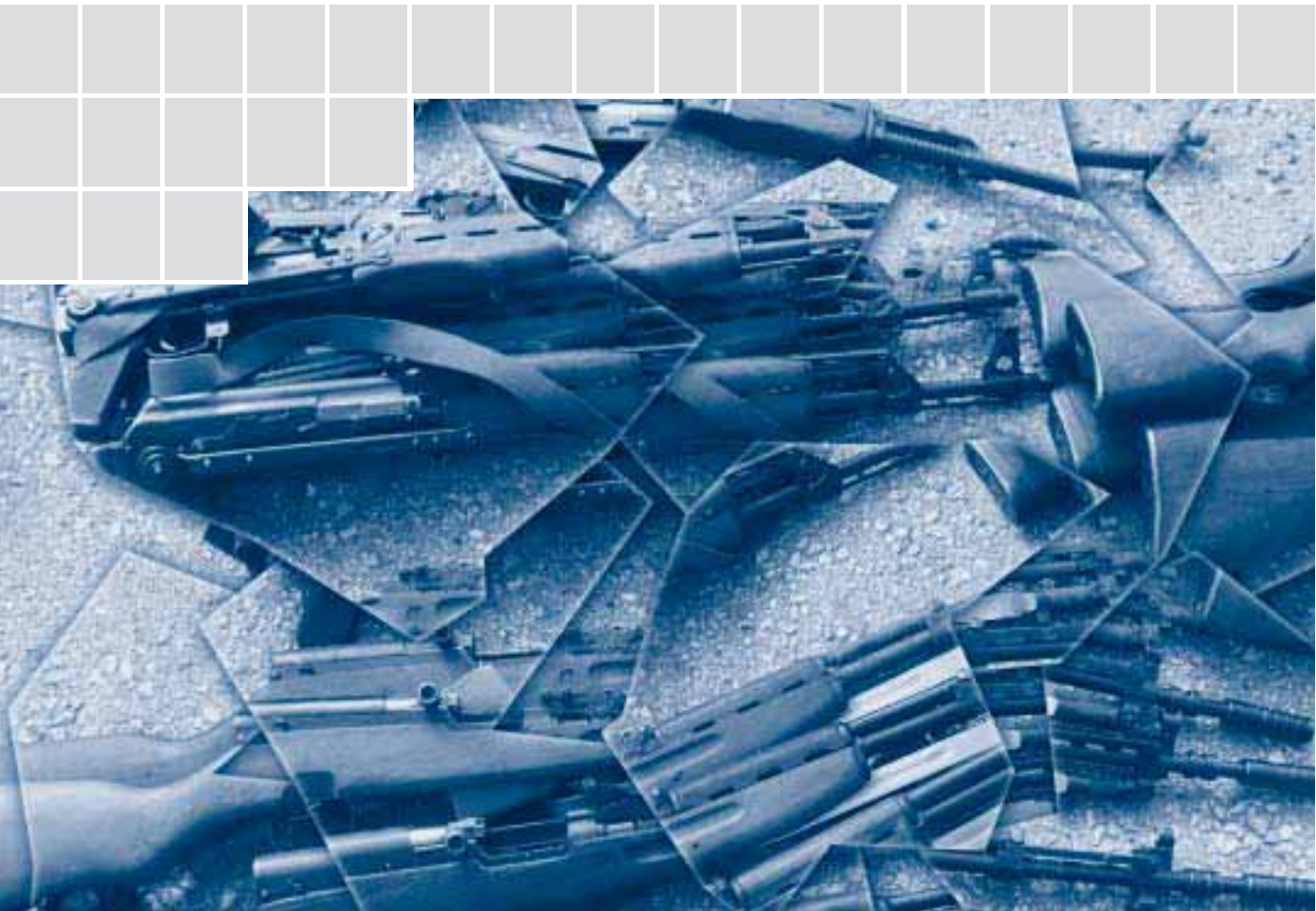




Handbook of Best Practices
on Small Arms and Light Weapons

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



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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.

² 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

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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*.

