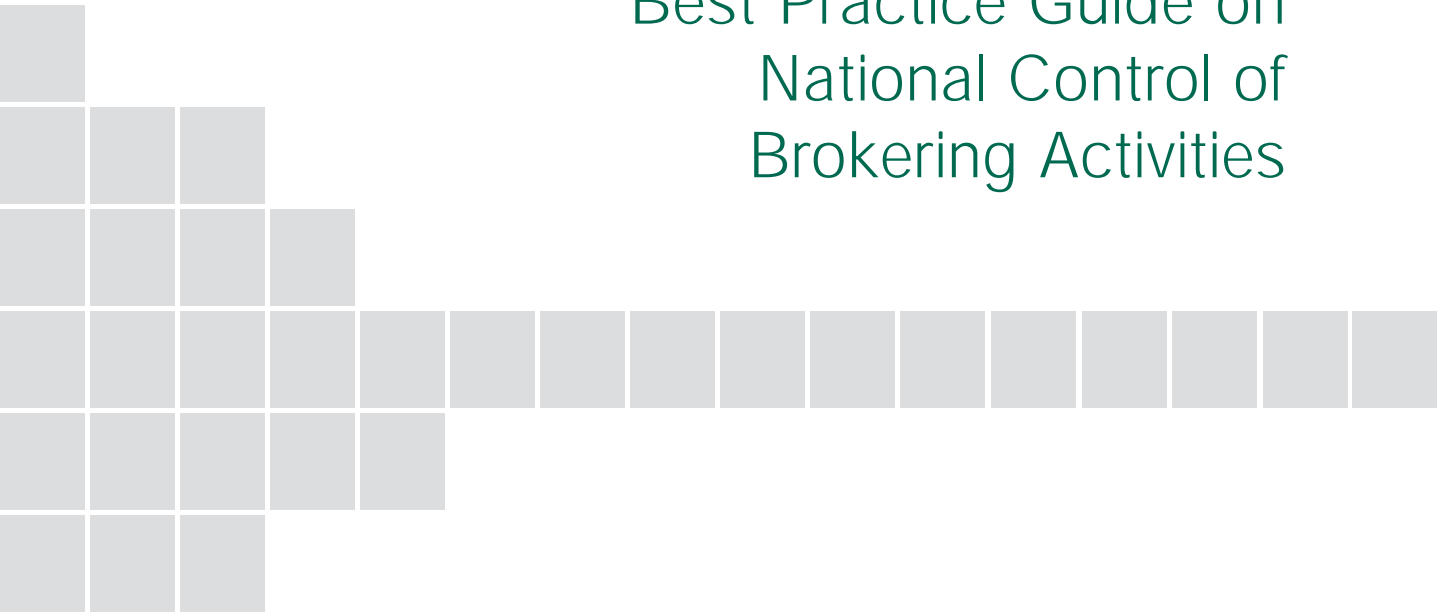
1. Name, location and telephone number of the establishment security officer.
2. Scope of the plan.
3. Content and value of the stocks.
4. The security threat.
5. Detailed geographic map of the site location and its surroundings.
6. Detailed diagrams of the layout of the site, including all its buildings, entry and exit points, and of the location of all features such as electricity generators/substations; water and gas main points; road and rail tracks; wooded areas; hard and soft-standing areas etc.
7. Outline of physical security measures for the site, including but not limited to details of:
 - fences, doors and windows
 - lighting
 - perimeter intruder detection systems
 - intruder detection systems
 - automated access control systems
 - guards
 - guard dogs
 - locks and containers
 - control of entry and exit of persons
 - control of entry and exit of goods and material
 - secure rooms
 - hardened buildings
 - closed circuit television

8. Security responsibilities (including but not limited to the following personnel, as applicable):
 - security officer
 - explosives/safety officer
 - armament officer
 - production manager
 - transport officer
 - heads of department
 - stores/supply officers
 - foreman in charge of operations/accounting/movement
 - explosives workers
 - all personnel authorized to have access to the site
9. Security procedures to be followed in production/process areas; storage servicing; processing; trials; quality assurance; climatic and other tests as well as further activities in respect of SALW.
10. Control of access to buildings, areas, compounds.
11. Procedures in case of handling and transport.
12. Control of security keys – those in use and their duplicates.
13. Accounting – audit and spot checks.
14. Security education and briefings of staff.
15. Action on discovery of loss/surplus.
16. Details of response force arrangements (e.g. size, response time, orders, activation and deployment).
17. Actions to be taken in response to activation of alarms.
18. Actions to be taken in response to emergency situations (e.g. fire, flood, raid etc).



Handbook of Best Practices
on Small Arms and Light Weapons

Best Practice Guide on National Control of Brokering Activities



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19 September 2003

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I. Introduction and Methodology

At the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in July 2001, States emphasized that Small Arms and Light Weapons (SALW) and their uncontrolled proliferation have caused profound damage world-wide, not only in terms of high human losses, but also aggravated armed conflict and regional destabilization. The easy availability of small arms also presents a serious obstacle to social and economic development.

The present document deals with the issue of brokering of SALW, building on agreements reached at the multilateral level in the United Nations and the OSCE, as well as elsewhere. In keeping with the decision of OSCE participating States to develop a set of best practice guides (OSCE, 2002c), this guide is intended to “serve as a guide for national policy-making by participating States, and as a means to encourage higher common standards of practice among all participating States.”

National controls on brokering should not exist independently from the control mechanisms established by States in other related areas, such as those of marking, manufacturing, and export of SALW. It is therefore important that controls on brokering be made consistent with those that exist in other areas, specifically export controls. Export controls and brokering controls should, with regard to their practical effects, form a coherent system

that allows for comprehensive controls on the one hand but avoids an unnecessary duplication of administrative burdens on the other hand. Both instruments therefore should not overlap but rather complement one another. To this end, the rules on brokering should be concise and focused on cases that are not yet controlled in another way. This suggests that the rules on brokering should preferably be integrated in the framework of export control regulations. (*See BPG on Export Controls*)

The primary aim of brokering controls is to allow States to identify the activities of persons who operate in grey areas or in the illegal sector, and to provide them with the means to both prevent and penalize these activities. Definitions of the activities to be controlled should therefore satisfy the criminal law dictates of legal clarity, specificity and recognizability. States should make clear, within their national systems, which activities are included in the category of brokering, and therefore are subject to screening; which actors could be considered brokers; which types of behaviour could be considered illicit, and what kinds of sanctions are available against such behaviour.

This guide summarizes the key points of the international exchange of information in the area of brokering. With the aim of preventing further divergence in national developments, this guide presents an inclusive concept, which encompasses all important issues related to licensing requirements, procedures, and criteria, as well as

to enforcement, criminalization and international co-operation. After a brief review of the relevant international commitments, this compendium lists the necessary elements for national legislation, emphasizes common guidelines for control policy and sets out effective administrative implementation and enforcement measures.

This chapter is based on a review of current existing practice on brokering regulations. However, given that at present very few States have regulations on brokering, and that the ensuing existing practices are not harmonized, the description of what already exists has been balanced with recommendations on what should be put in place for brokering to be effectively regulated. Also, aware of the difference between national legal systems, and in the interests of achieving the necessary common ground between participating States, this chapter makes a basic distinction, in the following sections,

between “core elements” and farther-reaching “optional elements.” The core elements contain all the essential points that prevailing opinion considers necessary for effective and adequate regulation. Elements that go beyond this are deemed optional here. It is up to the participating States to examine whether they are appropriate and to what extent they can be integrated into national legal regimes. Nevertheless, in some cases this chapter recommends certain optional elements where they may enhance the effectiveness of controls.

For the purposes of this chapter, and pursuant to the OSCE Document on Small Arms and Light Weapons (OSCE, 2000, Preamble, para. 3, footnote), SALW are man-portable weapons made or modified to military specifications for use as lethal instruments of war.

II. Overview of the Main Conclusions and Recommendations

This compendium comes to the following conclusions and recommendations:

Principle of consistency

For increased effectiveness, controls on brokering should be devised in a way that is consistent with the State's regulations over related areas. In particular, brokering controls should be consistent with export controls and should, wherever feasible, be integrated in the latter. Since many States already have an elaborated export control system at their disposal, it will, in practice, often be sufficient to amend the existing regulations by integrating a supplementary brokering regulation. This would also help avoid a duplication of licence requirements and make the regulatory system sufficiently transparent. An integration in the export control system would have the additional advantage of making directly available the relevant licensing criteria already developed at the national and international level for export control decisions.

Any individual subject to the controlling State's jurisdiction who intends to engage in brokering – the “broker” – shall require a licence for each brokering activity and should, if national laws and regulations so prescribe, be licensed. Applying controls on brokering activities within a State's territory irrespective of the broker's nationality would ensure indispensable congruity of control systems.

The core activity of “brokering”

As far as domestic items are concerned, in many countries arms export control procedures provide for sufficient controls. Countries with reliable arms export controls in place can thus control the end-use of these items through their export procedures. Therefore, the core brokering activities described below are those that refer to items located in a third country. These brokering cases are the most sensitive, since they are not covered by conventional export controls. States may consider, as an option, introducing brokering controls for domestic items as well, thus requiring two licences for one transaction (brokering and export licence).

The core activity includes the following:

- Acquisition of SALW located in one third country for the purpose of transfer to another third country;
- Mediation between sellers and buyers of SALW to facilitate the transfer of these weapons from one third country to another (synonyms for “mediation” are “to arrange”, “to negotiate” and “to organize” arms deals);
- The indication of an opportunity for such a transaction to the seller or buyer (in particular the introduction of a seller or buyer in return for a fee or other consideration).

The control of this core activity is indispensable for States in order to distinguish between legal and illicit brokering, and to establish penal sanctions for the latter.

Activities related to brokering that might also be regulated include the arrangement of services such as:

- Transportation, freight forwarding and charter services;
- Technical services;
- Financial services; and
- Insurance services.

The term “brokering” does not encompass the following:

- Technical services, such as manual and intellectual services, that are performed locally and aid in the manufacture or repair of a weapon;
- Transfers within one and the same country;
- Acquisition of SALW for the purposes of permanent personal use.
- Manufacture of SALW;
- The provision of, rather than the arrangement of (which *could* be covered – see above):
 - Transportation, freight forwarding and charter services;
 - Financial services;
 - Technical services;
 - Insurance services;
 - Advertising services.

Goods covered

- Control of all SALW is imperative.
- In addition, a similar arrangement also appears desirable for the other armaments covered by the Wassenaar Arrangement.

Area of applicability of brokering controls

- Definitions of controlled activities should apply on the national territory, regardless of whether they have been conducted by nationals or non-nationals.

- An extension of brokering controls to apply extraterritorially could be desirable for certain cases, such as activities carried out abroad by nationals and permanent residents, or in the enforcement of international arms embargoes.

Licensing criteria

The international criteria and commitments governing brokering should be similar to those governing licensing procedures for arms exports, or could be applied analogously.

Licensing procedure

The procedures adopted for the licensing of brokering activities should be no less stringent than those applied to direct exports.

Registration and screening

- The reliability of the applicant and the contracted parties should be verified before a licence is granted.
- A registration procedure prior to the licensing procedure would appear sensible in this context, but not imperative.

Criminal law

Effective and credible enforcement requires the introduction of sufficiently severe criminal penalties for violations. These should, where relevant, apply to acts of nationals and/or permanent residents carried out in foreign States.

International co-operation

International co-operation in the field of export controls should be broadened to encompass the area of brokering.

III. International Commitments

At the regional and global levels, States have agreed to a number of initiatives for the control of the illicit manufacturing of and trafficking in SALW . Some of these, which will be briefly described below, deal specifically with the issue of brokering of SALW.

Of particular, global significance is the United Nations Programme of Action adopted by the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNGA, 2001b). In the Programme, States agreed to develop “adequate legislation or administrative procedures” at the national level to regulate the activities of those engaged in the brokering of SALW deals. At the global level, they recognized the need to develop “common understandings of the basic issues and the scope of the problems related to illicit brokering.”

Again within the United Nations framework, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (henceforth referred to as the “Firearms Protocol”) was adopted as a supplement to the United Nations Convention against Transnational Organized Crime. The Protocol calls on States to adopt regulations on brokering activities that might, inter alia, include measures relating to licensing, registration, and disclosure requirements (UNGA, 2001a, Art. 15).

The OSCE Document on Small Arms and Light Weapons views the restriction of arms transfers as one element of an overall system to combat illicit trafficking of SALW. After stating that “the regulation of the activities of international brokers in small arms is a critical element in a comprehensive approach to combating illicit trafficking in all its aspects,” the Document puts particular emphasis on measures such as licensing of brokering activities, registration of arms brokers, and the disclosure of information on import and export licences authorizations and the names of brokers involved in transactions (OSCE, 2000, Section III.D).

The European Union has also elaborated a set of procedures and provisions on brokering within the framework of the its Code of Conduct on Arms Exports. A European Union Common Position on Arms Brokering was adopted in June 2003 (EU, 2003). The Common Position constitutes the progressive international agreement thus far, and applies not only to SALW but also to other armaments.

The Wassenaar Arrangement has thus far concentrated on compiling a set of possible elements and options for legislation to restrict arms transfers. These include, for example, conceivable definitions, licensing requirements, licensing procedures, the scope of the list of goods covered, and domestic and extraterritorial application of these restrictions as well as provisions of criminal law. During the Wassenaar Arrangement Plenary Meeting of

December 2002, Participating States adopted a Statement of Understanding on Arms Brokerage, which recognized the importance of regulating arms brokering and recommended the elaboration of common criteria for relevant national legislative measures (Wassenaar Arrangement, 2002). Further steps are currently being discussed on the basis of this document.

Other regional initiatives, such as the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS) and the Organization of American

States (OAS), have also dealt with the issue of brokering, either directly or indirectly. Overall, these initiatives point to the relevance the issue of arms brokerage has acquired within the international community. It has become increasingly clear that brokering activities are an important part of the trade in arms, and that regulation of these activities is a necessary step in the eradication of the illicit spread of SALW. This Guide represents a timely attempt to build on international agreements and national practice to recommend ways to regulate this important aspect of the trade in SALW.

IV. Content of Licensing Requirements and Licensing Criteria

1. Definition of the Terms “Brokering” and “Broker”

The term “brokering” in the international context is intended to encompass certain activities that serve to facilitate the transfer of arms between persons in different third countries, insofar as such a transfer is furthered through the assistance of a so-called “broker.” Today, international agreement is likely to converge on the idea that the actual acquisition of arms by the brokers themselves for the purpose of resale to other persons should also be included in this definition. It would, in fact, be contradictory to restrict controls to mediation and the indication of opportunities for third-party transactions and simultaneously exclude from control certain forms of *trade* in arms. While the literal definition of the term “brokering” is *a priori* too narrow, it is used here to refer to certain forms of trade in arms, including intermediary services.

(i) Core Brokering Activities

The following should fall into the category of core brokering activities:

- Acquisition of SALW located in one third country for the purpose of transfer to another third country;
- Mediation between sellers and buyers of SALW to facilitate the transfer of these arms from one third country to another;
- The indication of an opportunity for such a transaction to the seller or buyer (in particular

the introduction of a seller or buyer in return for a fee or other consideration).

Note:

The terms “transfer” and “acquisition” are to be understood in their comprehensive commercial sense. They therefore comprise all contracts concluded for the purpose of provision or procurement, such as loan for use, rental, leasing, credit purchase and similar types of contracts, insofar as they are to go hand in hand with an actual physical transfer of SALW.

(ii) Broker

The term “broker” can be defined as follows: The natural person or legal entity that carries out a brokering activity. A broker is anyone who directly performs an activity defined as a brokering activity in the exercise of his own commercial or legal relations. The acts of natural persons, especially employees, are to be ascribed to the legal entity.

Note:

Provided that brokering activities are sufficiently clearly defined, an explicit definition of the term “broker” might be dispensable.

By contrast, persons merely performing indirect support services for the broker are not themselves brokers. Such persons include providers of financial services, freight forwarders, insurers or advertising agencies, for instance.

(iii) Optional Elements

Most definitions of brokering as provided by existing national regulations focus only on the core activity of mediation. Nevertheless, some of them also cover associated activities such as financing and transportation. Also in the context of international discussions on the topic, it has occasionally been suggested that activities associated with brokering, such as transportation, technical services, financing, insurance, advertising and others be controlled in addition to the core activities. While keeping in mind that the scope of national controls should be kept at a level that is efficient, manageable and that permits stringent enforcement measures if necessary, and as long as the core activities as defined above are regulated, the following options for regulation exist.

(a) Optional Activities to Be Controlled

As mentioned, in a few instances States regulate, within the system of brokering controls, activities associated with the core activity of mediation and facilitation of arms deals. Among these related activities is the arrangement of:

- transportation, freight forwarding and charters;
- financial services;
- technical services;
- insurance services.

These activities are clearly not identical to brokering. Therefore, it is a matter for decision by States as to whether they should be subject to specific controls. To include these in a system of regulation could possibly increase States' oversight over all activities related to the trade of SALW.

Furthermore, to control both core and related activities might have the advantage of avoiding legal distinctions that might not be easily applied in

practice. At the same time, however, unmanageable administrative burdens for both governments and the civil societies should be avoided, and the scope of national regulations should be devised in a way that ensures possible and effective enforcement and implementation.

(b) Groups of Cases Not Encompassed by Brokering

The following would not be included in the scope of brokering regulations:

- The provision of technical services such as manual and intellectual services performed locally that aid in the manufacture or repair of a weapon – these should be dealt with as a separate export control issue;
- Activities that involve arms transfers within one and the same State;
- The acquisition of SALW for the purposes of permanent personal use;
- The acquisition of ownership of SALW by means other than legal transaction, in particular through the manufacture of SALW. Someone who manufactures and then transfers a weapon, for instance, does not fall under brokering controls because these activities are subject to other controls.

2. Activities Subject to Licensing

Controls of arms transfer activities can be regulated through prohibitions or licences. In the case of brokering controls, the establishment of licensing requirements could be sufficient. International arms embargoes, for example, admittedly express prohibitions as well, but are directed at States and

as a general rule are not directly applicable to companies. As in the case of export controls, the aim of an embargo could thus be achieved through the refusal to grant a licence to broker. Even if there are no strong reasons for subjecting activities to prohibitions that exist alongside or are accorded priority over licensing requirements, it remains at the discretion of each State to introduce a dual system of prohibited activities and activities subject to licensing. Such an arrangement does not seem to have obvious drawbacks.

In order for licensing requirements to be more effective, the following guidelines should be seriously considered:

- Licensing requirements should be mandatory for all core brokering activities;
- In addition, licensing requirements could be introduced for more far-reaching optional elements such as those described above (relating, for example, to the arrangement of transportation, financing and technical services).

3. Area of Application of Brokering Controls

(i) Core Elements—Territorial Jurisdiction

Licensing should be required for all relevant activities that take place on a State's own territory (territorial linkage test). Such activities would ideally consist of as little as making use of telecommunication resources, e.g. telephone calls in the transit area of an airport, facsimile transmissions or data transmission via servers located in the State in question.

This would best apply as a general rule, irrespective of whether the natural person or legal entity carrying out the activity is a national of that State or has a domicile, a permanent residence or a registered office there.

Applying brokering controls within a State's territory irrespective of the agent's nationality would ensure the indispensable congruity of control systems. It would make coherent international controls more difficult if some States were to link brokering controls to the fact that an activity is carried out on their territory and others were to link them to the nationality of the agent.

(ii) Optional Elements—Extension to Provide for Extraterritorial Jurisdiction

The question arises as to whether the basic principle of applying brokering controls to activities taking place on a State's territory should be extended to include extraterritorial jurisdiction. There are a number of substantial points in favour of this:

- Brokers could otherwise exploit unregulated areas with impunity;
- It could help to close the regulatory loopholes in those States in which corresponding regulations either do not exist or are not administered effectively enough;
- It is often in the very nature of such transactions that they involve activities on foreign territory.

Extraterritorial jurisdiction in the case of brokering controls can be advantageous, but some difficulties must be acknowledged. Importantly, many States have constitutional constraints on exercise of their sovereign rights and the application of their definitions of criminal acts to other territo-

ries. This is, of course, all the more true in the case of the enforcement of such provisions.

Licensing requirements for such activities might be waived (e.g. if countries at very low risk are involved, such as close allies, or States that have functional export controls).

This chapter therefore recommends the following to participating States:

- To examine whether it is even possible on constitutional grounds to subject extraterritorial activities to control.
- In the event of such a possibility, to examine which extraterritorial activities should be subjected to control. These could include:
 - brokering activities for the benefit of recipients in States upon which an international arms embargo has been imposed;
 - deals that might be in support of terrorists and terrorist activities;
 - activities that are likely to support existing or imminent armed conflicts or conflicts similar to civil war;
 - other activities that clearly would not be licensed in the concerned State.

In the event of extraterritorial jurisdiction over the activities to be controlled, this should be extended to encompass the nationals and permanent residents of the corresponding State.

4. Goods Covered

There is wide international agreement that brokering controls should initially cover only military

products. So-called dual-use goods and civilian goods are generally not subject to these controls.

(i) Core Elements

Since this Best Practice Guide specifically deals with SALW controls, the scope of brokering controls should encompass the entire spectrum of SALW.

According to the OSCE Document on Small Arms and Light Weapons, small arms are weapons intended for use by individual members of armed or security forces (OSCE, 2000, Preamble, para. 3, footnote). They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

(ii) Optional Elements

This Guide deals exclusively with the issue of brokering with regard to SALW. Consequently, for purposes of this Guide, brokering controls for military items other than SALW are optional. However, as previously mentioned, discussions within various international fora have approached brokering from a broader perspective, covering all military items. Measures to control SALW-related brokering should therefore be compatible with brokering controls for all military items, be they enacted concurrently or in several phases. While

international initiatives to address the brokering issue have emerged mainly in response to cases of illicitly brokered SALW, such cases have often involved other conventional weapons. A comprehensive approach to the goods to be licensed would also help ensure that brokers do not become involved in activities with illegitimate recipients, weapons, and/or end-uses, no matter what the category of weapons.

5. Licensing Criteria

Given their often high political content, decisions concerning criteria to grant or refuse brokering licences should remain the exclusive responsibility of individual States. However, some general guidelines could be recommended.

It is useful to emphasize again that brokering controls should be consistent with overall systems of export controls. The criteria governing decisions on export licence applications in a given State should similarly apply to decisions on the granting or refusal of licences to brokers. There are no apparent reasons to apply more lenient or stringent standards in this context.

Although States have the exclusive right to determine the content of these criteria, some indications could be drawn by international agreements such as the Firearms Protocol, or the European Union Code of Conduct on Arms Exports. Following the criteria for arms transfers listed in the OSCE Document on SALW, States should take into account, *inter alia*, the situation of peace and

stability in the region concerned, the situation in the recipient country and the potential risks of armed conflict (OSCE, 2000, Section III.A).

Finally, special attention should be given to illegally obtained SALW that cannot be clearly traced, as well as to end-uses that cannot be unequivocally verified. In this respect, the following might be considered as situations carrying potential risk of illegal diversion:

- Delivery to private individuals;
- The questionable authenticity of end-use assurances;
- Violations of commitments on previous end-use assurances;
- The danger of onward shipment to critical neighbouring countries;
- Other deliveries by circuitous routes;
- Trade in SALW that are unmarked or stem from war booty.

V. Licensing Procedure

1. Competent State

The first question that must be asked in this context is which State is competent. In practice, cases occasionally arise in which several brokering activities are carried out in different States for one and the same transaction. This can result in concurrent jurisdiction. Three groups of cases are conceivable:

- i) A core activity takes place partly in State A and partly in State B. In this case only the State in which the bulk of the brokering activity took place should be competent (consultation may be necessary). Acts of a merely preparatory or indirectly supportive nature do not fall in this category. Only the activities directly involved in intermediation, indication of opportunities for transactions and transaction for one's own purposes are relevant in this context.
- ii) A core activity is carried out in one State and an activity that has been electively subjected to control, such as the arrangement of transportation or a technical services, is carried out in another State. Both States could then be competent, each for the activity carried out on its own territory. The State in which the associated activity is carried out can provide for a partial or total exemption from the licensing requirement in such cases if the core activity is effectively controlled in the other State (consultation may be necessary).
- iii) State A has implemented extraterritorial controls for its own nationals. One of its nation-

nals carries out a brokering activity on the territory of State B, which itself enforces brokering controls on its own territory.

In this case either:

- a licence is required from each State, or
- State A waives the licensing requirement in cases where it considers the controls in State B to be adequate. This can, if necessary, be decided after consultation with State B.

2. Competent Licensing Authority

Within the relevant State, competence should lie with the licensing authority that is also responsible for the granting of export licences. This would be most practical and would ensure consistency between brokering and export control systems. Given that national licensing authorities might want to contract certain auxiliary services for brokering activities to reliable and government-monitored export companies within the framework of previously issued export licences, this solution would seem most appropriate.

3. Principle of Case-by-Case Decisions

A written licence issued by the competent authority should be required for each brokering activity that is subject to licensing. Licences should be

issued prior to the conduct of the activity that is subject to licensing. *Ex post facto* licensing should not be possible. Statutory provision should be made for revocation of the licence by the competent authority in certain cases, e.g. if the licence was obtained under false pretences, or if circumstances have changed since the licence was issued (for example, due to the imposition of an international arms embargo in the meantime).

In the light of the latter possibility, the validity of licences should be limited to a reasonable period of time. In order to compensate for such limited validity, extension options could be established, which could be exercised by the licence holder upon application to the competent authority.

(i) Core Elements

Licences should usually be issued on a case-by-case basis. One brokering activity would then be authorized for one arms transfer to one consignee. However, in certain circumstances, as set out in subparagraph (ii) below, it may be possible to depart from this principle.

(ii) Optional Elements

The uncontrolled spread of SALW can only be prevented through effective rules and transparent co-operation with the companies and individuals involved. Experience gained in the area of export controls could be used in this context as well. Alternatives to the principle of case-by-case decision-making could be established for very low risk situations. Such conceivable alternatives to the granting of individual licences might therefore be:

- Auxiliary licences for brokering activities granted in conjunction with export licences;

- Global licences for several brokering activities relating to several specific consignees and a corresponding specific list of goods. Only particularly reliable and screened brokers should be allowed to exercise this option upon application. Possible candidates for such licences could be companies that are subject to special government oversight or comparable control mechanisms;
- Introduction of “white lists” of countries for which licensing requirements could be waived or relaxed.

The introduction of general licences, by contrast, is not recommended, given the importance of case-by-case assessments and screening of persons involved to verify their reliability.

Great care should be taken to ensure that there are no loopholes concerning procedural privileges that could be exploited and thus thwart the purposes of brokering controls. Brokering activities conducted without a requisite licence should be criminalized.

4. Registration and Screening

(i) Core Elements

Screening by State authorities is indispensable in order to ensure that licences for trade in SALW be issued to reliable persons only.

In the interests of proper administration and international exchange of information it is also highly recommended that records of all licences issued, of licence holders and of the results of government screening for reliability be kept by the competent licensing authority. Such records should contain all

relevant data, such as the broker's name and business address, professional and commercial activities in which he or she is or has been engaged, information relating to such commercial activity, such as known previous violations, licences issued, information concerning customers, and so on.

The authorities should be able to compile annual reports on the basis of these records in fulfilment of political or legal commitments regarding the international exchange of information.

Furthermore, this data should be suitable to ensure adequate co-operation between domestic authorities and preparation of materials for parliaments, as well as effective monitoring of the companies concerned.

(ii) Options

There are a number of options for achieving the aims described above as core elements.

Several States use a multistage procedure under which a separate registration of the broker is required before the latter can submit a licence application later on. In these systems, registration of relevant companies and brokers, as well as verification of their reliability, precede the actual licensing process.

In other States there is no separate registration procedure, and the licensing application is submitted once the required information on the broker has been received.

From the point of view of a best practice assessment, a multistage procedure would be useful

but not imperative. Provided the core elements are ensured, it is up to the administrative system, and at the discretion of the given State, to determine whether this will be done within the framework of the licensing procedure, or within that of a multistage procedure that starts with registration.

Irrespective of whether the procedure has one or more stages, other optional elements should be considered as well:

- An obligation on brokers to report regularly on controlled activities in which they have been engaged during a specific foregoing period of time;
- Penalties for the violation of such obligations and, if necessary, for the violation of further obligations in connection with the introduction of reporting obligations.

5. Information Requirements for Applications

The information required of applicants in the licensing procedure should be geared to the information requirements for export licence applications. (*See BPG on Export Controls*) This information should conform to international standards.

(i) Core Elements

The following information should be considered critical for the processing of a licence application:

- Information concerning the identity of the applicant, i.e. address and domicile of the company, person responsible within the company, contact person, etc.;

- Representative of the applicant in the application procedure, if applicable;
- Buyer of the goods;
- Consignee of the goods;
- Final consignee of the goods;
- Nature of the brokering activity;
- Country of origin of the goods;
- Description of the goods, including pertinent entry in the munitions list;
- Quantity of goods;
- Value of goods;
- Precise technical description of goods, if necessary in the form of an annex to the licence application;
- Information concerning end use;
- End-use assurance by the end user or an adequate assurance by the intermediate consignee annexed to the licence application;
- Contract documents.

(ii) Optional Elements

Taking into account municipal data integrity legislation, where applicable, the possibility of requiring further information from the applicant should, in addition, be seriously considered. This could in particular consist of information concerning:

- Persons who are or have been engaged in brokering activities connected with the same transaction;
- Persons involved in transportation;
- Persons providing technical services associated with the goods;
- A description of the intended itinerary, especially when the business transaction is deemed to be sensitive.

Note:

Itineraries often have to be modified at short notice for logistical reasons. Applicants should therefore only be required to provide information that is known when the application is submitted. If this information subsequently changes, the licence holders should be obligated to submit a correction notice after the transaction has taken place.

6. End-use Documentation

It is recommended that licences for brokering activities be refused without an authentic document indicating the end-use of the goods. Where the activity consists solely of an indication that an opportunity for a transaction exists, a copy from the exporter could also be sufficient. This could be an International Import Certificate (IIC) if the recipient country participates in the IIC procedure. Otherwise it could be an official (in the case of official consignees) or – by way of exception – a private (in the case of private consignees) end-use document. These end-use documents should in any case provide a high guarantee of authenticity.

- They should be written on the original stationery of the authority or, in exceptional cases, of the company;
- They should be certified with original signatures and authentic stamps;
- They should be submitted in the original; in cases where a broker has indicated that an opportunity for a transaction exists, a copy can be sufficient;
- They should conform to the specimen requirements of the licensing State.

End-use documents vary in content depending on whether they are import certificates or end-use assurances. Reference is made in the following to the content of end-use assurances. They should at least contain:

- Information concerning the identity of the supplier;
- Information concerning the identity of the broker;
- Information concerning other persons involved;
- A precise description of the goods;
- Quantity of goods;
- Value of goods;
- Information concerning end use;
- Information concerning place of end use;
- An assurance affirming the veracity of this information.

End-use assurances could also contain re-export restrictions. Finally, private end-use statements would have to be officially authenticated.

(See BPG on Export Controls)

VI. Enforcement of Controls

1. Effective Enforcement of Controls on Own State Territory

With a view to making the enforcement of controls on brokering more effective, close co-operation among the following agencies and departments should be considered:

- Licensing authorities;
- Ministries called upon to give a political assessment of licence applications;
- Corresponding inter-ministerial committees;
- Intelligence services;
- Customs authorities, to the extent they are competent;
- Authorities concerned with the screening of companies and operations of companies engaged in brokering activities;
- Other agencies involved in data administration;
- Criminal prosecution and surveillance authorities.

In addition, care should be taken to ensure functional co-operation between the licensing authority and brokers. Unambiguous, precise and transparent information concerning their legal obligations is an indispensable prerequisite for ensuring compliance with provisions and alleviating the burden on the competent licensing authorities. Industry outreach activities enable companies to install reliable internal control programs.

2. Post-shipment Controls

(i) Core Elements

Recognized measures include the issue of a Delivery Verification Certificate (DVC) or other customs import documentation as well as – by way of an exception – private delivery receipts. Additional on-site verification would only be possible on the basis of bilateral or multilateral agreements between States.

(ii) Optional Elements

In the context of post-shipment controls, in order to verify that an accomplished transaction is identical to the transaction for which an application was submitted, it could be useful to request additional documents from the broker after the transaction has taken place. The legal basis for such a request could be secured, in some cases, by imposing a corresponding obligation at the time the licence is issued. Examples of such additional documents could be:

- Transportation documents such as charter documents, air waybills, etc.;
- Customs entry receipts;
- Delivery receipts, signed by the consignee;
- Other suitable documents.

3. General Prevention Through the Threat of Criminal Prosecution

Violations of licensing requirements under a system for controlling brokering activities should be subject to effective criminal, civil, or administrative penalties at the national level, depending on the nature of the violation. Specific and legally unambiguous licensing requirements and procedures would be indispensable in this context. Only clear-cut, comprehensible requirements for the persons and companies concerned would ensure that in the event of a violation a criminal charge can also be successfully prosecuted. It should not be forgotten that the introduction of brokering controls is also intended to focus on the grey area of potentially unreliable individuals. Particular importance should therefore be attached to the area of criminal law. In the case of extraterritorial application of brokering controls, the activities carried out abroad by nationals and permanent residents should also be made subject to criminal prosecution.

A generally preventive effect on persons engaged in illegal activities within companies can only be achieved if the penalties to be incurred are of sufficient (minimum) severity. A graduated system of custodial sentences, fines and confiscation of proceeds from transactions as well as additional measures are therefore recommended. Penalties should also be imposed for the procurement of licences or registration (as applicable) under false pretences, and the attempt to commit a violation should be criminalized as well. Certain serious violations should be classified as major crimes incurring sufficiently severe minimum custodial sentences. These could include violations of embargoes; acts tending to promote the proliferation of weapons of mass destruction; acts that clearly support terrorist activities; transactions that are clearly ineligible for licensing and certain serious types of transgressions.

VII. International Co-operation

Reference must also be made here to the close connection between brokering controls and export controls. International co-operation in the area of brokering controls should correspond to co-operation in the area of export controls. All States should accordingly work to broaden the scope of political and legal commitments under relevant regimes to encompass exchange and co-operation in the area of brokering. Arrangements for the exchange of information and other forms of co-operation should accordingly be incorporated into all relevant regimes. The exchange of information could cover the following in particular:

- Information on national legislation;
- Annual reports on licences issued;
- Notification of denials.

The following measures are also possible:

- Introduction of consultation mechanisms;
- Establishment and implementation of national or multinational assistance and development programmes for foreign legislative systems.

Finally, given the agreement reached with the Programme of Action, national points of contact should also be established.

Annex

References

- EU (European Union) (1998). *The European Union Code of Conduct on Arms Exports (adopted by the European Council on 25 May 1998)*.
- (2003). *European Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering*, Reproduced in the Official Journal of the European Union, L156/79, 25 June.
- Implementing the UN Action Programme for Combating the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects (2001), *Biting the Bullet Project Briefing 15*, London: BASIC, International Alert and Saferworld.
- OAS (Organization of American States) (1997a). *CICAD Model Regulations for the Control of the International Movements of Firearms, Their Parts and Components and Ammunition*. 15 September.
- OSCE. Forum for Security Co-operation (2000). *OSCE Document on Small Arms and Light Weapons*. FSC.DOC/1/00 of 24 November.
- . Conflict Prevention Centre (2002a). *Overview of the first Information Exchange on SALW of 30 June 2001*. FSC.GAL/9/02 of 23 January.
- . Conflict Prevention Centre (2002b). *Model Answer for the OSCE Information Exchange on SALW of 30 June 2001*. FSC.GAL/39/02 of 27 January.
- . Forum for Security Co-operation (2002c). *Decision on the Preparation of Best Practice Guides on Small Arms and Light Weapons*, FSC.DEC/11/02, 10 July.
- Small Arms Survey (2002). *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press.
- United Nations (1945). *Charter of the United Nations*. Signed 26 June.
- UNGA (United Nations General Assembly) (2001a). *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Conference against Transnational Organized Crime*. Adopted 31 May. Reproduced in UN Document A/RES/55/255 of 8 June.
- (2001b). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. Adopted 20 July. Reproduced in UN Document A/CONF.192/15.
- Wassenaar Arrangement (Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies) (2002), *Statement of Understanding on Arms Brokerage*. 11-12 July. Available at http://www.wassenaar.org/docs/sou_arms_brokerage.htm.



Handbook of Best Practices
on Small Arms and Light Weapons

Best Practice Guide on Export Control of Small Arms and Light Weapons



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I. Introduction

A national export control system governing the export of Small Arms and Light Weapons (SALW) and technology related to their design, production, testing and upgrading is an essential instrument in preventing the destabilising accumulation and uncontrolled spread of SALW.

It is for each State to decide on its own national export control system in accordance with international commitments. There is no single model for an export control system, due to the great diversity in the legal and administrative systems in different countries. However, there are certain features which any export control system needs to have to be effective: a legal basis, an export policy, a decision-making mechanism, and an enforcement mechanism.

It is for each State to decide on the appropriate national procedures for the control over SALW and associated technology in transit through its territory to a final destination outside its territory.

This guide provides information for developing a national export control system of SALW. The guide introduces relevant international commitments, lists necessary elements for national legislation, sets out guidelines for the export policy and decision-making, and considers effective enforcement of the export control. The import and transit SALW are discussed where appropriate.¹

For the purpose of this guide SALW are man-portable weapons made or modified to military specifications for use as lethal instruments of war. The categorization used is the same as in the OSCE Document on Small Arms and Light Weapons (OSCE, 2000).²

¹ References used in this guide will be listed in Annex A.

² According to the OSCE Document on Small Arms and Light Weapons, small arms are weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are weapons intended for use by several members of armed or security forces serving as crew. They include heavy machine guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars or calibres less than 100mm.

II. International Commitments

The most important international obligations for the control over the export and transit of SALW are set out in the resolutions on sanctions by the United Nations Security Council adopted under the Chapter VII of the Charter.³ As a rule, UN decisions on sanctions include an embargo on export of arms to a particular destination or party. Arms embargoes can also be agreed by the OSCE and the European Union. Commitments to enforce these arms embargoes are implemented in the context of national export controls.

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition supplementing the United Nations Convention against Transnational Organised Crime (UNGA, 2001a),⁴ known henceforth as the Firearms Protocol, is the only legally binding international convention setting out general requirements for national export, import and transit authorisation or licensing systems with regard to firearms.⁵

³ According to Article 41 of the Chapter VII, “The Security Council may decide what measures involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations of rail, sea, air, postal, telegraphic, radio, and other means of communication, and severance of diplomatic relations.”

⁴ The Protocol enters into force ninety days after the fortieth ratification, acceptance, approval or accession, but it shall not enter into force before the entry into force of the Convention (Art. 18). At the time of going to print, 52 States had signed the Protocol and five had ratified.

⁵ According to Article 10 of the Firearms protocol: “1) Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2) Before issuing export licenses or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

a) That the importing States have issued import licenses or authorizations; and

b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States, have, at a minimum, given notice in writing prior to shipment, that they have no objection to the transit.

3) The export and import license or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is a transit, the countries of transit. The information contained in the import license must be provided in advance to the Transit States.

4) The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched of the firearms, their parts and components or ammunition.

5) Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorizing procedures are secure and that the authenticity of licensing or authorization document can be verified and validated.

6) State Parties may adopt simplified procedures for the temporary import, export and the transit of the firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.”

In the United Nations Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNGA, 2001b), member States have committed themselves to put in place and implement adequate laws, regulations and administrative procedures in order to ensure the effective control over the export, import and transit of SALW. In the PoA, States undertake to establish or maintain an effective national system of export and import authorization and transit measures so as to combat the illicit trade in SALW.

In the OSCE Document on Small Arms and Light Weapons, the participating States have committed themselves to the establishment and implementation of effective criteria governing the export of SALW (OSCE, 2000, Section III). The Document sets out a number of norms and principles concerning common export criteria; import, export and transit procedures, as well as import, export and transit documentation. OSCE participating States have agreed to follow the common export criteria in their national systems governing the export of SALW.

The European Union Code of Conduct on Arms Export (EU, 1998) sets minimum standards for the export of conventional arms covering also SALW. The Code includes eight criteria which the EU Member States must take into account when considering an export authorization, and 12 operative provisions which mandate various procedures for its administration.⁶

The Organization of American States (OAS) has developed the CICAD Model Regulations for the Control of the International Movements of Firearms, their Parts and Components and Ammunition (OAS, 1997), which sets out harmonized measures for the import and export control over the international movements of commercially-traded firearms.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies has drawn up a set of Best Practice Guidelines for Exports of Small Arms and Light Weapons, Best Practices for Effective Enforcement, and an Indicative List of End-Use Assurances Commonly Used. These documents synthesize the export control practices followed by the participating States.

A full list of references can be found in the Annex.

⁶ In addition to the EU Member States, the associated countries of Central and Eastern Europe, Cyprus, Malta, Turkey, the EFTA countries' members of the European Economic Area and Canada have aligned themselves with the principles of the Code.

III. National Legislation

National export control legislation should take into account all relevant existing international obligations. The control over the export and transit of SALW are commonly regulated in the context of the export control of military equipment and dual-use items. Legislation on the control over the export and transit of SALW and associated technology should define, where applicable:⁷

- (i) when a licence is needed;
- (ii) possible exemptions from the licence requirement;
- (iii) the circumstances under which the licence may be granted;
- (iv) the licensing procedure;
- (v) the rights and responsibilities of the State authority and the exporter;
- (vi) the relations between the authorities involved in the licensing procedure;
- (vii) the product lists;
- (viii) effective sanctions sufficient to punish and deter violations of export controls.

In addition, political guidelines governing the export of SALW and associated technology should be included or reflected in national export control legislation and/or national policy documents.

In this regard, the following export criteria should be taken into account in considering a licence application for a SALW export.⁸ The same criteria should apply, as appropriate, when granting licences for the transit of SALW.

- (i) The respect for human rights and fundamental freedoms in the recipient country;
- (ii) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;
- (iii) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the respect for international law governing the conduct of armed conflict;
- (iv) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;
- (v) The requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;

⁷ These principles can also be reflected, as appropriate, in published national policy documents and administrative procedures governing the export of small arms and light weapons.

⁸ The criteria are outlined in the OSCE Document on Small Arms and Light Weapons.

- (vi) Whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
- (vii) The legitimate domestic security needs of the recipient country;
- (viii) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with the UN or the OSCE decisions.

- (vii) Be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to aims of the OSCE document on SALW;
- (viii) Be used for the purpose of repression;
- (ix) Support or encourage terrorism;
- (x) Facilitate organized crime;
- (xi) Be used other than for the legitimate defence and security needs of the recipient country.

The issuance of licences should be avoided where it is deemed that there is a clear risk that the small arms, light weapons or associated technology in question might:

- (i) Be used for the violation or suppression of human rights and fundamental freedoms;
- (ii) Threaten the national security of other States;
- (iii) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;
- (iv) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, agreements of non-proliferation, small arms, or other arms control and disarmament agreements;
- (v) Prolong or aggravate existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;
- (vi) Endanger peace, create an excessive and destabilising accumulation of small arms, or otherwise contribute to regional instability;

These requirements should also be taken into account when granting licences for licensed production.

National export control legislation may include a prior enquiry procedure concerning the intended export. Preliminary information provided by the licensing authority may be a non-binding but authoritative indication of the prospects of being granted an export licence.

National arms export licensing processes should aim towards maximum transparency. In this regard, information from licences for the export of SALW could be made public. For instance, annual reports on arms exports may be published including information on quantities and types of weapons exported; countries of destination; number of licences granted and not granted; and appropriate information on individual licences where possible.

A further way to enhance transparency would be to afford national parliaments and/or civil society opportunities to influence government policy towards arms transfers.

IV. Procedure

1. Licence Requirement

The export and transit of SALW and technology related to their design, production, testing and upgrading should be allowed only with a licence granted by the State authority.

A licence may be required:

- (i) to enter into negotiations and to provide an offer;
- (ii) to carry out export and/or import;
- (iii) to carry out transit.

There may be exemptions from the licence requirement, which should be kept to a minimum. A list of possible exceptions should be exhaustive and included in the legislation. A licence may not be needed for:

- (i) transfers of small and light weapons used by forces deployed for peacekeeping and/or crisis management operations.

A simplified licensing procedure should be preferred to exceptions from the licence requirement. A simplified procedure may apply, for instance, with respect to:

- (i) temporary exports;
- (ii) equipment needed for training exercises;
- (iii) equipment needed for repairs and the delivery of spare parts.

2. Licence Application

The exporters are responsible for acquiring a licence for their exports. They are also required to give adequate and comprehensive information to the licensing authority. The exporters must submit the necessary documents to the licensing authority.

Such documents may include:

- (i) a written application;
- (ii) an original end-user certificate;
- (iii) an appropriate import licence or some other official authorization;
- (iv) an appropriate transit authorization;
- (v) other documents requested.

Only original documents and certified copies should be accepted.

3. Licensing Authority

In the interest of facilitating and simplifying procedures, the exporter should only be required to conduct transactions with a single SALW licensing authority.

All competent State authorities should participate in considering the licence applications as part of an inter-agency process. It is commonly accepted that the ministry responsible for foreign policy examines the foreign and security policy aspects of the licence applications.

There should be appropriate national mechanisms to ensure the co-ordination of policy, decision-making and co-operation between the authorities involved in the export and transit procedures. There should exist a co-ordinating body which either takes decisions on individual licence applications or renders its opinion on these applications to the responsible licensing authority. For instance:

- (i) an inter-agency working group consisting of competent State agencies;
- (ii) a parliamentary committee consisting of representatives of the parliament, which might play an advisory role either prior to or subsequent to the decision-making process;
- (iii) an advisory group consisting of competent authorities, including other relevant parties, such as industry representatives.

4. Licensing Procedure

Licence applications should be handled impartially, fairly and within a reasonable period of time. The applicant should be given a written decision and the possibility to appeal.

Licence applications should be based on the export criteria reflected in national legislation. In ambiguous or problematic cases a restrictive approach should be preferred.

Relevant background information concerning the exporter and proposed end-user should be examined carefully before granting an export licence. In particular, it should be established that the exporter is a legally recognized company and that there is no reason to question its liability and

intention to follow the export control legislation.

Prior to permitting shipments of small arms and associated technology, the exporting State should ensure that it has received from the importing State the appropriate import licence or some other official authorization.

If the State of transit requires a shipment of small arms and associated technology to be authorized, the exporter, or the authorities of the exporting State, should ensure that the appropriate authorization has been issued. If not, the transit State should still be informed.

Upon request of either party, the exporting or importing States should inform each other in writing when the shipment of small arms has been dispatched from the exporting State and when it has been received by the importing State.

A previously issued licence may be revoked under certain circumstances. A decision to revoke a licence should be explained in writing. The licence may be revoked, for instance, for the following reasons:

- (i) the entry into force of an arms embargo concerning the recipient country;
- (ii) a significant change in the situation of the recipient country resulting in a situation where SALW exported under the licence may be used for unacceptable purposes;
- (iii) a significant change in the terms of export, which the exporter neglects to report;
- (iv) the decision to grant a licence was taken on incomplete, misleading, or false information.

5. Licence

A licence should contain the following information:

- (i) the place and the date of issuance;
- (ii) the date of expiration of the licence;
- (iii) the country of export and the country of import;
- (iv) the final recipient;
- (v) a description and the quantity of the small arms, light weapons or associated technology;
- (vi) the value of the goods; and
- (vii) the countries of transit, when possible.

The period of validity of the authorization should be sufficiently long to enable the export to be conducted before the licence expires. An extension of the authorization should be dependent on a new application.

6. End-user Certificate

An export authorization should not be issued without an authenticated end-user certificate (EUC), an official authorization that may take a number of different forms, or some other official authorization issued by the receiving country, such as an international import certificate (IIC).

In order to prevent abuse and fraud, an EUC should take the format of, for example, an official form printed on banknote paper. Only the original end-user certificate should be accepted by the licensing authorities of the exporting State.

Authorities should examine critically the information in the end-user certificate, *inter alia*, whether the end-user was a realistic destination for the type and quantity of goods listed. They should be given sufficient resources and training in the analysis and recognition of false documentation.

The type of EUCs required may differ according to whether the recipient is a government end-user or a private end-user.

The consignee and/or the end-user should verify the EUC by a signature or stamp, and the number of officials and institutions authorized to stamp or sign certificates should be kept to minimum. Where an export is made to a non-governmental end-user, the government in the receiving State is required to validate the EUC and/or the exporter is required to present the licensing authority some other form of official authorization, such as an import licence or a copy of the concession of the consignee.

The end-user certificate should contain the following information:

- (i) a detailed description of the goods;
- (ii) quantity of the goods;
- (iii) value of the goods;
- (iv) names and addresses of all parties involved in the transaction;
- (v) a description of the end-use;
- (vi) the location where the goods will be used; and
- (vii) assurances that the goods will only be used by the end-user and for the stated end-use.

The end-user certificate should include a clause on re-export (See section IV.7: Re-export.).

The end-use of the goods should be verified, when possible. For example, this may be done by requiring the final consignee to provide the exporter with a delivery verification certificate once the export has reached the final destination or by conducting on-site inspections. A clause on post-shipment control may be included in the end-user certificate (See section V.2: Post Shipment Control).

7. Re-export

States should require a clause(s) on re-export of SALW and associated technology to be included in the following documentation:

- (i) in contracts for sale or export;
- (ii) in the end-use certificate.

A clause on re-export may:

- (i) prohibit any diversion, export or re-export of the goods;
- (ii) prohibit diversion, export or re-export of the goods without previous approval from the original exporting country; or
- (iii) include assurances that diversion, export or re-export can take place only after an authorization given by the export licensing authorities of the exporting country.

8. Information and Training for Exporters

The exporters should be aware of the national export system including the export legislation, the government's general export policy and the licensing procedure.

It is advisable to provide training for the exporters and representatives of industry in order to improve their understanding of the objectives and scope of export control. The authorities can, for instance, arrange seminars or workshops on export controls of SALW in order to provide information on the latest developments in this field.

The exporters should be able to find without difficulty and compiled in one place all relevant information, including national and international legislation, embargoes in force, control lists, licensing authorities, application forms, customs information, instructions, etc. A regularly updated handbook or website containing necessary information on the export of SALW is one way to arrange this.

V. Enforcement of Export Control

1. Customs Supervision

Customs authorities play an essential role in the enforcement of export and transit control. They are responsible for the concrete supervision and enforcement of export rules, and are required to determine at the point of exit that:

- (i) the exporter has a valid licence and all other required documentation;
- (ii) the goods and the quantity are in accordance with the licence;
- (iii) the export documentation is consistent with the licence.

There should exist appropriate mechanisms for co-operation and information exchange between licensing authorities and customs authorities, as well as among customs authorities themselves.

Customs authorities should be given sufficient resources and regular training in the export control of SALW and associated technology.

2. Post-Shipment Control

Post-shipment control is important in order to ensure that exports are conducted in accordance with the export control legislation.

Post-shipment control may be ensured by requiring the final consignee to provide the exporter with a delivery verification certificate

once the export has reached the final destination or by on-site inspections. A clause on post-shipment control may be included in the end-user certificate (See also section IV.6: End-user Certificate).

The importing State may grant the authorities of the exporting State the right to use appropriate measures to ensure the secure delivery of exported SALW and associated technology, for instance by conducting a physical inspection of the shipment at the point of delivery.

In this regard, the importing and exporting State may co-operate on a mutually agreed basis and consistent with national laws and relevant international agreements.

3. Investigation in the Event of Violations

National laws and regulations should include provisions which enable the investigation, prosecution and punishment of export control violations.

Enforcement authorities should be provided with sufficient resources and regular training in the export of SALW and associated technology.

There should exist appropriate mechanisms for information exchange and co-operation between licensing and enforcement authorities.

States (enforcement authorities) may exchange information and co-operate in the investigation and prosecution of export control violations, consistent with national laws and international agreements, by:

- (i) providing relevant information concerning violations;
- (ii) facilitating the availability of witnesses; and
- (iii) providing for the extradition of suspected perpetrators of violations.

4. Sanctions

Effective sanctions sufficient to punish and deter violations of export controls should be established. The penalties may range from civil fines to criminal sanctions. For instance, the following type of offences can be punished through fines or imprisonment:

- (i) Export or attempted export of small arms, light weapons or associated technology or services in violation of the export control legislation;
- (ii) Violation or attempted violation of specific conditions included in the licence;
- (iii) Submission of false information in connection with a licence application;
- (iv) Any other violation or attempted violation of the export control legislation.

Annex A

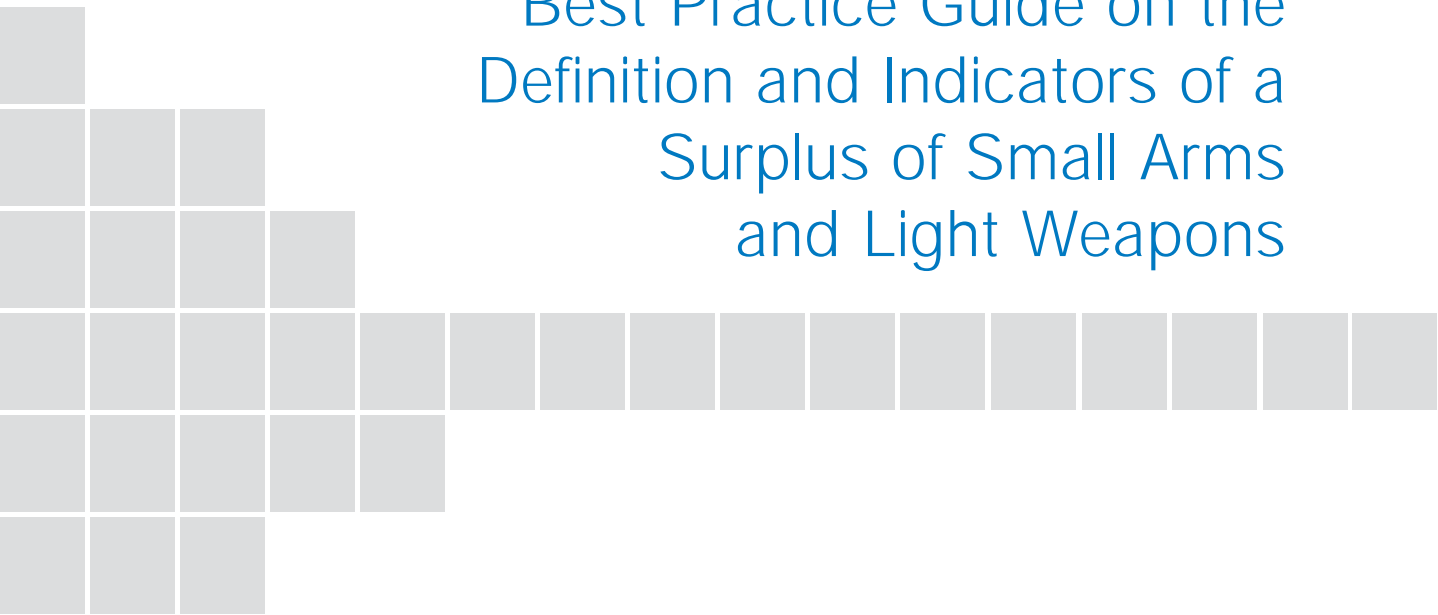
References

- EU (European Union) (1998). *The European Union Code of Conduct on Arms Exports* (adopted by the European Council on 25 May 1998).
- OAS (Organization of American States) (1997). *CICAD Model Regulations for the Control of the International Movements of Firearms, Their Parts and Components and Ammunition*. 15 September.
- OSCE. Forum for Security Co-operation (2000). *OSCE Document on Small Arms and Light Weapons*. FSC.DOC/1/00 of 24 November.
- OSCE. Conflict Prevention Centre (2002a). *Overview of the first Information Exchange on SALW of 30 June 2001*. FSC.GAL/9/02 of 23 January.
- (2002b). *Model Answer for the OSCE Information Exchange on SALW of 30 June 2001*. FSC.GAL/39/02 of 27 January.
- SIPRI (Stockholm Peace Research Institute). SIPRI Export Control Project
<<http://projects.sipri.se/expcon/expcon.htm>>.
- Small Arms Survey (2002). *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press.
- United Nations (1945). *Charter of the United Nations*. Signed 26 June.
- UNGA (United Nations General Assembly) (2001a). *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Conference against Transnational Organized Crime*. Adopted 31 May. Reproduced in UN Document A/RES/55/255 of 8 June.
- (2001b). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. Adopted 20 July. Reproduced in UN Document A/CONF.192/15.
- Wassenaar Arrangement (Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies), *Best Practices for Effective Export Control Enforcement, Indicative List of End-Use Assurances Commonly Used*, and *Best Practice Guidelines for Exports of Small Arms and Light Weapons*, all available at <<http://www.wassenaar.org>>.



Handbook of Best Practices
on Small Arms and Light Weapons

Best Practice Guide on the Definition and Indicators of a Surplus of Small Arms and Light Weapons



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19 September 2003

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I. Methods for identification of surpluses

1. Aim

It is for each State to assess its own security situation in accordance with its legitimate security needs, and to decide on the size and structure of *military and security forces*¹ in order to achieve its constitutional tasks. It is also for each State to decide how these forces are to be equipped.

Given that the assessment of the national security situation remains a national responsibility, secondary sources concerning the definition of a surplus are not openly available. Although the concept of surplus is mentioned in various documents (see Section II below), the point at which weapons stocks exceed the threshold of necessity and become surplus is not always easy to recognize. Indicators of surplus, criteria for military and security forces planning, and parameters for equipping these forces are, therefore, described in this chapter with the aim of filling this gap.

2. Scope

The term *military and security forces* used throughout this Guide comprises the entire range of forces, at all levels, serving under the control of each State. These forces provide the means for exercising the State's monopoly of force in accordance with the State's constitutional requirements.

This Guide applies to the categories of Small Arms and Light Weapons (SALW) agreed in the OSCE Document on Small Arms and Light Weapons (OSCE Document, Preamble, para. 3). It does not apply to non-military grade weapons and ammunition not covered by the OSCE Document.

Certain recommendations contained in the present chapter can, however, be applied to non-military grade weapons and ammunition by States, on their own initiative, with a view to integrating them in the assessment and planning process.

For the purposes of this guide, it is assumed that governments are the only surplus-defining authorities (Kopte and Wilke, 1995).

3. Methodology

Throughout this Guide, recent processes and programmes to restructure the armed forces of participating States have been examined. The introduction of new organizational principles certainly necessitates the identification of surplus SALW, but at the same time, it renders the quantification of surplus SALW more complex. Such an undertaking entails that the planning of security forces must also be taken into account as part of participating State's determination of the quantity of SALW needed.

¹ Terms first referred to in italics are further defined in the Glossary.

Data provided by participating States for the information exchange mandated by the OSCE document on SALW have been duly evaluated.

4. Terminology

Depending on their state of readiness, categories of military forces are hereinafter referred to as *active units* and *reserve units*. Both types of units are fully equipped with SALW needed for wartime. Reserve units may only have very limited personnel strength, and in some cases they have no standing personnel at all.

The term *reserve stock* describes the quantity of SALW stockpiled to cover additional replacement or repair needs, including weapons which are in transit to or from manufacturers or are under civilian maintenance, but not comprising those weapons, which are stored awaiting issue to reserve unit personnel.² In peacetime, the reserve stock is only used in order to replace SALW of active units or reserve units that are in need of repair, are confirmed to have been lost, or have been taken out of service due to an irreparable damage. If a weapon not stockpiled in temporary surplus stocks becomes permanently unavailable, a replacement weapon must be procured, in order to ensure that the reserve stock remains constant at the level required by the military or security forces. In wartime or during a period of crisis, the reserve stock serves to replace SALW destroyed or lost in combat.

For the purposes of this chapter, these three quantities of SALW – those belonging to active units, those belonging to reserve units and the reserve stock – are known combined as the *defence stockpile*. This *defence stockpile* is therefore the sum of all SALW assessed as needed for all defense and security needs of the State's military and security forces following a national risk assessment and planning process.

Throughout this chapter, *surplus* is defined as the quantity of SALW exceeding the defence stockpile, i.e. the total number of (a) SALW assessed nationally as needed by active and reserve units of all military and security forces, plus (b) SALW in the reserve stock.

The *defence stockpile* and the *surplus* combined form the state-owned SALW armament.

This surplus or excess quantity should:

- officially be declared surplus to defined requirements;
- taken out of service;
- stored separately; and
- preferably be destroyed.

² The reserve stock can include, on the basis of an initial analysis, enough weapons to be able to respond to a later operational reevaluation without the need for future acquisitions.

II. International Commitments and References

A number of international commitments and references are relevant for some, if not all, OSCE participating States.

In the OSCE Document on SALW, OSCE participating States recognized that the excessive and destabilizing accumulation, and uncontrolled spread of small arms are problems that have contributed to the intensity and duration of the majority of recent armed conflicts. In this context, participating States committed themselves to a set of specific norms, principles and measures, including those on surplus listed in Section IV of the Document (OSCE, 2000). The indicators of the existence of a surplus enumerated in this section represent the most comprehensive criteria agreed so far in any international document.

In the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in all its Aspects agreed at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001, member States undertook the following:

“[t]o regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that

programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.”

(UNGA, 2001, Section II, para. 18)

The UN Programme of Action does not, however, include a definition of, or indicators to identify, a surplus of SALW.

Efforts undertaken within the European Union have also been aimed at combating and eradicating the destabilizing accumulation and spread of SALW, in particular by reducing existing accumulations of these weapons and their ammunition to levels consistent with countries’ legitimate security needs. European Council Joint Action 2002/589/CFSP commits EU member States to building consensus in relevant international fora, and in a regional context as appropriate, on the following surplus-related principles and measures:

- (a) Assistance as appropriate to countries requesting support for controlling or eliminating surplus small arms and their ammunition on their territory, in particular where this may help to prevent armed conflict or in post-conflict situations;
- (b) The promotion of confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms and their ammunition. Such measures should include compliance with peace and

arms control agreements under combined or third party supervision;
(c) The effective removal of surplus small arms encompassing safe storage as well as quick and effective destruction of these weapons ammunition, preferably under international supervision.
(EU, 2002, article 4)

However, definitions or indicators to identify surplus are lacking in the European Council Joint Action.³

At the recent G8 Summits and Meetings of Foreign Ministers the seriousness of problems resulting from uncontrolled SALW was recognized and integrated in the concept to fight.³

³ See in particular the G8 Miyazaki Initiatives for Conflict Prevention, Item 1 on Small Arms and Light Weapons, agreed in Miyazaki, Japan on 13 July 2000 and available at: <http://www.g7.utoronto.ca/foreign/fm000713-in.htm>.

III. Legislation

International law does not offer a definition of surplus. In municipal arms procurement law,⁴ indirect regulation of surplus may be found in stipulations requiring arms procurement authorities to balance their orders against existing stocks.

In this respect, national parliaments play an important role in defining size, structure and equipment of military and security forces and, thus, in dealing with the issue of surplus. One effective tool is budgetary control of decisions concerning the procurement of new equipment of military and security forces. If necessary, this control function can be utilized by all parliamentary bodies that take decisions concerning the equipment of military and security forces.

Countries could empower specifically established or existing national bodies to review annually state-owned SALW armament in order to identify possible surpluses.

⁴ The term “municipal arms procurement law” refers to the body of legal norms governing the State procurement of arms and military equipment. In a number of States, this is equivalent to national arms procurement law. Other participating States, however, might, in the framework of their procurement decision-making, be obliged to abide by both national and supranational provisions or court practice as to procedural or material aspects.

IV. Surplus Indicators and Procedures

1. Criteria for military and security forces planning

Regularly updated national security and defence policy documents are a prerequisite at the beginning of the planning process. These documents should provide basic assessments on the current and future external and internal security situation based on each State's strategic and geopolitical context. They should also contain all relevant rules of national and international law, as well as all international commitments of military and security forces and should integrate all international obligations.

In post-conflict situations, a significantly updated assessment of the current and future external and internal security situation may be required.

Planning processes should provide enough time to execute the planning and implementation phases of any possible adjustments of the military and security forces to new situations. Rapidly changing situations could also result in new planning processes as well as in adjustments of this process at any time.

Once the planning process for military and security forces has been completed, the operational concept of military and security forces should determine the size, structure and equipment of these forces in order to achieve their constitutional goals.

2. Parameters for equipping military and security forces

Personnel and financial resources may have an important impact on the required quantity of all kinds of SALW.

The capability status of the military and security forces should be used to determine whether a weapon or a weapon system ought to be integrated or taken out of service.

A comprehensive approach towards the modernization of SALW, or the acquisition of additional types of SALW, should foresee the final disposal of the weapons that are no longer needed. Significant reductions of surplus can be achieved more expeditiously if obsolete weapons are removed from military or security service as quickly as possible.

SALW that are replaced by more modern weaponry for use by forces in a high state of readiness may be transferred by way of "cascading" to active units of lower readiness or to reserve units. In this way, these weapons can be used to replace SALW in service in the latter units. Properly administered, national cascading is an effective means of reducing surplus.

Changes in the prevalent security analysis may affect other parameters, including personnel or financial resources, capability status or moderniza-

tion processes. Such alterations to the security analysis may be undertaken in response to new threats, changes in national defence policies, reductions or restructuring of military and security forces, innovations in the art of war, or new types of missions or technological progress.⁵

3. Elements of calculation requirements

Each individual national service, branch or element of military and security forces should define what constitutes adequate equipment from the level of command down to the individual level.

As a basic rule, every member of military and security forces should be issued a specific personal weapon related to his or her duties.

When serving in a crew operating a light weapon, it may be necessary to assign an additional personal weapon to each crew member for the purposes of self-defence or other crew-related tasks. This applies equally to active as well as reserve personnel.

In addition to assigned personal weapons, reserve stocks will most probably be needed within both active units and reserve units. The number of

weapons needed may be calculated by combining an assessment of the specific security situation with the State's concept of how to meet its legitimate security needs. The data gained should allow for additional needs due to maintenance, repair, loss in combat or other eventualities.

The timely build-up of necessary industrial capacities in case of a crisis could contribute to low reserve stocks. The amount of time needed for early warning and preparation – although less easy to calculate according to a certain formula – has a recognizable bearing on reserve stocks.

Reserve units would require the same quantity of SALW as their corresponding active units, if both were organized in a comparable manner. Reserve units fulfilling missions that are not reflected in all aspects in active units may, however, have specific SALW equipment in order to meet these specific tasks.

Specialized units might require add-ons in order to meet their specific tasks, such as evacuation operations or peace support operations. These may be needed at the level of both the unit and the individual. The quantity of weapons within these units will thus be in line with these special requirements and should be dealt with as requirement adjustment data.

⁵ In this respect, the impact of modernization of portable anti-aircraft guns may serve as an example: A modernized anti-aircraft gun with a hit probability of 100 % may lead to a corresponding reduction of anti-aircraft guns, if the replaced guns had a hit probability of only 50 %.

V. Generic Example

A generic example is provided in order to set the calculations and considerations outlined above within the context of a practical and realistic setting. This example takes into account SALW requirements of military and security forces in an area of prolonged stability. Further, it is assumed that these forces are mandated by the constitution and parliamentary decision-making process to:

- defend national territory as well as to participate in collective self-defence;
- assist in national civil emergency tasks, such as national disasters or rescue operations;
- participate in conflict prevention and crisis management operations;
- participate in trans-boundary partnerships and co-operation exercises;
- provide humanitarian aid.

The strength of the armed forces is composed of active personnel during peacetime and reserve personnel.

The requirement for a specific number of SALW is determined by the structure of the armed forces. Every soldier is issued an individual weapon for the performance of his or her duties. On the basis of this minimum requirement for all different types of units, the consolidated requirements of the entire armed forces can be calculated. This is known as the *armament requirement*. In addition to this data, a reserve supply (depending on the organizational structure of the armed forces and the type of weapon) will be held as reserve stock to cover all additional needs due to replacement and repair. The sum of the armament requirement and the reserve stock equals the defence stockpile, i.e. the total number of SALW required.

Due to the changing nature of, and different requirements for, the defence stockpile, as well as the ongoing modernization of SALW in use by the armed forces, the level of surplus SALW is never constant. Rather, it has a value that fluctuates in relation to these processes.

ANNEX A

References

- Comments by the Ministry of Defence of France. “ALPC – Guide des meilleures pratiques: Définition et indicateurs de surplus”. 12 November 2002.
- Comments provided by the Ministry of Defence of Spain. 26 March 2003.
- Comments provided by the Ministry of Defence of Switzerland. 27 March 2003
- Kopte S. and Wilke, P. (1995) Researching Surplus Weapons: Guidelines, Methods and Topics, in Laurance, E.J. and Wulf, H. (eds.) Coping with Surplus Weapons Systems: A Priority for Conversion Research and Policy. Bonn International Center for Conversion (BICC) Brief No. 3. Bonn: BICC.
- EU (European Union) (2002). *Council Joint Action on the European Union’s contribution to combating the destabilizing accumulation and spread of small arms and light weapons*, 2002/589/CFSP of 12 July. Reproduced in the Official Journal of the European Communities, 2002 No. L 191/1.
- OSCE. Forum for Security Co-operation (2000). *OSCE Document on Small Arms and Light Weapons*. FSC.DOC/1/00 of 24 November.
- UNGA (UN General Assembly) (2001). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. Adopted 20 July. Reproduced in UN Document A/CONE.192/15.

ANNEX B

Glossary

Active units

Units permanently manned at peacetime strength. Their wartime strength may differ, but usually not significantly.

The quantity of SALW equipment in peacetime does not vary greatly from wartime.

Armament requirement

The quantity of SALW necessary to equip both *active units* and *reserve units*.

Defence stockpile

Value composed of (i) the *armament requirement* and (ii) the *reserve stock*, i.e. the total number of SALW required.

Military and security forces

The entire range of forces serving under the control of a State as the means of exercising the State's monopoly of force at all levels. The range, therefore, includes various types of military forces (e.g. armed forces, paramilitary forces, special forces) to police forces at all levels (e.g. police, border control forces).

Reserve stock

The quantity of stockpiled SALW used to cover additional replacement or repair needs. This does not include those weapons that are stored awaiting issue to *reserve unit* personnel. In peacetime, the reserve stock is only used in order to replace SALW of *active units* or *reserve units* that are in need of repair, are confirmed to have been lost, have been taken out of service due to irreparable damage, or are in transit to or from manufacturers or under civilian maintenance. In wartime or during a period of crisis, the reserve stock serves to replace SALW destroyed or lost in combat.

Reserve units

Non-active units that are subject to a call to active service and are permanently equipped for future missions, including with personally issued SALW – if permitted by the organizational structure of the armed forces. The equipment is stored until it is issued to reservists in case of exercises, in crisis or in wartime. SALW belonging to reserve units are often stored separately from the storage facilities of SALW belonging to *active units*; sometimes they are even stored in separate military facilities. In some cases, personal SALW are issued by the government to be kept in the reservists' homes in order to be available immediately for future service and missions. In peacetime, reserve units may only have very limited personnel strength and in some cases even no standing personnel at all.

State-owned SALW armament

The quantity of all state-owned SALW, i.e. the value composed of the *defence stockpile* and the *surplus*.

Surplus

The quantity of SALW exceeding the *defence stockpile*, i.e. the total number of (i) nationally assessed amount of SALW within *active units* and *reserve units* of all *military and security forces*, and of (ii) the *reserve stock*.



Handbook of Best Practices
on Small Arms and Light Weapons

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Best Practice Guide on National Procedures for the Destruction of Small Arms and Light Weapons

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19 September 2003

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This Guide was drafted by the governments of
Canada, the Netherlands and the United States of America

I. Introduction

1. Aim

The purpose of this guide is to provide information and analysis for developing policy and designing general guidelines and procedures for the destruction of Small Arms and Light Weapons (SALW)¹ from the time of identification for destruction until the final disposal of scrap material.

2. Scope

The guide sets out the reasons for destruction; lists methodology considerations for techniques and procedures; highlights various destruction methodologies, including cost estimates where appropriate; provides a suggested template for planning purposes; notes appropriate umbrella commercial organizations involved in, or available for, demilitarization activities regarding SALW (Annex A); and contains a synopsis of additional general references (Annex B). While the destruction of ammunition and explosives is an important aspect of SALW demilitarization, it is not discussed herein. Some aspects of SALW munitions destruction are discussed in the references noted below.

3. General References

There are a number of references dealing with SALW destruction. In addition to the SALW information exchange returns submitted by OSCE participating States, two primary references and several secondary sources were used in preparing this guide. The two primary sources are general references only, useful for assisting policy makers and those involved in the operational implementation of a SALW destruction programme. They must be supplemented by detailed standard operating procedures and other official technical manuals and instructions, including safety manuals, developed by individual State authorities, departments and agencies and private companies for the disposal of SALW. See Annex B for a summary of the two primary references.

¹ The OSCE Document on Small Arms and Light Weapons (SALW) (FSC.DOC/01/00), 24 November 2000, categorizes SALW as follows: weapons intended for use by individual members of armed or security forces that include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine guns; and crew served light weapons intended for use by several members of armed forces or security forces that include heavy machine guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars or calibres less than 100mm (Preamble, footnote to paragraph 3).

II. Reasons for Destruction

The OSCE Document on Small Arms and Light Weapons provides a guideline for identifying surplus SALW² and notes that “the participating States agree that the preferred method for the disposal of small arms is destruction [...] and, if their disposal is to be effected by export [...] export will only take place in accordance with the export criteria set out in Section IIIA, paragraphs 1 and 2 of this document.”³

Legal State and privately initiated destruction of SALW is carried out for numerous reasons. The primary reasons for destruction include:

- Surplus military stock whose retention is not required as war stocks or mobilization stock due to obsolescence or a change in defence requirements;
- Surplus military stock that should not or cannot be warehoused, sold or transferred to foreign markets or domestic dealers due to the nature of the weaponry or for security/legal/political concerns, be they domestic or international;⁴
- New surplus SALW stock held by State or private companies, not yet issued to security forces, that cannot or should not be warehoused, sold or otherwise distributed due to the nature of the weaponry or for security/legal/political concerns;
- SALW seized by security forces (police, paramilitary, or military), confiscated in the context of criminal/terrorist/insurgent activity or otherwise illegal possession in accordance with the recognized laws of the State, which should not be sold or otherwise used due to the nature of the weaponry or for security/legal/political concerns;
- SALW that for technical reasons are beyond reasonable repair or have inherent flaws that make them unsuitable for their intended use; and finally
- SALW to be destroyed within the context of peace-keeping/enforcement operations and post-conflict disarmament, demobilization and reintegration (DD&R) programmes, for political, economic and security reasons beyond those outlined above. Destruction in this context may reflect requirements included in a peace-keeping/enforcement mandate or peace accord agreement and often involves an international organization such as the UN, OSCE, or NATO.

² OSCE Document on SALW, *op. cit.*, Section VI(A).

³ *Ibid.*, Section IV(C), paragraph 1.

⁴ Security/political concerns may be broadly interpreted to include: domestic, foreign state, regional and international instability involving hostilities or the threat of hostilities; criminal or terrorist concerns; and public health concerns as legally defined within a national, regional or international context.

III. Methodology Considerations

Destruction or demilitarization must render the SALW totally inoperable and non-repairable even by a skilled armourer or gunsmith. Furthermore, parts that could be used for spares or in the making of new weapons should also be destroyed. The process must be safe and should be efficient and repeatable. With this in mind, there are a number of factors to consider when selecting any given destruction procedure. These include but are not limited to the factors outlined below.

- **Quantity:** The quantity of SALW to be destroyed will have a significant impact on the choice of destruction method. For the destruction of large quantities of SALW, particularly if they are concentrated in only a few locations, on site destruction may be desirable. Procedures more conducive to cost-effective destruction may warrant transportation to a recycling ferrous shredding depot or, if stripped of all non-ferrous material, to a large steel mill. Small quantities of SALW at numerous locations might best be destroyed by use of cutting torches and carbide saws. Cost-recovery based on metal recycling is more likely to be achieved with larger quantities due to economies of scale.
- **Type of SALW:** The type of SALW to be destroyed will affect the choice of method for several reasons. Some light weapons, as well as heavy conventional weaponry, will probably require

initial disabling and preparation for destruction disposal through the use of cutting devices such as oxy-acetylene torches.⁵ Small arms, such as handguns, could be easily destroyed using light presses or even sledgehammers and anvils.

- **Location:** If SALW are located at only a few locations and/or numerous locations but in small quantities, it may be more cost-effective to destroy them on-site. On site destruction may mitigate certain security issues.
- **Security:** The OSCE Best Practice Guide on stockpile management and security should form the basis of any security assessment. A threat assessment must be conducted and security measures incorporated that reflect the threat assessment conclusions and recommendations. Appropriate security measures must be incorporated at all stages – collection, storage, transportation, destruction and disposal.
- **Time constraints:** Other than in some peace-keeping/enforcement operations and in the context of DD&R, time constraints are seldom an issue. Where they are, they may be an overriding factor and can often be associated with security concerns.
- **National infrastructure:** The distance between SALW sites, the quality and quantity of transportation

⁵ For an example of methods and standards for destroying larger weapons such as light artillery see: Treaty on Conventional Armed Forces in Europe, Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, Section V: Procedures for the Reduction of Artillery by Destruction..

routes, the locations of SALW relative to major destruction and recycling sites, and the quantity and quality of transportation vehicles will often be significant factors in deciding what method of destruction to use and where it should be carried out.

- **Means available:** Some States or areas may not have access to large ferrous recycling shredders or steel mills, or distances may be too great. Others, because of cheaper labour costs, may find labour intensive methods more cost-effective than methods requiring large capital investments.
- **Implementation funds:** If safety is an operational primary concern, then available funding can certainly impact on the quantity of SALW to be destroyed. The means of destruction is frequently dictated by the money available to conduct it. Every factor mentioned in this section has a cost connection. Costs generally centre around labour, equipment capital costs, and service costs. To this end, tables one and two provide guidance in this matter. It is important to try and offset these costs through cost-recovery or cost-neutralization where possible. Cost-benefit analysis in this area is prone to subjectivity and non-quantifiable or speculative variables.
- **Political requirements:** Political requirements, including the requirement for transparency, may have an impact on time constraints. For domestic and/or international reasons it may be appropriate to invite the press or other suitable outside organizations to observe the destruction activities in order to enhance confidence and transparency.
- **Safety:** Safety is always a determining factor. The only instances where a marginally less safe alternative

might be considered would be for broader overriding security concerns. Safety goes beyond checking to see if the magazines and breeches contain ammunition. Depending on the procedural technique to be used, it could involve ensuring that springs under tension are released, excess oil and lubricants are removed, and ancillary equipment such as batteries and target acquisition and target enhancement parts containing tritium and other such materials are removed. Safety should also be taken into account when considering other elements in the process, including the operation of destruction equipment, transport, storage and final disposal.

- **Record-keeping:** The OSCE Best Practice Guides on stockpile management and security, and marking, record-keeping and tracing, should form the basis of record keeping procedures. Thus record-keeping should be a continuum based on requirements to track SALW, and should already be in place at the time of SALW identification for destruction. The primary reason to keep destruction records is for destruction verification to ensure there has been no leakage.
- **Legal, accounting and management requirements:** These requirements can be externally imposed or self-imposed. These considerations can be examined closely for cost-effectiveness and necessity. The following hypothetical case illustrates these kinds of considerations. If SALW identified for destruction at warehouse X consist of 10,000 assault rifles, and a ferrous shredder is available to destroy them completely, then the following considerations would impact on the legal, accounting and management requirements:
 - Can the weapons and ancillary equipment, which may weigh about 50 metric tons, be

transported directly in five secure covered trucks to the site for immediate destruction (2.5 hrs to destroy all weapons)?

- If they can, is it necessary to perform any redundancy through disabling prior to shipment?
 - Assuming the warehouse accounting books are accurate, can the trucks be loaded using the accounting books to check the serial numbers as the final accounting procedure?
 - If the trucks are enclosed with steel side walls and a removable covered secure top, what kind of security is required assuming the ferrous shredder (government or private) is ready to accept delivery for destruction on arrival?
 - Assuming the feed for the ferrous shredder is a magnetic or claw crane device for lifting the weapons off the truck and into the shredder (i.e. it does not have to be hand fed), is it necessary to once again confirm serial numbers and/or weapons counts?
 - Would a sweep of the immediate area and a check of the resulting scrap be sufficient to meet security standards regarding the possibility of loss or diversion, accidental or deliberate?
 - How many agencies and how many checks are realistically required to implement this procedure ensuring adequate security and safety?
- **Environmental impact:** Some destruction techniques are more ecologically sound than others. By and large, there are no apparent procedures practised domestically by OSCE participating States that raise serious environmental or ecological concerns

with regard to SALW destruction and disposal. Disposal of SALW ammunition is a greater concern from this standpoint, but is not the subject of this chapter. It is safe to say that non-flame cutting or smashing devices are probably the most sound ecological processes to use with eventual recycling in steel mills. Cutting torches are marginally less environmentally friendly but are not a serious problem. Dumping at sea, while discussed as an option in the UN Manual on SALW Destruction Methods,⁶ is not a legal option for most OSCE States.

• **Recycling and cost recovery possibilities.** All things being equal, efforts should be directed towards cost-recovery or cost-neutralization to help offset the expense of destruction. Providing security concerns are met, tendering of destruction to commercial companies may be the most cost-efficient way to get rid of unwanted SALW. If this is not feasible, the sale of disabled SALW directly to foundries may be an alternative. Again, economies of scale may provide a better price. While uncontaminated metal will draw a higher price, the cost to achieve it must be considered against the price received for the scrap. Regardless of whether the enterprise contracted is a commercial or State owned company, a proper contractual agreement with security safeguards is required to ensure there is no leakage or theft for spare parts.

⁶ A Destruction Handbook: Small Arms, Light Weapons, Ammunition and Explosives, published by the UN Department for Disarmament Affairs and based on Report of the Secretary-General to the United Nations Security Council on “Methods of Destruction of Small Arms, Light Weapons, Ammunition and Explosives” (S/2000/1092), 15 November 2000, p.15.

IV. Destruction Methods

There are destruction methods that are suitable for any contingency, and any quantity and type of SALW. The choice of methods is contingent upon the factors listed under methodology considerations. Both of the general references used in preparing this chapter list the various methods available and to some degree, provide case studies, and note advantages and disadvantages of the various processes. In essence the choices centre around a number of well established methods. Tables 1, 2 and 3 place the destruction methodologies into similar comparative groupings. These comparisons are subjective, simplistic and general, and may not apply in all circumstances. Operator skill, type and composition of SALW, site organization, labour costs, security, urgency and whether the equipment is custom built or off the shelf are the primary but not sole determinants of the assertions. Where provided, costs are given in US dollar estimates. For further details on various destruction procedures, users of this guide should refer to Report of the UN Secretary General on Methods of Destruction of Small Arms, Light Weapons, Ammunition and Explosives (See Key References below).

Table 1 lists methods generally applicable to States or areas involved in conflict or emerging from a post-conflict situation, where the infrastructure may be poor, funds may be lacking and requirements of speed and security are paramount. They may also be applicable for situations where transparency and confidence-building are required. In these situations, environmental concerns may be subordinated to security concerns. To ensure that parts are not reused or that a weapon cannot be reconstituted from spare parts, open burning, explosion and vehicle crushing should be followed by burying (preferably in a secure guarded site or buried so deep and covered as to make recovery non-cost effective) or ferrous shredder recycling, depending on funds and infrastructure.

Table 1 Low Cost and Field Expedient Techniques
Selected Comparative Characteristics

| Characteristics | Open-Pit Burning | Open-Pit Detonation | Crushing by Vehicles | Land Burial |
|--|--|---|---|---|
| Safety concerns. Assume properly trained personnel and SALW proofed. | Low – depends on combustion material. | High if non-EOD personnel used. Moderate for EOD if HE munitions used. | Low. | Low. |
| Environment and ecological issues. | Moderate depending on fuel. | Low to moderate depending on explosives used. | No. | Possible low level soil contamination. |
| Capital cost. | Low – fuel costs only. | Expensive – can be reduced if tied to commensurate munitions destruction. | Low – cost of operating/leasing suitable vehicle (bulldozer). | Low – cost of hole (heavy equipment lease). |
| Operating cost per weapon. No Labour. | A few cents each. | See above. | A few cents each. | A few cents each. |
| Skill Level. | Low. | High for EOD skills. | Low. | Low. |
| Infrastructure. | Low. | Low. | Low. | Low. |
| Destruction efficiency. | Each SALW should be checked post burn – depends on heat generated. | Very effective if properly executed. | Fair. Leaves useable parts. All SALW should be checked in case another attempt is required. | Concerns unless destroyed prior. Could be buried in cement which makes retrieval difficult. |

Notes: Open-pit detonation can be expensive in terms of explosive material and the skill level required. Without smelting or storage in a permanently secure site there is always the potential that some parts could be used later

EOD = Explosive Ordnance Disposal; HE = High Explosives

Table 2 below lists methods best applied to smaller quantities of SALW to be destroyed in numerous locations. It is applicable to both destruction prior to disposal in a benign peacetime setting and to destruction in a less secure and more difficult

DD&R setting. For States seeking redundancies in SALW security, the Table 2 procedures are sometimes used prior to shredding and/or melting in blast furnaces.

Table 2⁷ Common Cutting Techniques
 Selected Comparative Characteristics

| Characteristics | Oxy-Acetylene | Oxy-Gasoline | Plasma | Shears | Saws (various) |
|--|---|---|---|------------------------------------|----------------------------|
| Speed per weapon. | 30 – 60 seconds. | 15 – 30 seconds. | 15 – 30 seconds. | 2 – 10 seconds. | 30 – 90 seconds. |
| Safety concerns. | Low – user burns and explosion. | Very low – user burns, minimal explosion. | Torch burns only. | Cutting blade user only. | Cutting blade user only. |
| Toxic fumes depends on SALW composition. | Minor – laminates and synthetics that burn or puddle. | Minor – as for oxy-acetylene. | Cuts synthetics, doesn't burn. Less than oxy torches. | No. | No. |
| Capital cost. | \$200 to \$500. | \$800 to \$1,200. | \$2,500 to \$5,000. | \$10,000 to \$20,000. | \$400 to \$1,000. |
| Operating cost per weapon. No labour. | Ten to twenty cents. | Five to fifteen cents. | Five to ten cents. | A few cents each. | Five to twenty cents. |
| Skill level. | Moderate. | Moderate. | Moderate. | Low for user. | Low for user. |
| Portability. | 100 to 200 kg with tanks. | 25 to 70 kg with tank. | 100 to 200 kg no generator. | 1500 to 4500 kg no generator. | 25 to 75 kg no generator. |
| Power requirements. | None. | None. | Electricity 220/380/415 volts. | Electricity 220/380/415 2/3 phase. | Electricity 110/220 volts. |

Notes: All amounts are in US dollars.

⁷ See Report of the UN Secretary General on Methods of Destruction, op. cit., p. 33. This table was produced by the author for that report.

Table 3 below lists those methodologies best used for destroying large quantities of SALW, and for final disposal of SALW destroyed as outlined in

Table 2 or 3, or as a single disposal effort without an intermediary procedure.

Table 3 Bulk Destruction and Final Disposal Techniques
Selected Comparative Characteristics

| Characteristics | Giant Ferrous Shredder | Compactors/Shears | Smelter Furnace | Dumping at Sea ⁸ |
|--|--|--|---|---|
| Speed per weapon. | 3-4000 an hour. | Variable – many hundreds per hour. | Varies. This is a final disposal method. Prior dismantling is required and in most cases prior disabling unless a shredder is used. | N/A |
| Safety concerns. | Normal. | Normal operator procedures. | Normal. | N/A |
| Environmental and ecological concerns. | Nil, providing hazardous materials removed. | Nil, providing hazardous materials are removed. | Nil, providing hazardous materials are removed. | Must conform with conventions including Law of the Sea. Probably not feasible for most OSCE countries. ⁹ |
| Capital cost. | Must use a commercial/state shredder in existence. Too expensive other wise. | Variable – depends on size and whether done commercially. See Table 2. | Fixed commercial or state smelter. No investment or lease cost. | Variable. Cost of sea containers and transport. |
| Skill level. | Low for SALW authority. | See Table 2. | None for SALW authority. | Moderate. |
| Cost recovery. | Yes, depending on level of contamination and pricing variables. | Eventually if recycled. | Yes. | None. |

⁸ This procedure is covered in detail in the Report of the UN Secretary General on Methods of Destruction, *op. cit.*, p.15.

⁹ The EU Sstates and other OSCE Sstates have signed, among other similar agreements, the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (Oslo, 1972, entry into force 1975), now superceded by the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic (Paris, 1992, entry into force 1998); and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, (London, 1972, entry into force 1975). These conventions forbid the dumping at sea of military items.

Some States use a reverse assembly line procedure to reduce SALW to their essential parts. The process usually involves the crushing, bending or cutting of some key components during the process. While this is labour intensive, time consuming and requires a factory setting with capital investment in carbide saws and smaller presses, it has the advantage of spare-part recovery for replenishment purposes where necessary, and ensures an end product that is more attractive to recycle depots and steel mills as it should be relatively contamination free and alloy separated. This procedure may best be used at actual manufacturing installations and large central depots.

A review of all the methodologies available suggests that where possible, the one time destruction of SALW using giant ferrous shredding machines is the most cost-effective method of destroying large

quantities. In some cases, it would be the preferred method for destroying smaller quantities of SALW. Commercial firms, if approached on an individual basis, may claim that the procedure costs them money (safety and security concerns along with disruption of work programme), and at best may offer to do the job gratis for the scrap, or at worst actually charge a fee for destruction. To this end, such concerns may be offset through the calling of tenders (competitive bidding) or bulk destruction. Bulk destruction offers distinct economies of scale. With this in mind, OSCE participating States could consider joint one-time destruction efforts. Most OSCE participating States have commercial ferrous shredders located within their borders and where they do not commercial shredders may be available in nearby States. Annex B contains additional information to this end.

V. Procedural considerations

To some degree the procedures already in place for stockpile management, storage and transport security will effect the management of destruction procedures. If stockpile management and security (whether war reserve stocks, operational stocks, or seized, confiscated or returned SALW) are lacking, then destruction management may become more difficult to implement properly. Furthermore, each State must comply with its own laws and regulations. Some States, particularly those of a federal nature, may have to account for differences in laws and responsibilities at municipal, state/provincial and federal levels of government and jurisprudence.

The design and implementation of a management template will normally have a serious impact on the cost of implementing a destruction program. The procedures involved in the destruction of SALW, from identification to final destruction and disposal, including verification, involve most of the same factors outlined under Methodology Considerations (Section III). In fact, the management requirements might dictate the destruction technique in some instances.

Table 4 provides a check list for managing a SALW destruction system. It is a non-specific generic check list that would have to be modified somewhat to fit the requirements (legal, regulatory, and political) of individual States. This check list contains many redundancies; some procedures may be unnecessary and the order of the steps may be changed depending on requirements. While there can be no compromise on the premise that destruction or demilitarization must render the SALW totally inoperable and non-repairable with parts unavailable for non-authorized use, unnecessary redundancies can add significant costs. Often, “the better can become the enemy of the good.”

Table 4 Management Check List for SALW Destruction

| Steps | Measure | Comments |
|-------|---|---|
| 1. | Select SALW to be destroyed. | Based on State regulations, laws, procedures, policies and accepted practices. |
| 2. | Identify holding authorities for SALW and jurisdictional requirements. | Military, police, commercial, etc. |
| 3. | Identify locations. | Depots, stations, factories, etc. Number and quantity held by type. |
| 4. | Record identification: Means of identification including what requires recording, how it is to be recorded (hard copy, computer) back-up [recording redundancies], who verifies the records. | Identify by type, model, serial number, and calibre. In addition and in conjunction with step 1 there may be a requirement to state the reason for destruction and the authority for destruction. |
| 5. | Safety Checks (includes hazardous materials check). Safety checks may require some redundancies depending on the method of destruction i.e. checks may have to be made on initial movement/collection and at the destruction site itself. | This may require more than check to see if the magazines and breeches contain ammunition. Depending on the procedural technique to be used it could mean ensuring that springs under tension are released, excess oil and lubricants are removed, ancillary equipment such as batteries and target acquisition/enhancement parts containing tritium and other such materials are removed. |
| 6. | Collection: Decision based on step 3. | Centralized versus dispersed – variables are secure storage, available destruction plant, type of SALW, transportation and transportation security. |
| 7. | Tendering to commercial or state firms. | This cost-recovery or cost-neutralization procedure could be taken prior to centralized collection, post centralized collection, prior to initial disabling or post-initial disabling. A security, verification and certification agreement is essential. |
| 8. | Initial disabling: This is a redundancy that should be avoided if possible. It could be a cut, bend or crush procedure. If destined for a foundry it could entail the removal of non-metallic parts. The removal of non-metallic parts if going to a shredder is not necessary and the work involved might not be worth the cost-recovery enhancement for non contaminated material. | Legal and security concerns may require initial disabling prior to shipment to central holding or destruction/disposal facility. If initial disabling is required then a record check for each SALW and subsequent disabling verification certification may be required. |

| Steps | Measure | Comments |
|-------|---|--|
| 9. | Transport to final destruction. | Normally this would be to a final destruction site. If already disabled generally security can be lower and separate shipment of pieces is not necessary. Type of vehicles, recovery procedure, security requirements (convoy vs. individual vehicles and covert vs. overt security) must be considered. |
| 10. | Final destruction. | If this is a one-step process it could be any of the procedures mentioned in Table 1 to 3. For large quantities of SALW, shredding would be the preferred method. |
| 11. | Final Disposal: If final destruction is indeed final, with no value for reconstituting, even for useful spare parts, then security should be a minimum of concern. | Disposal would normally be a foundry but could be a landfill or temporary storage site. |
| 12. | Record retention | A decision on what records should be retained, the purpose of retention, for how long, in what type of media and where they should be held is required. |
| 13. | Verification: Usually verification involves a dual signature at a responsible authority level at each stage of transfer. | Whether a serial number count is required along with each verification stage must be carefully considered. Over bureaucratization will add to costs and time delays. It may be preferable to have representatives from various agencies accompany the process continuously. |
| 14. | Quality Assurance/Control. | This is an ongoing procedure that constantly looks at ways to improve the destruction process through efficiencies and the elimination of potential problems. In this regard after-action reports can sometimes help the process. |

Planners must take into consideration all factors when designing a destruction programme for a given state and a given situation. If it costs more to transport material than it does to recover costs through recycling then alternative destruction and disposal methods may be a consideration. In general, the more developed a state and the more secure it is, the more destruction and recycling lends itself to the use of shredding and/or direct recycling (after removal of non-ferrous parts) at

steel mills. Some States may have low labour costs, but this is often offset by poor infrastructure and the requirement to use more cumbersome procedures. The greatest constraints on achieving cost-efficiencies may be over bureaucratization of the destruction procedure through duplication, over centralization, unnecessary security, failure to creatively pursue cost-recovery, and numerous fail-safe redundancies.

VI. Conclusions

Determining which SALW are surplus to requirements and how to dispose of them is the responsibility of each State, taking into consideration the factors outlined at the beginning of the chapter. There are numerous techniques available for destroying SALW for any given situation. The choice of technique necessitates a decision based on a number of methodology considerations, which form the basis for a management plan.

Most OSCE participating States that have SALW within their borders have procedures in place for their destruction, whether in small or large amounts. This guide will provide additional information and ideas that may assist States in enhancing the effectiveness of current procedures and/or achieving cost-savings.

Annex A

Recycling Using Ferrous Shredders¹⁰

Introduction

Recycling of SALW through shredders has a long history that has shown it to be the most cost-efficient, effective and environmentally friendly way to dispose of SALW, particularly large quantities. Assuming a relatively secure environment, destruction can be a rapid, one-step process with the added benefit of some cost recovery through the purchase of the shredded materials by the recycling depot. It is a method that deserves the attention of State authorities responsible for destroying SALW stock.

General information

Details of ferrous shredder locations and the tendering of bids or issuing of contracts for the recycling of SALW can be obtained from the sources noted in the endnotes to this Annex. There are some 220 shredders operating in Europe, and a large number in Canada and the USA. Most shredder activity is directed towards the recycling of end-of-life vehicles, but with a few exceptions most shredders can quite easily accommodate the destruction of SALW.

At one time the introduction of non-ferrous material through shredders would significantly

lower the prospects of any cost recovery. Today, many recycling depots that use large shredders have a sophisticated separating process which can sometimes lead to cost recovery from certain non-ferrous material. In the words of the European Shredder Group,

“The European ferrous scrap industry has achieved a high level of recovery (re-use and recycling) 75 percent by weight of a car is recycled...due to shredder technology. The 25 percent left over (including 4 percent dust/mud) which used to go to landfills as waste, is increasingly being recovered both for its metal content (by Media Separation Plant processing) and for its calorific value as fuel. The volume going to landfill continuously decreasing...”

Media Separation Plants

There are over 40 media separation plants located in Europe that separate non-magnetic material into a separate product. Thus, some plastics, among other products, are recycled. With regard to final steel recycling, most shredder depots sort and clean the material for the steel industry into very small pieces, making it desirable for fast furnace charging.

¹⁰ The contents of annex B are derived from a number of sources. For further information see World Federation-Bureau of International Recycling, <http://www.bir.org/>; European Ferrous Recovery and Recycling Federation (EFR) <http://www.efr2.org/> and European Metal Trade and Recycling Federation <http://users.skynet.be/EUROMETREC.ORG/>. It also includes the contents of correspondence with Mr. Ross Bartley, Environmental and Technical Director of the World Federation-Bureau of International Recycling.

Cost-Recovery

Prices for scrap metal are subject to a number of variables, some of which are negotiable. Sometimes the price, or lack thereof, may be a function of the tendering or contract system used by a given authority. Unique variables dealing with SALW may centre on security requirements, verification requirements, safety requirements and, of course, the type and quality of SALW from a recycling perspective. With this in mind, it is often best to negotiate a one time large delivery (economies of scale) that can be immediately processed without unduly affecting the recycling operation of the plant.

Mobility

There are mobile ferrous shredders available for purchase, lease or through direct contract for on-site destruction. The resulting scrap would still have to be moved. Such an operation may be suitable for large depots with railheads and in instances where security may be a concern.

Locations

The following OSCE participating States are known to have large ferrous shredders capable of destroying SALW: Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Netherlands, Norway, Poland, Russia, Serbia and Montenegro, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the USA.

Annex B

References

Key references

For a general overview of SALW destruction in terms of case studies and methodologies, *Destroying Small Arms and Light Weapons* (David deClerq, Bonn International Center for Conversion report number 13, April 1999, <http://www.bicc.de/weapons/report13/content.html>). provides a wide range of information. The report examines the issues and methodologies regarding the destruction of light weapons, small arms and ammunition, primarily within the context of peace building operations in a post-conflict society. Firearms collection and destruction conducted within the scope of domestic firearms regulations in some selected countries are also addressed, with a view to providing useful considerations and guidance for similar actions not only in post-conflict situations but also in domestic efforts to destroy surplus military weapons and seized illegal weapons. Several post-conflict situations where collection and destruction of weapons were carried out either by the State, NGOs and citizens groups, or an outside third party, are also analyzed for lessons learned. A review of current destruction methodologies and available technologies is undertaken and appropriate destruction considerations including possible roles for commercial participation are discussed. Lastly, a number of recommendations are made.


The Report of the UN Secretary-General to the Security Council on Methods of Destruction of Small Arms, Light Weapons, Ammunition and Explosives, (S/2000/1092, 15 November 2003, <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N00/747/29/PDF/N0074729.pdf?OpenElement>), which draws to some extent on the BICC Report, provides a more comprehensive examination of various destruction procedures and methodologies. The report provides guidance for the production of a reference field manual on environmentally sound methods of SALW destruction, including related ammunition and explosives (see the UN Department for Disarmament Affairs publication entitled *A Destruction Handbook: Small Arms, Light Weapons, Ammunition and Explosives*, available at <http://disarmament.un.org/ddapublications/desthbk.pdf>). It contains an overview of issues related to destruction, and a number of conclusions and recommendations. The Handbook is focused more on field destruction within a DDR scenario, but it nevertheless has value for smaller scale destruction within a more benign domestic setting. It does not address in any detail large-scale SALW destruction and demilitarization conducted by national governments. Users of this Handbook should refer to the UN Report for destruction procedure details.

Additional references

1. *Treaty on Conventional Armed Forces in Europe, Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe (CFE Treaty)*, (1990). Signed at Paris on 19 November 1990. Section V: Procedures for the Reduction of Artillery by Destruction.
2. World Federation-Bureau of International Recycling: <<http://www.bir.org>>
3. European Ferrous Recovery and Recycling Federation (EFR): <<http://www.efr2.org>>
4. European Metal Trade and Recycling Federation: <<http://users.skynet.be/EUROMETREC.ORG>>.



Handbook of Best Practices
on Small Arms and Light Weapons

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Best Practice Guide on Small Arms and Light Weapons in Disarmament, Demobilization & Reintegration (DD&R) Processes

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I. Introduction

Since the 1990s, the value of disarmament, demobilization and reintegration (DD&R) programmes has become widely accepted within the international community. Reintegration programmes that usually follow the demobilization of regular and irregular armed forces, as well as armed civilians, are now seen as an essential step in the process towards development and often run in parallel to or preceding post-war reconstruction and emergency aid programmes. Special programmes have been designed to reintegrate former soldiers, guerrilla fighters and members of other armed groups, in order to help these ex-combatants gain opportunities for their future lives as civilians.

The importance of DD&R in efforts to combat the widespread availability of illicit Small Arms and Light Weapons (SALW) during and after crisis situations has also been recognized, both in the United Nations and in other fora. The UN Programme of Action to prevent, combat and eradicate the illicit trade in Small Arms and Light Weapons, refers to DD&R processes, while at the UN Security Council, provision is often made for DD&R programs as essential elements of peacekeeping mandates.

The OSCE Document on Small Arms and Light Weapons describes DD&R measures as essential in dealing with post-conflict rehabilitation. Although few OSCE participating states have experienced complete DD&R processes on their own territories, their military personnel or development aid

workers may have come into contact with DD&R activities while on missions abroad. Furthermore, many states see DD&R as an important and effective tool to help conflict-affected countries move from war to sustainable peace. It is therefore important to train future military and civilian personnel in the various elements involved.

1. Aim

The aim of this chapter is to provide general standards for processes relevant to DD&R, including the essential steps that need to be carefully planned and carried out in order to reach the desired end-state, i.e. sustainable peace and development in a war-torn society. This guide focuses on the disarmament and the control over SALW in DD&R processes.

The DD&R process involves, first and foremost, ex-combatants. Civilians and other groups might also be included in the process at a later stage as part of a wider perspective, where the whole society is in need of reconstruction and rehabilitation. In this paper, SALW is defined in accordance with the OSCE Document.

2. General reference

The contents of this chapter have been adapted from a handbook on DD&R that will soon be published by the Lester B. Pearson Peacekeeping Centre (Canada), Gesellschaft für technische Zusammenarbeit, GTZ (Germany), Nodefic (Norway) and the Swedish National Defence College (Sweden). The content of the handbook is based on experiences and lessons learned by the authors, who are practitioners with both military and civilian background. The handbook will be used in training for personnel involved in different types of DD&R processes.

II. Overview of the DD&R process

1. Definitions and functions

Disarmament is a process aimed at the collection, control and disposal of weapons within the post-conflict peace process. It can include safe weapon storage and potential destruction. Disarmament is essential as a confidence-building measure aimed at increasing stability in a tense, uncertain environment in which the participants and the general population may be anxious and uneasy. Disarmament also has a significant impact on sound social and economic development through the least diversion of human and economic resources for SALW. Therefore, the disarmament process must be designed bearing in mind the psychological state of the participants, and should include clauses for standing armed forces, guerrilla groups, paramilitary or militia forces, or civilians. At the same time, the success of disarmament and demobilization depends on a secure and stable environment. Therefore, measures to create such an environment are important preconditions for a weapons collection programme.

Demobilization can be seen as the opposite of the mobilization of combatants to an armed group. In the military sense, demobilization serves to disband an armed unit and to reduce the number of combatants in an armed group or to form a new armed force, be it regular or irregular. The technical objectives of demobilization and disarmament activities generally include improved quality and heightened efficiency of the armed forces. Demobilization helps reduce the costs of the standing armed forces. It allows the remaining

forces to be modernized and paid regularly due to the fact that less money has to be spent on personnel. Demobilization also provides an opportunity to restructure the armed forces in order to make them more efficient.

Different circumstances create different motives for demobilization and will therefore, necessitate different options. In some countries, a stable peace may only be possible if former opponents share power. Opposing sides have to be integrated into a common political system. The armed forces or liberation forces have to be assigned new tasks. Consequently, demobilization is usually enacted as part of a political imperative.

The most common alternative to the disbanding of a defeated armed group has been to incorporate elements of it into the victorious armed forces. Such strategic alliances occur above all in civil wars, in which there is a large number of actors. However, after the end of the war, there are often calls for reform and reduction of what may now be an excessively large army.

Demobilization in itself does not diffuse the actual potential for conflict, as it does not remove the root causes of conflict. These need to be addressed through long term strategies in order to achieve sustainable peace.

Reintegration is defined as the process by which ex-combatants acquire civilian status and gain access to civilian forms of work and income. This

is essentially a social and economic process, with an open timeframe, which mainly takes place in the communities at the local level. It is an integral part of the overall reconstruction and development of a post-war society and, though a national responsibility, may require outside assistance.

The complete dissolution of one or more armed forces generally takes place when a new government or a dominant regional regime is able to question the political legitimacy of such armed groups. The background to the complete disbanding of the armed forces is generally a military defeat or at least a military stalemate, which has forced the warring factions to come to the negotiation table. This applies especially to wars within a state, in which none of the warring factions pulls out of the country. In these cases in particular, the reintegration of ex-combatants from all warring factions is a prerequisite for a sustainable peace.

Reintegration initiatives are long-term processes. Important components are: at the national level, the formulation of a national policy; at the regional level, support for regional implementation agencies; and, at the local level, emergency aid, transport to selected settlement regions, discharge payments, resettlement packages, reconstruction projects, and vocational training.

2. Essential steps of DD&R programs

The fundamental steps of DD&R are:

- a) Planning;
- b) Encampment;

- c) Registration;
- d) Disarmament;
- e) Pre-discharge orientation, and
- f) Final discharge of the ex-combatants.

The chronological sequence of demobilization and the relevance of the individual elements are determined primarily by the political situation preceding demobilization. This situation could be affected by *inter alia*: the roots and nature of the conflict, the political system, the composition of the warring factions, and the amount and type of weapons possessed by warring factions.

3. When does DD&R begin?

DD&R is an essential confidence-building measure, and therefore part of an ongoing peace process. Peace negotiations are essential to provide the basic conditions for DD&R planning to begin. Such negotiations are essentially a precursor to the peaceful conflict and dispute management mechanisms and should be part of the envisioned system of governance, which must provide human security through good governance and hence foster sustainable peace and development. Yet, for peace negotiations and the peace process to progress, it can be important to start implementation of DD&R programs while negotiations are still ongoing. Negotiating peace and prerequisites for DD&R are not separate and mutually exclusive measures. They may run in parallel, and their timelines do in fact overlap as the two support each other by building confidence.

III. SALW in the context of DD&R

It is important that SALW are considered in a DD&R process. Since weapons are involved in all armed conflicts, they are a major concern in any transition period to peaceful development. At the end of wars, especially civil wars, the number of weapons in circulation or in the hands of ex-combatants and the civilian population is very high. There is a risk that the weapons may be used not only to re-ignite conflict, but also for criminal purposes and as sources of illegal revenues. Consequently, it is very important to address those risks at an early stage. In DD&R processes, this is done during “the first phase” – the disarmament phase. Additional disarmament can also be carried out later in the process, through civilian arms collection programmes.

1. Objective

The direct objective of disarmament is to reduce the number of weapons in circulation in a country, and thus to reduce the risk of a renewed conflict. Disarmament and other SALW control measures can also help promote human security in post-conflict societies. They can reduce the levels of violence linked both to crime and ongoing tensions between former warring factions. They could, as broader confidence-building measures, contribute to a sense of stability and security in a society, and help convince the population that residual problems will henceforth be resolved peacefully. Such stability and security ultimately create the desirable conditions for peace and security.

2. Target groups

Disarmament initiatives must be focused and targeted at specific groups. What might be appropriate for a regular army might not be appropriate for guerrilla forces. In internal conflicts where irregular forces have fought either alongside or against conventional military forces, the target groups for disarmament programmes should include civilians who are not members of an armed group, but had armed themselves with SALW for self-defence purposes.

3. Disarmament process

Disarmament comprises the following steps:

- a) weapons survey;
- b) weapons collection;
- c) weapons storage;
- d) weapons destruction; and
- e) weapons redistribution.

3.1. Weapons survey

A weapons survey is needed to answer vital planning questions at an early stage. The following questions should be answered.

- Approximately how many weapons are there?
- What types of weapons should be handed in, and what destruction processes should be used? *[See BPG on Destruction techniques]*
- Who is expected to turn in weapons, and how is it known that all of them have been obtained.
- Who controls weapons outside the armed forces

(paramilitary and international security forces, police, special police, gendarmerie etc.)?

- Are there groups of armed individuals or criminals that remain a threat to security?
- Where are the armed groups and heavy weapons stocks located, and what will happen to the stocks?

In some cases an inventory of weapons is part of the peace negotiations.

3.2. Weapons collection

Weapons collection points should be organized, either in assembly areas or in separate reception centres. International military observers normally manage these reception centres if the United Nations or other representatives of the international community monitor the peace process.

When the combatants hand in their weapons, the following procedure could be used: each weapon could be registered and all pertinent information (serial number, type of weapon) recorded. In addition, the personnel at the reception centre should also note information on the name, unit and military ID or equivalent of the ex-combatant, as well as the site where the weapon was handed in.

3.3. Weapons storage

The inability to destroy the collected weapons, which could be caused by the absence of equipment, may necessitate at least temporary storage. It may be that no decision has been taken yet on the destruction of the weapons due to the lack of confidence among the parties concerned. The weapons may be forwarded for conversion and/or redistribution to the local military or civilian police. When storing weapons, it is important to

take into account certain considerations, including the duration and conditions of storage and most importantly the physical security of storage. [See *BPG on Stockpile management and security*] Safety is of primary importance when the storage of ammunition and explosives is considered.

Weapons may be stored after collection instead of being destroyed for several reasons. Dual key procedures can be a transitional step between laying down weapons and relinquishing all access to them. During dual key procedures, the storages are locked and guarded. At an early stage, members of the disarming forces can be allowed to keep their weapons to guard the containers. Both international observers and the on-site faction commander retain a key to the storage. Planning should be flexible and always include a list of measures to be taken if an incident occurs, in order to maintain trust in the process.

3.4. Weapons destruction

The destruction of SALW must take many factors into consideration, including safety, costs, effectiveness and the verification of destruction. Methods used for the destruction of SALW cover a wide range of possibilities from simply rendering the weapons inoperable to complete destruction. [See *BPG on Destruction*]

Weapons destruction is not only a practical and efficient method of disarmament, but also a symbolic gesture, if carried out through public display, and may help change the outlook of civilians (such as a public bonfire of weapons or “flame of peace”). Such symbolic gestures should, however, be connected to long-term initiatives and programmes.

3.5. Weapons redistribution

Weapons redistribution can be a sensitive issue in post-conflict peace building. Clearly, not destroying weapons leaves them available for use in possible future conflicts. To avoid complications, such as the leakage of returned weapons or extended storage periods, it is necessary to develop a timetable for redistribution. The concentration and distribution of SALW must be monitored to ensure that the process is transparent and that ex-combatants are not inadvertently re-armed. The implementation and monitoring of the process by a neutral third party is of primary concern in order to ensure proper redistribution and continued monitoring after the process is complete.

3.6. Removal of weapons from civil society

The process of collecting weapons from civilians is often very difficult. It should be borne in mind that there is a number of strong reasons why civilians choose to hold weapons. Not all of these will be reversible. Among civilians, arms are often seen as a symbol of status and a sign of belonging to the community. All these aspects combined make it difficult to collect SALW from a society. Significant incentives in the form of money, development/reconstruction programmes and confidence-building measures must be established to effectively substitute for weapons in these areas.

Despite this, in many regions the possession of weapons is of cultural and/or political significance and cannot be eradicated. A long-term comprehensive strategy must be developed with a view toward reducing the number of weapons available to civilians commensurate with the improving

security situation in the country or region, before any tactical plan is established or implemented.

The overall strategy should address issues of security sector reform, good governance as well as gender roles. All these elements must be aimed at the creation of sustainable security and hence an environment in which people feel safe.

All sectors of society, including national and local authorities, the police, the armed forces and civil society, should be involved in developing and implementing the strategy. The involvement of the international community can also be desirable in terms of support and assistance, or as a guarantor of the process. The following factors are important to consider when analysing the situation:

- a) The political and security situation in the country:** Do citizens need to remain armed for self-protection and personal security? Is the crime level high, and is criminal activity a great concern to the population as a whole? Are the local police or security forces unable to deal with the problem or are they indeed part of the problem themselves? These questions must be addressed before disarmament can be regarded as a positive and meaningful exercise.
- b) Culture of weapons:** What is the culture regarding weapons in the country or region? What types of weapons are being targeted by the weapons collection programme?
- c) The perception of the population of these issues:** Does the local population feel insecure because of high levels of weapons possession, and how does this insecurity manifest itself? It is crucial that the problem is articulated and approached from the perspective of the

local population, not the international community. The expectation that a third party, such as peacekeepers, will ensure long-term security conditions necessary for disarmament is unrealistic and avoids the real problem. The government must as soon as possible assume responsibility for the provision of real and sustainable security to the population at large.

d) The need for a holistic approach:

Notwithstanding the importance of a locally driven process, a broad and comprehensive approach must be taken when setting conditions for meaningful disarmament. The international community must undertake such operations in a holistic manner and address disarmament and security as functions of the overall peace process and not as individual stand-alone exercises. International aid in the form of resources and support for security sector reform, such as assistance in training a national police force, is an example of the long-term and sustainable aid that produces better security, a higher level of stability and prepares the population to disarm.

To implement civilian disarmament projects, specific areas that show concentrations of weapons or armed individuals should be identified as targets for disarmament. Concerted campaigns to collect and destroy weapons, perhaps linked to buy-back programmes or community development initiatives, may be necessary in some areas. Often reluctance to disarm is related to a gun culture, which is difficult to change in the short-term. Local leaders play an important role in persuading people to give up weapons in this type of area.

Once the strategic plan has been decided upon, and the conditions for disarmament have been set, the points listed below should be considered as aids in developing the mechanics of weapons collection.

3.7. Voluntary weapons collection

The collection of weapons from the civilian population may take the form of voluntary surrender or forced collection by the military, civilian police, or other agencies. The preferred method is voluntary surrender. Forced collection of weapons is difficult to enforce and often dangerous for all parties involved.

Weapons collection may be supported by a variety of activities. Information campaigns help win the confidence and support of people and enhance liaisons and contacts with the population. A participatory process, where all sides are involved in designing the strategy as well as the implementation, is essential for disarmament to be successful. The establishment of national commissions, including the civil society, can help in this respect.

3.8. Incentive programs

Incentive programs are useful tools, especially in poorer societies where hard currency is much needed. The exchange of weapons for food or cash can, however, increase the value of arms just after it has dropped, and thus attract more weapons to the region. It also risks creating a perception that those who are flouting the law by owning illegal weapons are actually being rewarded by the authorities. Alternatively, the so-called “weapons in exchange for development” approach not only offers incentives to individuals turning in weapons,

but also shifts the focus towards community development needs, and thus can support social cohesion.

Strict enforcement of legislation pertaining to the possession of and trade in weapons should follow incentive programmes or amnesties. Such enforcement, however, should be preceded by a well-organized campaign, including notice of a specific deadline. If the population is informed and the conduct of law enforcement services is sufficient to inspire trust among the local communities, such a combination will increase the likelihood of success.

3.9. Weapons registration

Weapons registration can be either a complement or an alternative to weapons collection programs. Once the legislation on weapons possession has been refined and enforced, those weapons, now legally held, may be registered. It allows people to keep some of their weapons and thus feel that they are more secure. Furthermore, peacekeeping forces have estimates of how many weapons there are in a given area. This is particularly useful in future disarmament campaigns as a measure of success by comparing numbers of weapons collected with the records.

The registration process should be run jointly by international and civil agencies, or run by local police and monitored by international forces. This enables transparency through supervision, helps prevent international forces from becoming the “new enemy,” and increases the legitimacy of local forces. Accurate information collection and sufficient personnel are needed. At the same time, it does not require a large amount of equipment, storage space or high security measures. However, the local population can often be unwilling to come forward, fearing that the records may be used later to seize weapons or penalize those known to possess weapons. Local authorities and/or international forces should issue assurances that the records will not be used for other purposes. Incentives are often used to encourage registration and range from positive incentives such as food and money, to negative ones such as harsh laws and forced seizure of weapons.

IV. Training for DD&R

There is definitely more scope for training as well as research in the field of DD&R. Any individual going on a humanitarian or military mission needs tailored training. If these individuals are assigned to work in a mission area with a specific DD&R mandate, it is equally important that they know the features of the process, the aim, and the desired end state. The disarmament and demobilization phases can be relatively short, while the reintegration phase can go on for several years and eventually turn into wider reconstruction of the society as a whole. In order not to lose sight of the overall process, it is very important that theoretical and practical training be given at each step. Special attention should be given to the planning and co-ordination of these processes.

The training should be international and should be provided to a mixed group of participants, representing the military, civilian police, diplomats and humanitarian aid workers. All these functions are parts of today's multinational and multifunctional missions. In order to foster understanding of each other's work, as well as a professional culture, it is worth commencing the training process as soon as possible.

V. Evaluation

There are various means and measures to evaluate DD&R programmes, in part or in whole. International organizations, such as the United Nations, are often partners in these programmes, and have best practice units where experiences in peacekeeping missions are gathered. The World Bank regularly supports demobilization and reintegration programmes (although not disarmament) and also has an extensive evaluation apparatus. The DD&R Reader published by Canada, Sweden, Norway and Germany (from which this guide is derived) is one example of a compilation of lessons learned from different past and present DD&R programmes, and serves as a manual for use by those planning future programmes.

The Logical Framework Approach should also be mentioned as a well-known approach to a programme or project design, and to monitoring and evaluation, especially concerning humanitarian assistance and development aid.

However, it can be argued that evaluation procedures for entire DD&R processes need further development and refinement in order to provide examples of best practices and to enable comparative analyses.

VI. Conclusion

Since weapons are involved in all armed conflicts, they are of major concern in transition to peaceful development. In this context, a number of key principles can be identified. Security and effective control over small arms are clearly prerequisites for stability in a post-conflict environment. Arms control emphasizes the inter-relationship between conflict resolution, demobilization, disarmament and development. Disarmament, demobilization and reintegration of ex-combatants provide a challenge to governments, peacekeepers, development agencies and NGOs. The successful integration of ex-combatants into civilian society lays the foundation for sustainable peace and demilitarization. It is thus important to develop specific tools that are directed at the special and individual needs of demobilized combatants. Focus should be first placed on the individual, then shift toward a community-oriented approach, making the individual ex-combatants part of the society and providing them with a sense of belonging and responsibility as the reintegration programme matures.

This Best Practice Guide has outlined the importance of co-ordinating disarmament, demobilization and reintegration, focusing on SALW. There is no general formula that can be used in all DD&R processes and SALW control programmes. Each DD&R process needs to be developed individually, taking into account the circumstances of any given situation. However this guide attempts to outline the essential steps that need to be considered in order to address comprehensively the disarmament of ex-combatants. These certainly need to be adjusted according to the specific situation.



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