



Organization for Security and Co-operation in Europe

**OSCE DOCUMENT ON
SMALL ARMS AND LIGHT WEAPONS**



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TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE	1
I. GENERAL AIMS AND OBJECTIVES.....	1
II. COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS: MANUFACTURING, MARKING AND RECORD-KEEPING	3
Introduction.....	3
(A) National control over manufacture of small arms.....	3
(B) Marking small arms	3
(C) Record keeping	3
(D) Transparency measures.....	4
III. COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS: COMMON EXPORT CRITERIA AND EXPORT CONTROLS	4
Introduction.....	4
(A) Common export criteria	4
(B) Import, export and transit procedures	6
(C) Import, export and transit documentation.....	7
(D) Control over international arms-brokering	7
(E) Improving co-operation in law enforcement.....	8
(F) Exchanges of information and other transparency measures.....	8
IV. MANAGEMENT OF STOCKPILES, REDUCTION OF SURPLUSES AND DESTRUCTION.....	9
Introduction.....	9
(A) Indicators of a surplus.....	9
(B) Improving national stockpile management and security	10
(C) Destruction and deactivation.....	10
(D) Financial and technical assistance	11
(E) Transparency measures.....	11
V. EARLY WARNING, CONFLICT PREVENTION, CRISIS MANAGEMENT AND POST-CONFLICT REHABILITATION	11
Introduction.....	11
(A) Early warning and conflict prevention.....	12
(B) Post-conflict rehabilitation.....	12
(C) Procedures for assessments and recommendations.....	12
(D) Measures	12
(E) Stockpile management and reduction in post conflict rehabilitation.....	13
(F) Further Work.....	14
VI. FINAL PROVISIONS	14

LIST OF ANNEXES

- Annex I: Information exchange on small arms and light weapons
- Annex II: Decision No. 5/04 on standard elements of end-user certificates and verification procedures for SALW exports
- Annex III: Decision No. 8/04 on OSCE Principles on the Control of Brokering in Small Arms and Light Weapons
- Annex IV: Decision No. 5/08 on updating the OSCE Principles for Export Controls of Man-Portable Air Defence Systems
- Annex V: Decision No. 11/08 on introducing best practices to prevent destabilizing transfers of small arms and light weapons through air transport and on an associated questionnaire
- Annex VI: Decision No. 11/09 on the update of FSC Decision No. 15/02 on expert advice on implementation of Section V of the OSCE Document on Small Arms and Light Weapons

OSCE DOCUMENT ON SMALL ARMS AND LIGHT WEAPONS

PREAMBLE

1. The participating States of the Organization for Security and Co-operation in Europe (OSCE):
2. Recalling the Lisbon Document 1996, Decision No. 8/96, “A Framework for Arms Control”, and Decision No. 6/99 of the OSCE’s Forum for Security Co-operation, endorsed by our Heads of State and Government at the OSCE Summit at Istanbul in November 1999,
3. Recognizing the need to strengthen confidence and security among the participating States through appropriate measures on small arms and light weapons* manufactured or designed for military use (hereinafter referred to as “small arms”),
4. Recalling progress made in dealing with the problems associated with small arms in other international fora and resolved to make an OSCE contribution to such progress,
5. Mindful also of 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 underway in the United Nations on the illicit trade in small arms and light weapons in all its aspects,
6. Have decided to adopt and implement the norms, principles and measures set out in the following sections.

SECTION I: GENERAL AIMS AND OBJECTIVES

1. The participating States recognize that the excessive and destabilizing accumulation and uncontrolled spread of small arms are problems that have contributed to the intensity and

* There is not yet an internationally agreed definition of small arms and light weapons. This document will apply to the following categories of weapons while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification and will be reviewed in the light of any such future internationally agreed definition.

For the purposes of this document, small arms and light weapons are man-portable weapons made or modified to military specifications 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-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.

duration of the majority of recent armed conflicts. They are of concern to the international community because they pose a threat and a challenge to peace, and undermine efforts to ensure an indivisible and comprehensive security.

2. The participating States agree to co-operate to address these problems and to do so in a comprehensive way. Reflecting the OSCE's concept of co-operative security and working in concert with other international fora, they agree to develop norms, principles and measures covering all aspects of the issue. These include manufacture, the proper marking of small arms, accurate sustained record keeping, export control criteria, transparency about transfers (i.e. commercial and non-commercial imports and exports) of small arms through effective national export and import documentation and procedures. All of these are essential elements of any response to the problems, as are the proper national management and security of stockpiles coupled with effective action to reduce the global surplus of small arms. They also agree that the problem of small arms should be an integral part of the OSCE's wider efforts in the fields of early warning, conflict prevention, crisis management and post conflict rehabilitation.

3. In particular, the participating States commit themselves to:

- (i) Combat illicit trafficking in all its aspects through the adoption and implementation of national controls on small arms, including manufacture, proper marking and accurate sustained record keeping (both of which contribute to improving the traceability of small arms), effective export control, border and customs mechanisms, and through enhanced co-operation and information exchange among law enforcement and customs agencies at international, regional and national levels;
- (ii) Contribute to the reduction, and prevention of, the excessive and destabilizing accumulation and uncontrolled spread of small arms, taking into account legitimate requirements for national and collective defence, internal security and participation in peacekeeping operations under the Charter of the United Nations or in the framework of the OSCE;
- (iii) Exercise due restraint to ensure that small arms are produced, transferred and held only in accordance with legitimate defence and security needs as outlined in 3(ii) above, and in accordance with appropriate international and regional export criteria, in particular as provided for in the OSCE document on Principles Governing Conventional Arms Transfers adopted by the Forum for Security Co-operation on 25 November 1993;
- (iv) Build confidence, security and transparency through appropriate measures on small arms;
- (v) Ensure that, in line with its comprehensive concept of security, the OSCE addresses, in its appropriate fora, concerns related to the issue of small arms as part of an overall assessment of the security situation of a particular country, and takes practical measures which will assist in this respect;
- (vi) Develop appropriate measures on small arms at the end of armed conflicts including their collection, safe storage and destruction linked to the disarmament, demobilization and reintegration (DD and R) of combatants.

SECTION II: COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS: MANUFACTURING, MARKING AND RECORD-KEEPING

Introduction

1. Combating illicit trafficking in all its aspects constitutes a major element of any action needed to deal with the problem of the destabilizing accumulation and uncontrolled spread of small arms. National control of manufacture is essential to the combating of illicit trafficking. In addition, the proper marking of small arms, coupled with accurate, sustained record-keeping and exchanges of information outlined within this document, will help relevant investigative authorities to trace illicit small arms and, if a legal transfer has been diverted into the illegal market, to identify the point at which the diversion took place.

2. This section therefore sets out the norms, principles and measures covering manufacture, marking and record-keeping of small arms.

(A) National control over manufacture of small arms

1. 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.

(B) Marking small arms

1. While it is for each participating State to determine the exact nature of the marking system for small arms manufactured or in use on its territory, the participating States agree to ensure that all small arms manufactured on their territory after 30 June 2001 are marked in such a way as to enable individual small arms to be traced. The marking should contain information which would allow the investigating authorities to determine, at a minimum, the year and country of manufacture, the manufacturer and the weapon's serial number. This information provides an identifying mark which is unique to each small arm. All such marks should be permanent and placed on the small arm at the point of manufacture. Participating States will also ensure as far as possible and within their competence that all small arms manufactured under their authority outside their territory are marked to the same standard.

2. In addition, participating States agree that, should any unmarked small arms be discovered in the course of the routine management of their current stockpiles, they will destroy them, or if those small arms are brought into service or exported, that they will mark them beforehand with an identifying mark unique to each small arm.

(C) Record keeping

1. The participating States will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers

of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms.

(D) Transparency measures

1. As a confidence-building measure and to assist the relevant authorities in tracing illicit small arms, the participating States agree to conduct an information exchange by 30 June 2001 on their national marking systems used in the manufacture and/or import of small arms. They will also exchange with each other available information on national procedures for the control of the manufacture of small arms. Participating States will ensure that such information is up-dated, as and when necessary, to reflect any changes in their national marking systems and in their procedures for the control of manufacture.

SECTION III: COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS:
COMMON EXPORT CRITERIA AND EXPORT CONTROLS

Introduction

1. The establishment and implementation of effective criteria governing the export of small arms will help meet the shared objective of preventing the destabilizing accumulation and uncontrolled spread of small arms, as will national controls covering export documentation and procedures, and the activities of international brokers. Co-operation on law enforcement is also essential to the combating of illicit trafficking. This section sets out the norms, principles and measures aimed at fostering responsible behaviour with regard to the transfer of small arms and, thereby, reducing opportunities to engage in illicit trafficking.

(A) Common export criteria

1. The participating States agree to the following criteria to govern exports of small arms and technology related to their design, production, testing and upgrading, which are based on the OSCE document on "Principles Governing Conventional Arms Transfers".

2.(a) Each participating State will, in considering proposed exports of small arms, take into account:

- (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 record of 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;
 - (vi) The question of 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 decisions of the United Nations or the OSCE.
- (b) Each participating State will avoid issuing licences for exports where it deems that there is a clear risk that the small arms 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 on non-proliferation, small arms, or other arms control and disarmament agreements;
 - (v) Prolong or aggravate an 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 destabilizing accumulation of small arms, or otherwise contribute to regional instability;
 - (vii) Be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to the aims of this document;
 - (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.

(c) In addition to these criteria, participating States will take into account the stockpile management and security procedures of a potential recipient country.

3. Participating States will make every effort within their competence to ensure that licensing agreements for small arms production concluded with manufacturers located outside their territory will contain, where appropriate, a clause applying the above criteria to any exports of small arms manufactured under licence in that agreement.

4. Further, each participating State will:

- (i) Ensure that these principles are reflected, as necessary, in its national legislation and/or in its national policy documents governing the export of conventional arms and related technology;
- (ii) Consider assisting other participating States in the establishment of effective national mechanisms for controlling the export of small arms.

(B) Import, export and transit procedures

1. The participating States agree to follow the procedures described below on the import, export and international transit of small arms.

2. The participating States agree to ensure that all shipments of small arms imported into, or exported from, their territory are subject to effective national licensing or authorization procedures which allow the participating State concerned to retain adequate control over such transfers and to prevent the diversion of the small arms to any party other than the declared recipient. Each participating State will decide whether to apply appropriate national procedures to small arms in transit through its territory en route to a final destination outside its territory, in order to maintain effective control over that transit.

3. Before a participating State permits a shipment of small arms to another State, that participating State will ensure that it has received from the importing State the appropriate import licence or some other form of official authorization. When a participating State is asked to act as a transit point for shipments of small arms between the exporting and importing States, the exporter, or the authorities in the exporting state, will ensure that where the State of transit requires a shipment to be authorized, the appropriate authorization has been issued.

4. At the request of either of the two participating States engaged in a transaction to export and import a shipment of small arms, the States will inform each other when the consignment has been dispatched from the exporting State and when it has been received by the importing State.

5. Without prejudice to the right of participating States to re-export small arms that they had previously imported, participating States will make every effort within their competence to encourage the insertion of a clause within contracts for the sale or transfer of small arms

requiring that the original exporting State be advised before the re-transfer of those small arms.

6. In order to prevent the illegal diversion of small arms, the participating States are encouraged to establish appropriate procedures that would permit the exporting State to assure itself of the secure delivery of transferred small arms. These procedures could, where appropriate, include a physical check of the shipment of small arms at the point of delivery.

7. The participating States will not allow any transfer of unmarked small arms. In addition they will only transfer or re-transfer small arms which bear an identifying mark unique to each small arm.

8. The participating States agree to ensure that the appropriate national mechanisms are in place to enhance the co-ordination of policy and co-operation between their agencies involved in the import, export and transit procedures for small arms.

(C) Import, export and transit documentation

1. The participating States agree to observe the following key standards underpinning export documentation: that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization (for example, an International Import Certificate) issued by the receiving State; that the number of government officials entitled to sign or otherwise authorize export documentation is kept to a minimum consistent with the current practice of each participating State; and that import, export and transit documentation contains a common minimum standard of information which will be explored by participating States with a view to developing recommendations based on the “best practice” among participating States.

2. The participating States agree to ensure that comprehensive and accurate records of small arms transactions effected under a particular license or authorization are maintained and held for as long as possible with a view to improving the traceability of small arms. They also agree that the relevant information contained in these records, together with any other information required to trace and identify illegal small arms, is made available in accordance with the procedures in paragraphs (E) 3 and 4 below.

(D) Control over international arms-brokering

1. 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. Participating States will consider the establishment of national systems for regulating the activities of those who engage in such brokering. Such a system could include measures such as:

- (i) Requiring registration of brokers operating within their territory;
- (ii) Requiring licensing or authorization of brokering; or
- (iii) Requiring disclosure of import and export licenses or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

(E) Improving co-operation in law enforcement

1. In order to enforce its international commitments on small arms, each participating State should ensure that it has an effective capability to enforce those commitments through its relevant national authorities and judicial system.
2. Each participating State will treat any transfer of small arms that is in violation of a United Nations Security Council arms embargo as a crime, and will, if it has not yet done so, reflect this in its domestic law.
3. The participating States agree to enhance their mutual legal assistance and other mutual forms of co-operation in order to assist investigations and prosecutions conducted and pursued by other participating States in relation to the illicit trafficking of small arms. For this purpose, they will endeavour to conclude relevant agreements with each other.
4. The participating States agree to co-operate with each other on the basis of customary diplomatic procedures or relevant agreements and with intergovernmental organizations such as Interpol, in tracing illegal small arms. Such co-operation will include making available, upon request, relevant information to the investigating authorities of other participating States. They will also encourage and facilitate regional, subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials in the small arms field.
5. The participating States agree to consider appropriate technical, financial and consultative assistance to other participating States to increase the capacity of enforcement agencies.
6. The participating States agree to share, in conformity with their national laws, and on a confidential basis through appropriate and established channels (for example Interpol, police forces or customs agencies) information in the following areas:
 - (i) Duly authorized manufacturers and international arms brokers;
 - (ii) Seizures of illicitly trafficked small arms, including the quantity and type of weapons seized, their markings and details of their subsequent disposal;
 - (iii) Information on individuals or corporations convicted for violations of national export control regulations;
 - (iv) Information on their enforcement experiences and the measures that they have found effective in combating illicit trafficking in small arms. This might include, but need not be limited to, scientific and technological information; information on means of concealment and the methods used to detect them; routes used for illicit trafficking and information on embargo violations.

(F) Exchanges of information and other transparency measures

1. The participating States will, as a first step, conduct an information exchange among themselves and on an annual basis, not later than 30 June, beginning in 2002, about their small arms exports to, and imports from, other participating States during the previous

calendar year. The information exchanged will also be provided to the Conflict Prevention Centre (CPC). The format for this exchange is set out in Annex I to this document. Participating States also agree to study ways to further improve the information exchange on transfers of small arms.

2. The participating States will exchange with each other, by 30 June 2001, available information on relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in small arms in order to use such an exchange to spread awareness of “best practice” in these areas. They will also submit updated information when necessary.

SECTION IV: MANAGEMENT OF STOCKPILES, REDUCTION OF SURPLUSES AND DESTRUCTION

Introduction

1. Effective action to reduce the global surplus of small arms, coupled with proper management and security of national stockpiles, is central to the reduction of destabilizing accumulations and uncontrolled spread of small arms and the prevention of illicit trafficking. This section sets out the norms, principles and measures through which participating States will effect reductions where applicable and promote “best practice” in managing national inventories and securing stockpiles of small arms.

(A) Indicators of a surplus

1. It is for each participating State to assess in accordance with its legitimate security needs whether its holdings of small arms include a surplus.

2. When assessing whether it has a surplus of small arms, each participating State could take into account the following indicators:

- (i) The size, structure and operational concept of the military and security forces;
- (ii) The geopolitical and geostrategic context including the size of the State’s territory and population;
- (iii) The internal or external security situation;
- (iv) International commitments including international peacekeeping operations;
- (v) Small arms no longer used for military purposes in accordance with national regulations and practices.

3. The participating States should carry out regular reviews and in particular in connection with:

- (i) Changes of national defence policies;
- (ii) The reduction or re-structuring of military and security forces;

(iii) The modernization of small arms stocks or the acquisition of additional small arms.

(B) Improving national stockpile management and security

1. The participating States recognize that proper national control over their stockpiles of small arms (including any stockpiles of decommissioned or deactivated weapons) is essential in order to prevent loss through theft, corruption and neglect. To that end, they agree to ensure that their own stockpiles are subject to proper national inventory accounting and control procedures and measures. These procedures and measures, the selection of which is at the discretion of each participating State, could include:

- (i) The appropriate characteristics for stockpile locations;
- (ii) Access control measures;
- (iii) The measures needed to provide adequate protection in emergency situations;
- (iv) Lock-and-key and other physical security measures;
- (v) Inventory management and accounting control procedures;
- (vi) The sanctions to be applied in the event of loss or theft;
- (vii) The procedures for the immediate reporting of any loss;
- (viii) The procedures to maximize the security of small arms transport;
- (ix) The security training of stockpile staff.

(C) Destruction and deactivation

1. The participating States agree that the preferred method for the disposal of small arms is destruction. Destruction should render the weapon both permanently disabled and physically damaged. Any small arms identified as surplus to a national requirement should, by preference, be destroyed. However, if their disposal is to be effected by export from the territory of a participating State, such an export will only take place in accordance with the export criteria set out in Section IIIA, paragraphs 1 and 2 of this document.

2. Destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete.

3. The participating States agree that the deactivation of small arms will be carried out only in such a way as to render all essential parts of the weapon permanently inoperable and therefore incapable of being removed, replaced or modified in a way that might permit the weapon to be reactivated.

(D) Financial and technical assistance

1. The participating States agree to consider, on a voluntary basis and in co-operation with other international organizations and institutions, technical, financial and consultative assistance with the control or the elimination of surplus small arms to other participating States that request it.
2. The participating States agree to support, in co-operation with other international efforts and in response to a request from a participating State, stockpile management and security programmes, training and on-site confidential assessments.

(E) Transparency measures

1. The participating States agree to share available information on an annual basis not later than 30 June, beginning in 2002 on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year.
2. The participating States will, by 30 June 2002, exchange information of a general nature about their national stockpile management and security procedures. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a "best practice" guide, designed to promote effective stockpile management and security and to guarantee a multi-level safety system for the storage of small arms taking into account the work of other international organisations and institutions.
3. The participating States also agree to exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a "best practice" guide, of techniques and procedures for the destruction of small arms taking into account the work of other international organizations and institutions.
4. As a confidence-building measure participating States agree to consider on a voluntary basis invitations to each other, particularly in a regional or subregional context, to observe the destruction of small arms on their territory.

SECTION V: EARLY WARNING, CONFLICT PREVENTION, CRISIS MANAGEMENT
AND POST-CONFLICT REHABILITATION

Introduction

1. The problem of small arms should be an integral part of the OSCE's wider efforts in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The destabilizing accumulation and uncontrolled spread of small arms are elements which can impede conflict prevention, exacerbate conflicts and, where peaceful settlements have been attained, impede both peace-building and social and economic development. In some cases, it may contribute to a breakdown in order, fuel terrorism and criminal violence or lead to a resumption of conflict. This section sets out the norms, principles and measures which the participating States agree to follow.

(A) Early warning and conflict prevention

1. The identification of a destabilizing accumulation or the uncontrolled spread of small arms that might contribute to a deteriorating security situation could be a major element in early warning and, therefore, conflict prevention. It is for each participating State to identify potentially destabilizing accumulations or uncontrolled spreads of small arms linked to its security situation. Each participating State may raise within the OSCE at the Forum for Security Co-operation or the Permanent Council its concerns about such accumulations or spreads.

(B) Post-conflict rehabilitation

1. The participating States recognize that an accumulation, and the uncontrolled spread, of small arms can contribute to the destabilization of the security environment in a post-conflict situation. It is therefore necessary to consider the value of small arms collection and control programmes in these circumstances.

2. The participating States recognize that a stable security situation, including public confidence in the security sector, is essential for any successful small arms collection and control programme (combined with, as appropriate, amnesties) and other important post-conflict programmes related to DD and R, such as those on the disposal of small arms.

(C) Procedures for assessments and recommendations

1. The participating States agree that an assessment by the Forum for Security Co-operation or the Permanent Council in conflict prevention or a post-conflict situation should include the role (if any) played in that situation by small arms taking into account, as necessary, the indicators found in Section IV(A) paragraph 2, and the need to address that issue.

2. As necessary, at the request of the host participating State, the participating States could be invited to make available, including, if appropriate and in accordance with a decision of the Permanent Council, through the Rapid Expert Assistance and Co-operation Teams (REACT) programme, individuals with relevant expertise in small arms issues. These experts should work with national governments and relevant organizations to ensure a comprehensive assessment of the security situation before providing recommendations for action by the OSCE.

(D) Measures

1. In response to recommendations from experts, the Permanent Council should consider a range of measures including:

- (i) Responses to requests for assistance on the security and management of stockpiles of small arms;
- (ii) Assistance with, and possible monitoring of, the reduction and disposal of small arms in the State in question;

- (iii) The encouragement of and, as necessary, the provision of advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms;
- (iv) Assistance with small arms collection and control programmes;
- (v) As appropriate, the expansion of the mandate of an OSCE field mission or presence to cover small arms issues;
- (vi) Consultation and co-ordination, in accordance with the OSCE Platform for Co-operative Security, with other international organizations and institutions.

2. In addition the participating States agree that the mandates of future OSCE missions adopted by the Permanent Council and any peacekeeping operations conducted by the OSCE should, as appropriate, include the capacity to advise, contribute to, implement and monitor small arms collection and destruction programmes and small arms related DD and R measures. Such OSCE missions could include a suitably qualified person tasked with developing, in conjunction with peacekeeping operations, national authorities and other international organizations and institutions, a series of measures related to small arms.

3. The participating States will promote stable security situations and ensure, within their competence that small arms collection programmes and small arms related DD and R measures are included in any peace agreements and, as appropriate, in the mandates of any peacekeeping operations. Participating States will promote the destruction of all small arms thus collected as the preferred method of disposal.

4. As a supporting measure, the participating States could also promote subregional co-operation, in particular in areas such as border control in order to prevent the re-supply of small arms through illicit trade.

5. The participating States will consider sponsoring, on a national level, public education and awareness programmes highlighting the negative aspects of small arms. They will also consider providing within available financial and technical resources appropriate incentives to encourage the voluntary surrender of illegally held small arms. Participating States will consider providing support for all appropriate post-conflict programmes related to DD and R, such as those on the disposal and destruction of surrendered or seized small arms and ammunition.

(E) Stockpile management and reduction in post conflict rehabilitation

1. Because of the specific vulnerability of small arms storage and management in post conflict situations, the participating State(s) concerned and/or the participating States involved in a peace process will give priority to ensuring that:

- (i) Safe storage and stockpile management issues are dealt with in peace processes and are included, as appropriate, in peace agreements;
- (ii) To enhance security, stockpile sites are concentrated in as few locations as possible;
- (iii) Where they are to be destroyed, collected and confiscated small arms are stored for as short a time as necessary compatible with legal due process;

(iv) Administrative management procedures give priority to and do not delay the small arms reduction and destruction processes.

(F) Further Work

1. The Forum for Security Co-operation will consider developing a “best practice” handbook on small arms DD and R measures taking into account the work of other international organizations and institutions.

2. The requests for small arms destruction monitoring and technical assistance will be co-ordinated through the CPC, taking into account the work of other international organizations and institutions.

SECTION VI: FINAL PROVISIONS

1. The participating States agree to the establishment of a list of small arms contact points in delegations to the OSCE and in capitals, to be held and maintained by the CPC. The CPC will be the main point of contact on small arms issues between the OSCE and other international organizations and institutions.

2. The participating States agree that the Forum for Security Co-operation will review regularly including, as appropriate, through annual review meetings, the implementation of the norms, principles and measures in this document and will consider specific small arms issues raised by participating States. In addition, and as necessary, they may convene meetings of national experts on small arms.

3. The participating States also agree to keep the scope and content of this document under regular review. In particular they agree to work on the further development of the document in the light of its implementation and of the work of the United Nations and of other international organizations and institutions.

4. The text of this document will be published in the six official languages of the Organization and disseminated by each participating State.

5. The Secretary General of the OSCE is requested to transmit the present document to the Governments of the Partners for Co-operation Japan, the Republic of Korea, and Thailand and of the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia).

6. The norms, principles and measures in this document are politically binding. Unless otherwise specified they will take effect on the adoption of the document.

INFORMATION EXCHANGE ON SMALL ARMS AND LIGHT WEAPONS

(Restricted information when completed)

Reporting Country:

Report for Calendar year:

Original language:

Date of submission:

EXPORTS

Category and sub-category of small arm or light weapon	Final importer State	Number of items	State of origin (if not exporter)	Intermediate location (if any)	Comment on the transfer

IMPORTS

Category and sub-category of small arm or light weapon	Exporter State	Number of items	State of origin	Intermediate location (if any)	End user certificate numbers or reference	Comment on the transfer



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/5/04
17 November 2004

Original: ENGLISH

436th Plenary Meeting
FSC Journal No. 442, Agenda item 6

**DECISION No. 5/04
STANDARD ELEMENTS OF END-USER CERTIFICATES AND
VERIFICATION PROCEDURES FOR SALW EXPORTS***

The Forum for Security Co-operation,

Willing to complement and thereby reinforce the implementation of the OSCE Document on Small Arms and Light Weapons (SALW), in particular with regard to export documentation,

Determined to contribute to reducing the risk of diversion of SALW into the illicit market,

Recognizing the need of strict export controls to prevent the destabilizing accumulation and uncontrolled spread of SALW along the lines set out in the OSCE Document on SALW, Section III A,

Conscious of the fact that the verification of the recipient is crucial to avoiding any diversion of the exported SALW and that any investigation, prior to approval, should involve all available information,

Reaffirming in this context the commitment of the participating States to observe, as one of the key standards underpinning export documentation, that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization issued by the receiving State,

Recognizing the usefulness of developing standard elements among the participating States for application to end-user certificates, while taking due account of their national legislation and national practice in this field,

Mindful also that the Best Practice Guide on Export Control of Small Arms and Light Weapons contains additional recommendations concerning end-user certificates, which participating States are encouraged to implement,

* As specified in the OSCE Document on Small Arms and Light Weapons.

Recognizing that the following standard elements could be useful to other United Nations Member States in their efforts to fully implement the United Nations Programme of Action and other international commitments on SALW,

Decides that:

1. The following standard elements will be included in an end-user certificate (EUC) provided prior to approval of an export licence for SALW (including SALW manufactured under foreign licence) or the transfer of technology related to the design, production, testing and upgrading of SALW:
 - A detailed description (type, quantity, characteristics) of the SALW or technology related to the design, production, testing and upgrading of SALW to be exported;
 - Contract number or order reference and date;
 - Final destination country;
 - A description of the end-use of the SALW (for example, use by the armed forces or internal security forces);
 - Exporter's details, at least name, address and business name;
 - End-user information, specifically, name, position, full address and original signature;
 - Assurances that the SALW will be used only by the end-user and for the stated end-use;
 - Assurances that re-export of imported SALW, can take place only after receiving a written authorization from the exporting country unless the exporting country decides to transfer that authority to the export licensing authorities of the importing country;
 - Information on other parties (intermediate consignees/purchasers) involved in the transaction, as appropriate, including, name, title and original signature of any consignee. As an alternative, information on the intermediate consignee and purchaser might be provided in writing during the authorizing procedure;
 - Certification by the relevant government authorities, according to national practice, as to the authenticity of the end-user. The certification must include the date, name, title and original signature of authorizing official;
 - The date of issue and, if applicable, register number and the duration of the EUC.

Additional information, such as a clause on post-shipment control, a commitment by the final consignee to provide the exporting country a Delivery Verification Certificate, may be included in an EUC.

2. Participating States will make every effort within their competence to ensure that licensing agreements for SALW production concluded with manufacturers located outside their territory will contain, where appropriate, a clause applying the above criteria to any exports of small arms manufactured under licence in that agreement.

3. Participating States will, as appropriate, verify bona fides of authorizing officials listed on the EUC and the authenticity of the EUC, for example through, consular legalization, diplomatic channels or national contact points.

Participating States will include on a voluntary basis national contact points for EUC authorization in their existing list of small arms contact points and timely update the information.

4. Participating States will further strengthen transparency and co-operation, *inter alia*, by:

— Maintaining and holding the related documentation confirming proper end-use, including information on the date of issue and duration of appropriate licences or authorizations, final destination country, end user, description and quantity of the SALW licensed for export for not less than ten years, with a view to improving the traceability of SALW;

— Exchanging information in a timely manner about fraudulent EUCs and diversion of exports.

5. The FSC Chair is tasked to request the good offices of the Secretary General for the transmission of the Standard Elements to the United Nations with a cover letter which will also provide introductory information of a general character on the decision.

The FSC may examine further measures to facilitate the verification of end-user certificates and prevent illicit SALW transfers, including the utilization of an appropriate common website within the OSCE which might include the sample format of end-user certificates issued by the participating States.

6. This decision takes effect on the date of its adoption.



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/8/04
24 November 2004

Original: ENGLISH

437th Plenary Meeting

FSC Journal No. 443, Agenda item 7

**DECISION No. 8/04
OSCE PRINCIPLES ON THE CONTROL OF BROKERING IN
SMALL ARMS AND LIGHT WEAPONS**

PREAMBLE

The participating States of the Organization for Security and Co-operation in Europe,

1. Building upon the OSCE Document on Small Arms and Light Weapons (SALW) (24 November 2000) in general and recognizing the need to strengthen in particular section III, part D thereof,
2. Recalling the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (December 2001), which commits States to develop adequate national legislation or administrative procedures to regulate small arms and light weapons brokering activities, and to undertake further steps to enhance international co-operation in preventing, combating and eradicating illicit brokering in small arms and light weapons,
3. Willing to build upon the relevant provisions of 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 (May 2001), the Chair's Report of the Oslo conference on international co-operation in preventing, combating and eradicating illicit brokering in SALW (April 2003), the EU Common Position on the Control of Arms Brokering (June 2003), the recommendations of the OSCE Best Practice Guide on National Control of Brokering Activities (December 2003), and the Wassenaar Arrangement Elements for Effective Legislation on Arms Brokering (December 2003),
4. Acknowledging that the regulations for the control of brokering should be consistent with and complemented by other control mechanisms of SALW, in particular those related to export controls, as means of effective and comprehensive arms control,
5. Having continued and deepened their discussions on arms trafficking and brokering activities and having reached agreement on a set of provisions fostering the control of such activities through national legislation, as set out below,

6. Considering that at present some participating States already have in place or are in the process of revising or introducing national legislation on the subject,
7. Have decided to adopt and implement the principles set out in the following sections:

SECTION I: OBJECTIVES

1. The objectives of these principles are to control arms brokering in order to avoid circumvention of sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, including the criteria set forth in section III A of the OSCE Document on Small Arms and Light Weapons (24 November 2000); other agreements on small arms and light weapons, or other arms control and disarmament agreements, to minimize the risk of diversion of SALW into illegal markets, *inter alia*, into the hands of terrorists and other criminal groups, and to reinforce the export control of SALW.
2. In order to achieve these objectives, the participating States will endeavour to ensure that their existing or future national legislation on arms brokering is in conformity with the provisions set out below.

SECTION II: GENERAL PRINCIPLES

1. The participating States will take all the necessary measures to control brokering activities taking place within their territory.
2. The participating States are encouraged to consider controlling the brokering activities outside of their territory carried out by brokers of their nationality resident or brokers who are established in their territory.
3. The participating States will establish a clear legal framework for lawful brokering activities.
4. For the purposes of paragraph 1, brokering activities are activities of persons and entities:
 - Negotiating or arranging transactions that may involve the transfer of items referred to in the OSCE Document on Small Arms and Light Weapons, and in particular its preamble, paragraph 3, from any other country to another country;or
 - Who buy, sell or arrange the transfer of such items that are in their ownership from any other country to another country.

This paragraph shall not preclude a participating State from regulating brokering activities to the maximum extent of their national law or defining brokering activities in its national legislation to include cases where SALW are exported from its own territory or from

exempting from its own licensing obligations brokering activities related to the transfer of such items to or from another participating State.

SECTION III: LICENSING/RECORD-KEEPING

1. For brokering activities, a licence or written authorization shall be obtained from the competent authorities of the participating State where these activities take place, and, where required by national legislation, where the broker is resident or established. The participating States will assess applications for a licence or written authorization for specific brokering transactions according to the provisions of section III of the OSCE Document on Small Arms and Light Weapons (2000).
2. The participating States should keep records for a minimum of 10 years of all licences or written authorizations issued under the terms of section III, paragraph 1.

SECTION IV: REGISTRATION AND AUTHORIZATION

1. The participating States may also require brokers to obtain a written authorization to act as brokers, as well as establish a register of arms brokers. Registration or authorization to act as a broker would not replace the requirement to obtain the necessary licence or written authorization for each transaction.
2. When assessing any applications for written authorizations to act as brokers, or for registration, the participating States could take account, *inter alia*, of any records of past involvement in illicit activities by the applicant.

SECTION V: EXCHANGE OF INFORMATION

1. The participating States will consider establishing, in accordance with national legislation, a system for exchange of information on brokering activities among themselves, as appropriate.
2. Information that may be considered could include, *inter alia*, the following areas:
 - Legislation;
 - Registered brokers and records of brokers (if applicable);
 - Denials of registering applications and licensing applications (as appropriate).

SECTION VI: ENFORCEMENT

Each participating State will endeavour to establish adequate sanctions, including criminal sanctions, in order to ensure that controls on arms brokering are effectively enforced.

SECTION VII: FINAL PROVISION

1. The participating States agree that these principles will be included, as appropriate, in a review of the implementation of the OSCE Document on Small Arms and Light Weapons, as provided for in its section VI, paragraphs 2 and 3.
2. These principles shall take effect on the date of their adoption by the Forum for Security Co-operation.



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/5/08
26 May 2008

Original: ENGLISH

547th Plenary Meeting
FSC Journal No. 553, Agenda item 3

DECISION No. 5/08
UPDATING THE OSCE PRINCIPLES FOR EXPORT CONTROLS OF
MAN-PORTABLE AIR DEFENCE SYSTEMS

The Forum for Security Co-operation (FSC),

Recognizing the continued threat posed by unauthorized proliferation and use of man-portable air defence systems (MANPADS), especially to civil aviation, peacekeeping, crisis management and anti-terrorist operations,

Affirming the participating States' conviction to apply strict national controls on the export of MANPADS,

Taking into account Annex C to the Handbook of Best Practices on Small Arms and Light Weapons Concerning the National Procedures for Stockpile Management and Security of MANPADS,

Willing to complement and thereby reinforce the implementation of the OSCE Document on Small Arms and Light Weapons (SALW) and FSC Decision No. 7/03 on man-portable air defence systems, in order to enhance effective export control of SALW in the OSCE area,

Recalling FSC Decision No. 3/04 on OSCE Principles for Export Controls of MANPADS, adopted on 26 May 2004,

Determined to contribute to reducing the risk of diversion of SALW into the illicit market,

Bearing in mind that the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century adopted at Maastricht in December 2003 notes that the OSCE is using all the tools at its disposal to address proliferation of MANPADS, categorized in the OSCE Document on SALW as portable launchers of anti-aircraft missile systems,

Acknowledging the Wassenaar Arrangement's continued efforts in developing principles on this topic and willing to extend the application of the Wassenaar Arrangement's revised "Elements for Export Controls of Man-Portable Air Defence Systems",

Decides:

To adopt the following revised principles for export controls of MANPADS which have been drawn from the Wassenaar Arrangement's "Elements for Export Controls of Man-Portable Air Defence Systems":

1. Scope
 - 1.1 These principles cover:
 - (a) Surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and
 - (b) Other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.
 - 1.2 National export controls apply to the international transfer or re-transfer of MANPADS, including complete systems, components, spare parts, models, training systems, and simulators, for any purpose, by any means, including licensed export, sale, grant, loan, lease, co-production or licensing arrangement for production (hereafter "exports"). The scope of export regulation and associated controls includes research, design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, servicing, modification, upgrade, modernization, operation, use, replacement or refurbishment, demilitarization, and destruction of MANPADS; technical data, software, technical assistance, demonstration, and training associated with these functions; and secure transportation, storage. This scope according to national legislation may also refer to investment, marketing, advertising and other related activity.
 - 1.3 Any activity related to MANPADS within the territory of the producing country is subject to national laws and regulations.
2. Participating States will exercise maximum restraint in transfers of MANPADS production technologies and, while taking decision on such transfers, will take into account principles, stipulated in paragraphs 3.5., 3.6., 3.7., and 3.9.
3. Control conditions and evaluation criteria
 - 3.1 Decisions to permit MANPADS exports will be made by the exporting government by competent authorities at senior policy level and only to foreign governments or to agents specifically authorized to act on behalf of a government after presentation of an official end-user certificate (EUC) certified by the government of the receiving country.
 - 3.2 General licences are inapplicable for exports of MANPADS; each transfer is subject to an individual licensing decision.

3.3 Exporting governments will not make use of non-governmental brokers or brokering services when transferring MANPADS, unless specifically authorized to on behalf of the government.

3.4 In order to prevent unauthorized use, producer countries will implement technical performance and/or launch control features for newly designed MANPADS as such technologies become available to them.

Such features should not adversely affect the operational effectiveness of MANPADS for the legal user.

3.5 Decisions to authorize MANPADS exports will take into account:

- Potential for diversion or misuse in the recipient country;
- The recipient government's ability and willingness to protect against unauthorized re-transfers, loss, theft and diversion; and
- The adequacy and effectiveness of the physical security arrangements of the recipient government for the protection of military property, facilities, holdings, and inventories.

3.6 Prior to authorizing MANPADS exports (as indicated in paragraph 1.2), the exporting government will assure itself of the recipient government's guarantees:

- Not to re-export MANPADS except with the prior consent of the exporting government;
- To transfer MANPADS and their components to any third country only in a manner consistent with the terms of the formal government to government agreements, including co-production or licensing agreements for production, and contractual documents, concluded and implemented after the adoption of this decision, as well as end-use assurances and/or extant export licences;
- To ensure that the exporting State has the opportunity to confirm, when and as appropriate, fulfilment by the importing State of its end-use assurances with regard to MANPADS and their components¹ (this may include on-site inspections of storage conditions and stockpile management or other measures, as agreed between the parties);
- To afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorized access or compromise; and

1 "End-use assurances with regard to MANPADS and their components" should be understood as their use only for purposes stipulated in the end-user certificate or any other document containing the obligations of the importing State.

- To inform promptly the exporting government of any instance of compromise, unauthorized use, loss, or theft of any MANPADS material.

3.7 In addition, the exporting government will satisfy itself of the recipient government's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks to prevent unauthorized access and use. The recipient government's national procedure designed to attain the requisite security include, but are not limited to, the following set of practices, or others that will achieve comparable levels of protection and accountability:

- Written verification of receipt of MANPADS shipments;
- Inventory by serial number of the initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintenance of written records of inventories;
- Physical inventory of all MANPADS subject to transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime;
- Ensure storage conditions are sufficient to provide for the highest standards of security and access control. These may include:
 - Where the design of MANPADS permits, storing missiles and firing mechanisms in locations sufficiently separate so that a penetration of the security at one site will not place the second site at risk;
 - Ensuring continuous (24 hours per day) surveillance;
 - Establishing safeguards under which entry to storage sites requires the presence of at least two authorized persons;
- Transport MANPADS in a manner that provides for the highest standards and practices for safeguarding sensitive munitions in transit. When possible, transport missiles and firing mechanisms in separate containers;
- Where applicable, bring together and assemble the principal components — typically the gripstock and the missile in a launch tube — only in the event of hostilities or imminent hostilities; for firing as part of regularly scheduled training, or for lot testing, for which only those rounds intended to be fired will be withdrawn from storage and assembled; when systems are deployed as part of the point defences of high priority installations or sites; and in any other circumstances which might be agreed between the receiving and transferring governments;
- Access to hardware and any related classified information, including training, technical and technological documentation (e.g., MANPADS operation

manuals), will be limited to military and civilian personnel of the receiving government who have the proper security clearance and who have an established need to know the information in order to perform their duties. Any information released will be limited to that necessary to perform assigned responsibilities and, where possible, will be oral and visual only;

- Adopt prudent stockpile management practices that include effective and secure disposal or destruction of MANPADS stocks that are or become excess to national requirements.
- 3.8 Participating States will, when and as appropriate, assist recipient governments not capable of executing prudent control over MANPADS to dispose of excess stockpiles, including buying back previously exported weapons. Such measures are subject to a voluntary consent of the exporting government and the recipient State.
 - 3.9 Exporting governments will share information regarding potential receiving governments that are proven to fail to meet the above export control guarantees and practices outlined in paragraphs 3.6 and 3.7 above.
 - 3.10 To enhance efforts to prevent diversion, exporting governments will share information regarding non-State entities that are or may be attempting to acquire MANPADS.
 - 3.11 Participating States will, when and as appropriate, provide to non-participating States (such as OSCE Partners for Co-operation), upon their request, technical and expert support in developing and implementing legislative basis for control over transfers of MANPADS and their components.
 - 3.12 Participating States will, when and as appropriate, provide to non-participating States, upon their request, technical and expert assistance in physical security, stockpile management and control over transportation of MANPADS and their components.
 4. Participating States will ensure that any infringement of export control legislation, related to MANPADS, is subject to adequate penalty provisions, i.e., involving criminal sanctions.
 5. Participating States agree to incorporate these principles into their national practices, policies and/or regulations.
 6. Participating States will report transfers of MANPADS using the OSCE SALW document's information exchange requirements and any MANPADS related information exchange mechanisms that may be agreed in the future.
 7. Participating States will review implementation of these principles regularly.
 8. Participating States agree to promote the application of the principles defined above to non-OSCE countries.

This Decision supersedes FSC Decision No. 3/04, “OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS)”, adopted on 26 May 2004.



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/11/08
5 November 2008

Original: ENGLISH

562nd Plenary Meeting

FSC Journal No. 568, Agenda item 3

**DECISION No. 11/08
INTRODUCING BEST PRACTICES TO PREVENT DESTABILIZING
TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS THROUGH
AIR TRANSPORT AND ON AN ASSOCIATED QUESTIONNAIRE**

The Forum for Security Co-operation (FSC),

Observing that air transport is one of the main channels for the illicit spread of SALW, particularly to destinations subject to a United Nations arms embargo or involved in armed conflict,

Noting that some transport companies or agents and their associated intermediaries employ a range of techniques and strategies to avoid official scrutiny and legal regulations such as falsifying transport documentation, concealing information on the origin of weapons, including cases when they are produced illegally, or when the origin is not known or questionable, concealing actual flight plans, routes, and destinations, as well as falsification of aircraft registration or quick change of registration numbers,

Taking into consideration international standards applicable to air transport exist, *inter alia*, Article 35 and Annex 18 of the Chicago Convention on International Civil Aviation as well as national legislation and regulations,

Striving for continued and full implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in All Its Aspects by contributing to the reduction and prevention of the excessive and destabilizing accumulation of uncontrolled spread of SALW, including the risk of their diversion into illicit markets and the hands of terrorists and other criminal groups,

Recalling Ministerial Council Decision No. 9/06 on combating the illicit trafficking of SALW by air,

Reaffirming FSC Decision No. 7/06 on the same subject,

Taking into account the report of the Chairperson of the Forum for Security Co-operation on the Special FSC Meeting on Combating the Illicit Trafficking of Small Arms and Light Weapons by Air (FSC.DEL/185/07/Rev.1), including the suggestions and proposed way ahead contained therein,

Convinced of the added value both of an update of the one-off exchange of information between participating States on national practices in air transport of SALW and also of sharing best practices in this field,

Referring to the OSCE Handbook of Best Practices on Small Arms and Light Weapons,

Referring to the existing information exchanges on small arms and light weapons,

Decides:

- To adopt as standard elements for implementation the Wassenaar Arrangement's "Best Practices to Prevent Destabilizing Transfers of Small Arms and Light Weapons through Air Transport", annexed to the decision (annex 1);
- That the participating States shall provide, as an update to the one-off information exchange established by the Section III, part F, paragraph 2 of the OSCE Document on Small Arms and Light Weapons (FSC.DOC/1/00, 24 November 2000), additional information on national practices following the Questionnaire in annex 2 of this decision, by 30 June 2009 at the latest.

**BEST PRACTICES TO PREVENT DESTABILIZING TRANSFERS OF
SMALL ARMS AND LIGHT WEAPONS THROUGH AIR TRANSPORT,
AS AGREED IN THE FRAMEWORK OF THE
WASSENAAR ARRANGEMENT**

1. Scope

These Best Practices cover air transport of SALW, excluding those that are transported by Government, military or government-chartered aircraft.

Participating States recognize that they assume full responsibility for transport by their government, military, or government-chartered aircraft and that they encourage other States to assume the same responsibility.

2. Measures

Non-governmental air transport of SALW, if not forbidden by the participating States' law, will be submitted, as appropriate, to the following measures:

- 2.1 When issuing an export licence for SALW, each participating State may require additional information on air transport to be provided by the exporter to the relevant authorities prior to the actual export taking place.

Such additional information on transport may include the following elements:

- Air carrier and freight forwarding agent involved in the transportation;
- Aircraft registration and flag;
- Flight route to be used and planned stopovers;
- Records of previous similar transfers by air;
- Compliance with existing national legislation or international agreements relating to air transport of weapons.

Thus, although details about air transport and route are usually not known when applying for an export licence, a participating State may issue such an export licence subject to the condition that this information shall be provided to government authorities before the goods are actually exported; it will then be clear for enforcement officers controlling the actual export that such a licence is not valid without evidence that the requested additional information has been provided.

- 2.2 When a participating State knows about an exporter, air carrier or agent that failed to comply with the requirements mentioned in 2.1 when requested to do so, or about an identified destabilizing attempt to export SALW by air, and if the planned export of SALW is assessed by it to contribute to a destabilizing accumulation or to be a potential threat to security and stability in the region of destination, the related relevant information shall be shared with other participating States as appropriate.
- 2.3 Each participating State's relevant authorities may require the exporter to submit a copy of the certificate of unloading or of any other relevant document confirming the delivery of SALW, if they have been exported from or landed on or departed from an airport/airfield on their national territory or if they have been transported by their flag aircraft.
- 2.4 Participating States may take appropriate action to prevent circumvention of national controls and scrutiny, including exchange of information on a voluntary basis about exporters, air carriers and agents that failed to comply with the requirements of 2.1 and 2.3 above when requested to do so, and about cases of transit or transshipment by air of SALW that may contribute to a destabilizing accumulation or be a potential threat to security and stability in the region of destination.
- 2.5 Whenever a participating State has information indicating that an aircraft's cargo includes SALW, and that its flight plan includes a destination subject to a UN arms embargo or located in a conflict zone, or that the exporter, the air carrier or agent concerned is suspected of being involved in destabilizing transfers of SALW by air or has failed to comply with the requirements in 2.1 or 2.3 when requested to do so, the case should be referred to the relevant national enforcement authorities.

3. Public-private dialogue

Participating States are committed to keeping air carriers informed, whether on a national basis or within relevant international bodies, about the implementation of these measures.

**QUESTIONNAIRE ON NATIONAL PRACTICES RELATED
TO PREVENTING THE SPREAD OF SMALL ARMS AND LIGHT
WEAPONS THROUGH ILLICIT AIR TRANSPORT**

Country:

N.B.: These questions do not apply to governmental, military, or government-chartered flights.

1. In which cases do air carriers need a prior licence issued by your administration, either for their entire activities or on a case-by-case basis, for transporting SALW and their ammunition? If necessary, make a distinction between national companies and foreign companies operating on your national territory.
2. What duties (e.g., licence, registering, training etc.) apply to brokers for air transport of SALW and their ammunition?
3. On what legal basis may customs and law enforcement officers inspect aircraft and their cargo on your national territory? (What criteria must be fulfilled for such inspections to be legally possible?)
4. What are the procedures and possible sanctions in the case of such an inspection revealing an offence or a violation of the law?
5. Is it legally possible to inspect goods in transit and/or transshipment?
6. Within the framework of combating the illicit traffic of SALW, would you say that the measure of co-ordination and information exchange between the authorities in charge of authorizing, monitoring and/or inspecting weapons passing through your territory (defence, civil aviation, customs, law enforcement etc.) is already sufficient, or needs to be increased? Are the related procedures hard to implement? What improvements would you suggest?
7. Additional information to share with other OSCE participating States, if appropriate.

Annex V

FSC.DEC/11/08
5 November 2008
Attachment

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“The U.S. welcomes FSC.DEC/11/08 and applauds the extent of Wassenaar’s valuable work on best practices to prevent destabilizing transfers of small arms and light weapons by air for implementation as standard elements in the FSC.

The U.S. would like to underscore the value, when employing such elements, of leveraging existing export regulations that focus on the exporter’s responsibility to ensure compliance by its agents, employees, and others who are party to the authorized export. Integral to that responsibility is the exporter’s awareness of the means of transportation for the authorized export, to ensure it reaches the authorized end user for authorized end use.”



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/11/09
25 November 2009

Original: ENGLISH

596th Plenary Meeting

FSC Journal No. 602, Agenda item 5

**DECISION No. 11/09
UPDATE OF FSC DECISION No. 15/02 ON EXPERT ADVICE ON
IMPLEMENTATION OF SECTION V OF THE OSCE DOCUMENT ON
SMALL ARMS AND LIGHT WEAPONS**

The Forum for Security Co-operation (FSC),

Reaffirming the commitments agreed to by the participating States contained in the OSCE Document on Small Arms and Light Weapons (FSC.DOC/1/00),

Noting the decision to provide the Permanent Council with expert advice on the implementation of Section V of the OSCE Document on Small Arms and Light Weapons (FSC.DEC/15/02, dated 20 November 2002),

Welcoming the efforts that have been undertaken to promote information exchange, practical co-operation, national experiences, and lessons learned in providing assistance to States in building national capacity for the effective implementation of the OSCE Document on Small Arms and Light Weapons, as well as in making wider efforts to contribute to the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,

Recognizing the value of the more detailed implementation mechanisms adopted in the OSCE Document on Stockpiles of Conventional Ammunition (FSC.DOC/1/03), and the need to co-ordinate and standardize implementation mechanisms within the OSCE,

Decides that:

FSC Decision No. 15/02 will be updated with the attached expert advice on implementation of Section V of the OSCE Document on Small Arms and Light Weapons;

The present decision supersedes Decision No. 15/02 from the date of its adoption.

EXPERT ADVICE ON IMPLEMENTATION OF SECTION V OF THE OSCE DOCUMENT ON SMALL ARMS AND LIGHT WEAPONS

A. Introduction

1. The security risks posed by the destabilizing accumulation and uncontrolled spread of small arms and light weapons (SALW) are of continuing concern to participating States. The implementation of Section V of the OSCE Document on SALW, which deals with small arms measures as part of early warning, conflict prevention, crisis management and post-conflict rehabilitation, could help to overcome these risks through co-ordinated action by the Permanent Council (PC) and the FSC. It could also contribute to OSCE efforts to counter terrorism by enabling the Organization to address one of the sources of supply to terrorist networks.

B. Plan for making Section V operational

1. Section V of the OSCE Document on SALW creates a framework for integrating small arms measures into other OSCE activities. Such measures, according to the Document, could include:

- Assistance on the security and management of stockpiles of small arms;
- Assistance with, and possible monitoring of, the reduction and disposal of small arms;
- Advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms;
- Assistance with small arms collection and control programmes.

2. It is for each participating State to identify and raise within the Forum for Security Co-operation or the Permanent Council concerns about any destabilizing accumulations and uncontrolled spread of SALW linked to its security situation. The OSCE can only take action in response to a specific request for assistance from one or more participating States to resolve SALW problems on their respective territories. Such actions would naturally be carried out only with the consent of, and in close co-operation with, the requesting government. In such cases, SALW expert teams, and OSCE field missions, if present, may have a role to play, both in assessing the situation and by participating in any subsequent action. Any involvement of OSCE field missions in SALW issues should be in accordance with their mandates. These mandates might be expanded if needed, as outlined in the OSCE Document on SALW. Consultation and co-ordination with other international organizations and actors should also be taken into account. OSCE action should be in accordance with the steps described below and summarized in the diagram contained in annex 2.

C. Transparency about needs and assistance

1. It is the participating State's own responsibility to determine, taking account of the criteria mentioned in Section IV of the OSCE Document on SALW, the size of any surplus stockpiles of SALW, whether the stockpiles pose a security risk, and whether external assistance is needed to address this risk.

Information to be provided by a requesting State

2. In dealing with the issue of surplus stockpiles of SALW within the OSCE area, information gathering is of prime importance. In order for participating States to be provided with adequate assistance, a standard format questionnaire should be used by the requesting State (see model questionnaire contained in annex 3).

Information to be provided by an assisting/donor State

3. To get an overview of available funds and/or expertise, information gathering is of equal significance. For this reason, potential assisting/donor participating States could be invited to provide information, when deemed appropriate, in response to a standard format questionnaire (see model questionnaire contained in annex 4).

4. Requests for assistance, as well as information provided by potential assisting/donor States using these questionnaires, will be provided to all participating States and to the Conflict Prevention Centre (CPC). Any additional related information may also be provided by requesting and assisting/donor participating States.

D. Detailed assistance mechanism

1. The procedure for dealing with a request for assistance by a participating State will be as follows (see explanatory illustration contained in annex 2):

- (i) In initiating the OSCE response to the request, the Chairperson of the FSC, or the designated co-ordinator for SALW projects, in close co-operation with the Chairmanship-in-Office (CiO), will begin consultations, informing the FSC as appropriate, and may seek additional information and/or clarification from the participating State making the request. This may include organizing an initial visit, if invited to do so by the requesting State, which may include a pre-feasibility study. Consultations will be undertaken to identify and contact potential assisting/donor States, as well as initiating contacts with appropriate OSCE bodies and institutions. The CPC will assist in liaison with other relevant international organizations (IOs) and relevant non-governmental organizations (NGOs). The CPC will provide technical assistance to the Chairperson of the FSC and the CiO as necessary in responding to the request;

- (ii) One or more expert assessment visits may be deemed advisable in order to respond to the request for assistance. Follow-up technical assessment visits will be carried out by expert teams consisting of technical experts from the OSCE roster and personnel provided by interested States. Representatives of other international organizations and non-governmental organizations could be included in the expert teams. Assessment visits, which will be funded in accordance with established OSCE procedures, will be carried out with the agreement of, and in close co-operation with, the requesting State. If an OSCE field operation is present in the requesting State, the OSCE field operation can also be involved in the process of consultation and assessment, if appropriate. The team leader appointed by the FSC Chairperson, or designated representative, will provide the final report upon conclusion of the assessment process;
- (a) The expert team will assess the situation regarding:
- (1) The composition of the stockpiles (nature and type of small arms and light weapons, volume);
 - (2) Security conditions, including stockpile management aspects;
 - (3) Assessment of the risks posed by these stockpiles;
- (b) The report of the assessment, which will be conveyed to the State requesting assistance as well as the FSC and the PC and points of contact on SALW projects, will include recommendations for action to be taken regarding:
- (1) The parts of the stockpiles that should be destroyed;
 - (2) The processes to be used and the security requirements;
 - (3) The assessment of the costs and other implications;
 - (4) The storage and the safety conditions;
 - (5) The most urgent steps to be taken;
- (iii) After the consultations and assessment, the operational and financial implications of responding to the request for assistance, as well as possible implementing partners will be addressed by the FSC. If implementation of the anticipated assistance requires amendment of the current mandate of an existing OSCE field operation or entails financial consequences for the OSCE, the FSC will prepare, in consultation with the PC, a draft decision for approval by the PC;
- (iv) On the basis of the information gathered through the steps above, the team leader, with the support of the CPC, the implementing partner and the relevant field operation, as appropriate, will produce a detailed project plan, which will include

details of the project's financial requirements. Once the assisting/donor and requesting States agree on the project plan, it will be submitted for information to the FSC and, if appropriate, for endorsement, in close co-operation with the CiO and, where necessary, the PC;

- (v) The project team will implement the project plan, providing information periodically over the life of the project to the assisting/donor and requesting States, as well as to the FSC, the PC and the OSCE field operation, if involved;
- (vi) On completion of the project, the project manager will provide the final report of the results to the FSC and, if appropriate, to the PC. Lessons learned and possible follow-up actions will be emphasized in this report;
- (vii) After initial consultations, it may be determined that no direct OSCE involvement will be pursued. This could be the result of the requesting State and a donor agreeing on a separate arrangement. In cases where there will be no direct OSCE involvement, the Chairperson of the FSC, in co-ordination with the CiO and with assistance from the CPC, will facilitate, in the clearinghouse function, contacts between the requesting State and potential donors, other States, regional or international organizations, or non-governmental organizations. A report on actions taken will be provided to the FSC and the PC.

E. Elements for further consideration

1. The FSC advises the PC to consider mechanisms to facilitate the implementation of the Section V plan through additional financial and personnel resources, as well as through training. Such mechanisms could include:

- Voluntary funds or other financial arrangements created for the purpose of providing assistance on small arms and light weapons;
- The use of mobile teams of SALW experts from the OSCE roster, the REACT scheme, and interested States.

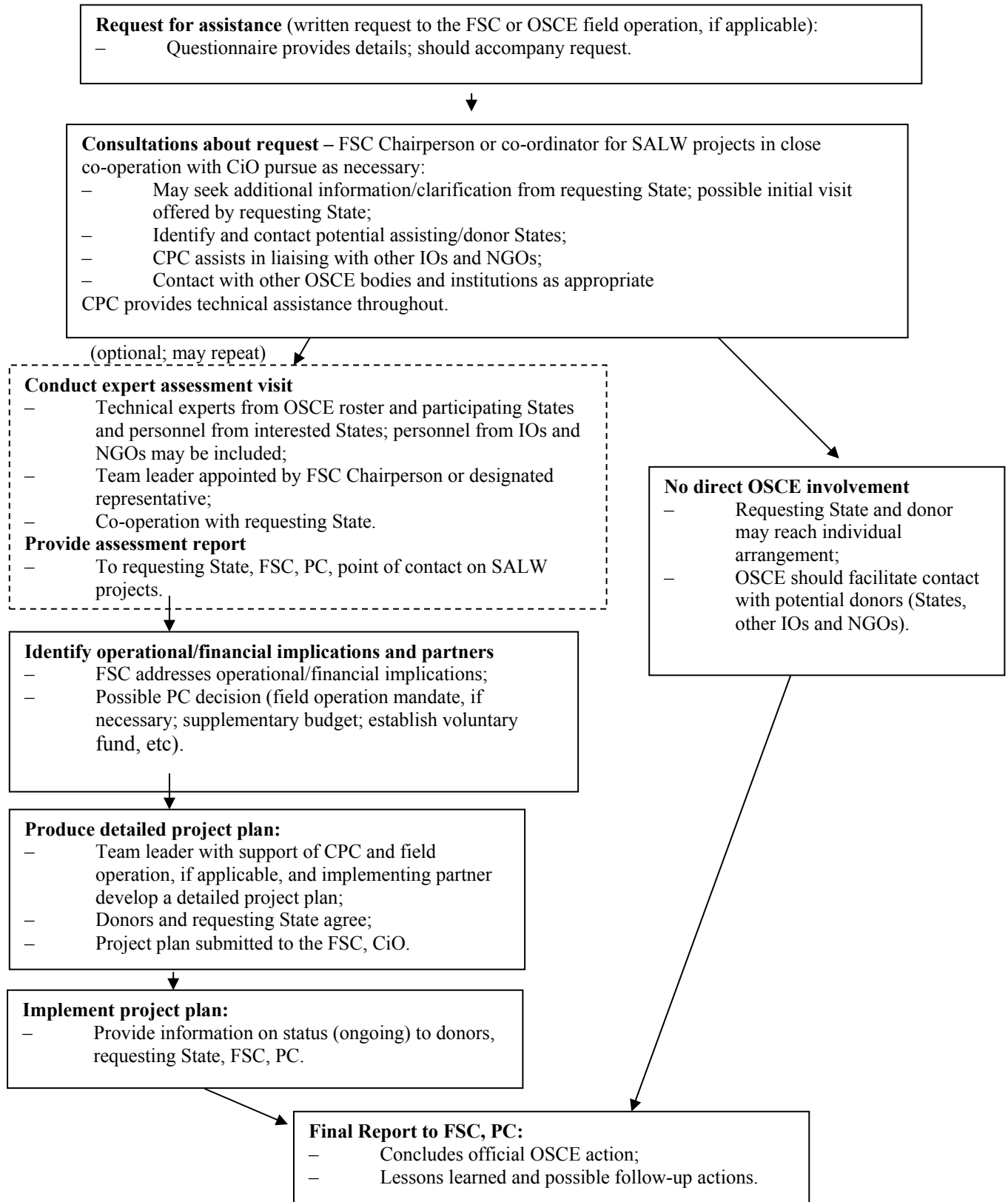
2. The CPC is requested to stand ready to provide and co-ordinate expert assistance on SALW issues to the participating States directly and/or through the missions when requested. The CPC is tasked to maintain the roster of available SALW experts. The CPC is further urged to raise awareness of the OSCE Document on SALW within OSCE structures, including through the facilitation of training.

3. Once approved, the FSC recommends that other relevant international actors are informed about the Section V plan in order to enhance international co-ordination and co-operation in the SALW field.

F. Final provisions

1. The CPC will act as the point of contact between the OSCE and other international organizations and institutions on projects relating to SALW.

ILLUSTRATION OF THE PROCEDURE FOR DEALING WITH A REQUEST FOR ASSISTANCE



MODEL QUESTIONNAIRE FOR A REQUESTING STATE

1. What small arms and light weapons, including man-portable air defence systems, in surplus are concerned?

Requesting States will specify in this paragraph, for each category, such indications as:

- The nature of the surplus;
- The amount;
- The condition of the surplus (out-of-date, damaged, corroded, etc.);
- A geographic description of location.

2. What are the nature and level of risk and danger caused by these surpluses?

A general assessment of the nature and level of risk and danger caused by these surpluses should cover the following items:

- The situation of the relevant stockpiles (especially the effect on the local population) and physical measures against sabotage, theft, trespass, terrorism or any other criminal acts;
- The safety situation of the relevant stockpiles, including conditions of stocks, technical factors and the maintenance condition of storage buildings;
- Storage management and conditions;
- Details of any recent incidents/accidents and appropriate measures taken.

3. What is the intention of the requesting State in regard to the surplus?

Requesting States should mention here if their aim, in regard of these surpluses, is basically:

- To destroy them; or
- To enhance their storage conditions in order to avoid the assessed risks and dangers.

4. What assets are available?

The purpose of this paragraph is for requesting States to specify the nature, amount and capability of the assets and the ways they could be:

- Used in order to solve themselves a part of the current identified problems;
- Put at the disposal of the foreign assistance teams.

For example:

- Technical assets directly linked with the destruction or storage of small arms and light weapons;
- All other logistic means to support the different actions required (transportation, accommodation, etc.);
- Possible financial contribution.

5. What type of assistance is requested?

Taking into account the different risks and dangers, and regarding the above-mentioned available assets, requesting States should specify in this paragraph the type of assistance required. It may be assistance, for instance, to:

- Make a detailed risk assessment;
- Develop a destruction programme for the stockpiles concerned;
- Destroy the surpluses;
- Develop and/or conduct a SALW collection programme;
- Enhance the stockpile management and security;
- Train the personnel involved in the destruction or in the stockpile management and security;
- Provide technical/legislative advice and assistance to reinforce border controls so as to reduce trafficking in SALW;
- Carry out an awareness programme.

6. Details of bilateral/multilateral assistance already requested and/or granted.

7. Who is the point of contact (POC)?

Name, function and address, telephone and fax numbers of the POC and, if relevant, e-mail address, are to be indicated (Ref. FSC.DEC/4/08).

8. Please provide any further information you consider relevant.

MODEL QUESTIONNAIRE FOR AN ASSISTING/DONOR STATE

1. What funds are available?

Assisting/donor States are basically expected to indicate the volume of available funds for assistance programmes, as well as priorities and conditions or restrictions for the use of these funds.

2. What expertise is available?

Assisting/donor States should indicate here, as precisely as possible, what expertise they could supply in order to provide assistance in the following fields relevant to stockpiles of SALW:

- Risk assessment;
- Development of destruction programmes and monitoring of these programmes;
- Management of stockpiles;
- Security of stockpiles;
- Development and implementation of SALW collection programmes;
- Provision of technical/legal advice and assistance to reinforce border controls so as to reduce trafficking in SALW;
- Training of personnel involved in the destruction of small arms and light weapons or in stockpile management.

They will give indications about priorities and conditions or restrictions for the use of this expertise and the participation of their experts.

3. What are the other available assets?

As in the paragraph above, assisting/donor States mention here the different assets available and specify the priorities, conditions and restrictions for their use.

4. Who is the point of contact (POC)?

Name, function and address, telephone and fax numbers of the POC and, if relevant, e-mail address, are to be indicated (Ref. FSC.DEC/4/08).

5. Please provide any further information you consider relevant.