

## **FSC CHAIRPERSON'S PROGRESS REPORT TO THE MINISTERIAL COUNCIL ON IMPLEMENTATION OF THE OSCE DOCUMENT ON SMALL ARMS AND LIGHT WEAPONS**

### **Executive summary**

The OSCE Document on Small Arms and Light Weapons (SALW) mandates the participating States, *inter alia*, to keep under regular review the implementation of the norms, principles and measures set forth in that Document. This report is designed to provide the Ministerial Council with information concerning the status of its implementation and to provide a basis to indicate where the OSCE might wish to improve its action relating to SALW. The report can also enrich the deliberations on what and how the OSCE could contribute to the United Nations' efforts in this domain, in particular in view of the Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects, to be held in 2006.

The report covers all the areas of implementation of the OSCE Document on SALW. First, it provides a summary of information exchanges since the Document was adopted in November 2000. It also touches upon the Handbook of Best Practice Guides on SALW, which was called for by the relevant provisions of the Document. The Handbook provides a set of recommendations of "best practices" in the implementation of the SALW Document and encourages higher common standards of practice.

Furthermore, it reflects the efforts by the FSC to tackle a threat of illegal trafficking in SALW in the context of preventing and combating terrorism. In this connection, the report provides an overview of the decisions by the FSC in relation to export controls, namely, on MANPADS, on Standard Elements of End-User Certificates and Verification Procedures for SALW Exports, and on OSCE Principles on the Control of Brokering in SALW.

Co-operation in the field of border control and law enforcement comprised an important part of the implementation activities in the framework of the Document. These activities included workshops, seminars and training programmes for the Caucasus, Central Asia and South-Eastern Europe.

The report also covers the implementation of Section V of the Document, which deals with requests for assistance from participating States to tackle the issues of SALW destruction, stockpile management and security. It contains a synopsis of the status of requests for assistance relating to SALW in the OSCE, as well as a list of donor countries.

The report concludes with lessons learned, suggesting, *inter alia*, that a review should be conducted of implementation of the OSCE SALW Document, as well as of relevant FSC decisions. The outcome of this review could bring the OSCE participating States to decide to adjust the work on implementation.

## **1. Introduction**

The OSCE Document on Small Arms and Light Weapons (SALW) (FSC.DOC/1/00, 24 November 2000) (hereafter often referred to as “the Document”) mandates the participating States, *inter alia*, to keep under regular review the implementation of the norms, principles and measures set forth in that Document (Section VI, paragraph 2). Paragraph 31 of the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century regards the Document as an important tool for combating threats caused by terrorism and organized crimes, and underlines the importance of further strengthening its implementation. In addition, by adoption of the Document, the OSCE, as foreseen in the preamble, paragraph 5, saw an opportunity to provide a substantial contribution to the process underway in the United Nations, in particular on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects.

The range of OSCE activities to prevent and combat the illicit trade in SALW in all its aspects is a reflection of its comprehensive approach to security, and a product of its broad *acquis* in arms control, disarmament and conflict prevention. It also reflects the OSCE’s diversified membership, which includes producer and exporter States, and States that have been negatively affected by the proliferation of SALW. The OSCE Document on SALW adopted a comprehensive approach to these problems, and gave participating States primary responsibility for the implementation of its commitments. Against this background, it could be useful to clarify among participating States what direction should be given to the SALW process across the OSCE area in future, what relevant implementation issues deserve special and/or further attention and what form the contribution by the OSCE to the UN, in particular in view of the 2006 Review Conference, should take.

## **2. Objective**

This report is designed to provide a factual basis for determining the status regarding implementation of the Document.

It also serves as an indication where the OSCE, if the participating States agree to do so, might have to improve its action relating to SALW, thereby also enriching the deliberations on what and how the OSCE could contribute to the UN process.

It is intended to be a first step, in the sense that it presents an overview of documents, decisions and activities/projects with regard to the implementation of SALW measures agreed by all the participating States.

### 3. Inventory

#### 3.1 Information exchange

Reference (paragraph)	Quotation regarding implementation measures	Status (completed, in progress or pending)
Section II (D) 1	The participating States agree to conduct an information exchange on their national marking systems used in the manufacture and/or import of small arms, as well as on national procedures for the control of the manufacture of such arms	52 submissions
Section III (F) 1	The participating States agree to conduct an information exchange among themselves about their small arms exports to, and imports from, other participating States during the previous calendar year. They also agree to study ways to further improve the information exchange on transfers of small arms.	2002 – 45 submissions 2003 – 47 submissions 2004 – 50 submissions 2005 – 48 submissions (3 submissions on hold)
Section III (F) 2	The participating States will exchange with each other 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.	52 submissions
Section IV (E) 2	The participating States will exchange information of a general nature about their national stockpile management and security procedures. The FSC will consider developing a best practice guide designed to promote effective stockpile management and security	49 submissions
Section IV (E) 3	The participating States agree to exchange information on their techniques and procedures for the destruction of small arms. The FSC will consider developing a best practice guide of techniques and procedures for the destruction of small arms.	51 submissions

The participating States agreed to share information, on a one-time basis, on national marking systems; national procedures for the control of manufacturing; national legislation and current practice in export policy, procedures and documentation, and control over brokering; small arms destruction techniques; and small arms stockpile security and management programmes. In addition, they committed themselves to exchange data annually on exports to and imports from other OSCE participating States, as well as on small arms deemed as surplus and/or seized and destroyed on their territory in the previous calendar year.

The one-time exchanges, which were conducted in 2001 and 2002, collected a wealth of information on policy and practice related to SALW control. In order to support the

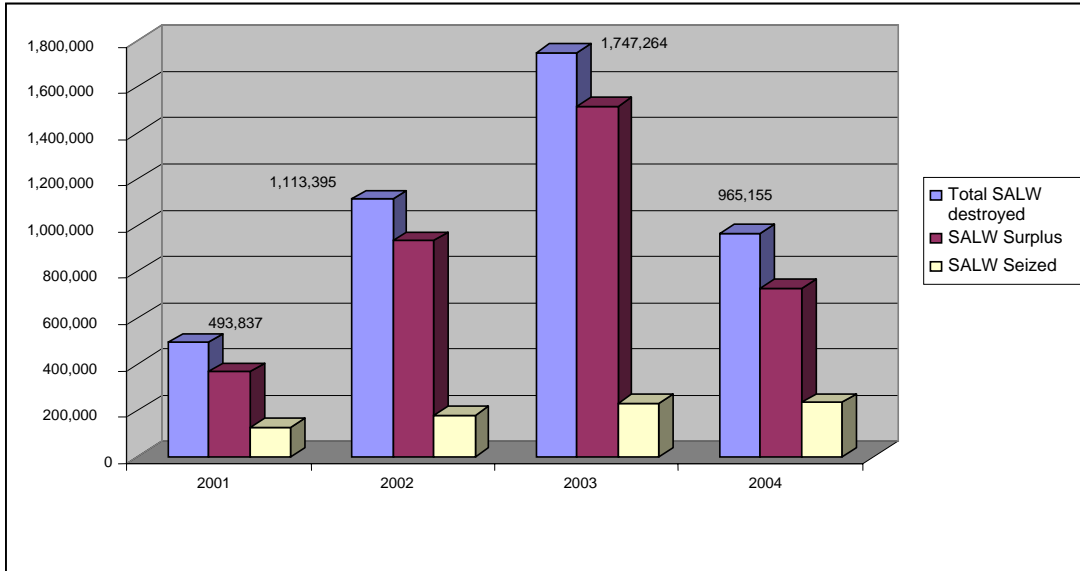
OSCE’s review workshop held in February 2002, the FSC tasked the CPC to prepare an overview of the general trends and patterns of implementation apparent in participating States’ responses. The overview prepared by CPC experts provided States with the tools to analyze the submissions and draw conclusions for the implementation of the OSCE Document as a whole.

As a follow-up to the recommendations made at the workshop, the Forum asked the CPC to prepare additional tools to aid participating States in their submission of all the required information. Model answers were prepared in 2002, reflecting the June 2001 exchange, as well as in advance of the June 2002 one-time exercise, and the annual exchanges. The purpose of the model answer was to provide guidance for those who had yet to submit their information. At the same time, the model answer formed a kind of voluntary check list against which each participating State was able to compare its own report, and, if it deemed necessary, to provide updates on those elements that had not been fully covered in the first report. A number of participating States did indeed submit new reports or updates in view of this model answer. In 2003, 22 participating States updated their information, in 2004 28 did so, and in 2005, 30 did so. The template was followed closely by the majority of participating States in their reporting in 2002 and in the following annual submissions.

### 3.2 Destruction of SALW

<b>Reference (paragraph)</b>	<b>Quotation regarding implementation measures</b>	<b>Status (completed, in progress or pending)</b>
Section IV (C) 1	The participating States agree that the preferred method for the disposal of small arms is destruction.	2002 – 42 submissions 2003 – 43 submissions 2004 – 47 submissions
Section IV (E) 1	The participating States agree to share available information on the category, subcategory and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territories during the previous calendar year.	2005 – 46 submissions

According to the data exchanged, during the period 2001 — 2004 OSCE participating States destroyed 4,319,681 items of SALW, of which 3,547,805 were deemed as surplus, and 771,876 had been seized from illegal possession and trafficking.



### 3.3 The Handbook of Best Practice Guides on SALW

Reference	Quotation regarding implementation measures	Status (completed, in progress or pending)
Section II (A) 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.	Best Practice Guide on National Controls over Manufacture of SALW
Section II (B) 1	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.	Best Practice Guide on Marking, Record-keeping, and Traceability of SALW
Section II (C) 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.	
Section III (F) 2	The participating States will exchange with each other available information on relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in small arms and light weapons in order to use such an	Best Practice Guide on Export Control of SALW  Best Practice Guide on National Control of Brokering Activities

Reference	Quotation regarding implementation measures	Status (completed, in progress or pending)
	exchange to spread awareness of “best practice” in these areas.	
Section IV Introduction	Participating States will promote “best practice” in managing national inventories.	Best Practice Guide on the Definition and Indicators of a Surplus of SALW
Section IV (E) 2	The FSC 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.	Best Practice Guide on National Procedures for Stockpile Management and Security
Section IV (E) 3	The FSC will consider developing a “best practice” guide of techniques and procedures for the destruction of small arms.	Best Practice Guide on National Procedures for the Destruction of SALW
Section V (F) 1	The FSC will consider developing a “best practice” handbook on disarmament, demobilization and reintegration measures in respect of small arms.	Best Practice Guide on SALW in disarmament, Demobilization and Reintegration Processes.

Based on information exchanged, the participating States developed “best practice” guides (FSC Decision No. 11/02) with regard to different aspects of the SALW issue, which are compiled in the Handbook of Best Practices on SALW, issued in 2003. The Handbook provides a set of recommendations of “best practices” in the implementation of the SALW Document and encourages higher common standards of practice. It also takes into account other existing international initiatives and the experience of other international organizations relating to small arms.

The Handbook is now available in the six OSCE working languages as well as in Arabic. In response to a request by the League of Arab States to the OSCE, on behalf of the Organization, the translation into Arabic was prepared by Germany in 2005. This was done in compliance with FSC Decision No. 5/03, which encouraged participating States to make the Handbook available to all relevant national authorities for its implementation as appropriate, and tasked the CPC with ensuring the widest possible distribution of it.

In 2004, the CPC organized and provided input for two regional seminars aimed at broader dissemination of the recommendations set out in the Handbook. They were held for Central Asian and South Eastern European countries in Ashgabad, Turkmenistan, and Skopje, former Yugoslav Republic of Macedonia, respectively.

### 3.4 Decisions for strengthening SALW export controls

Reference	Quotation regarding implementation measures	Status (completed, in progress or pending)
Section III (A)	FSC: Willing to complement and thereby reinforce the implementation of the OSCE Document on SALW, in order to enhance effective export control of SALW in the OSCE area.	FSC Decision No. 03/04, OSCE Principles for Export Controls of MANPADS
Section III (C)	FSC: Willing to complement and thereby reinforce the implementation of the OSCE Document on SALW, in particular with regard to export documentation.	FSC Decision No. 05/04, Standard Elements of End-User Certificates and Verification Procedures for SALW Exports
Section III (D)	FSC: Building upon the OSCE Document on SALW in general and recognizing the need to strengthen in particular section III, part D, thereof.	FSC Decision No. 08/04, OSCE Principles on the Control of Brokering in SALW

The FSC has paid attention to preventing and combating terrorism. In view of a serious threat posed by a potential diversion of SALW into illegal trafficking, the OSCE participating States decided to continue their efforts towards ensuring effective and comprehensive export controls on SALW. In 2003 and 2004, the CPC was tasked to develop overviews of information exchanged on export/import of MANPADS and then of all categories of SALW respectively (FSC Decisions Nos. 7/03 and 2/04).

With the purpose of complementing and thereby reinforcing the implementation of the SALW Document and Decision No. 7/03 of the FSC, by which it decided to promote the application of effective and comprehensive export controls for MANPADS, additional efforts were undertaken, in particular with regard to export control and export documentation. During 2004, the FSC elaborated three decisions covering different areas of exports of SALW.

The first one is aimed at strengthening export control over MANPADS. On 26 May 2004, the FSC adopted Decision No. 3/04 on OSCE Principles for Export Controls of MANPADS. In this decision, the FSC agreed on principles drawn from the Wassenaar Arrangement's "Elements for Export Controls of Man-Portable Air Defence Systems". The participating States also agreed to incorporate these principles into their national practices, policies and regulations, and to promote the application of the principles to non-OSCE countries.

Another Decision, No. 5/04, on Standard Elements of End-User Certificates and Verification Procedures for SALW Exports, adopted on 17 November 2004, relates to the content of end-user certificates (EUC) provided prior to approval of export licences for SALW (including SALW manufactured under licence) or the transfer of SALW-related technology. The Decision contains a list of standard elements of end-user certificates and verification procedures for SALW exports. This will allow participating States to develop a common approach regarding application of end-user certificates, while taking due account of their respective national legislations. In addition, the Decision foresees commitments for participating States to implement verification measures and to further strengthen transparency in this field.

The third Decision, No. 8/04, adopted on 24 November 2004, sets forth OSCE principles on the control of brokering in SALW. The objectives of the Decision are as follows:

- To avoid circumvention of sanctions adopted by the UN Security Council, decisions taken by the OSCE and other agreements on SALW;
- To minimize the risk of diversion of SALW into illegal markets;
- To reinforce export controls in respect of SALW.

In this Decision, the participating States, building upon relevant UN, OSCE, EU and Wassenaar Arrangement documents, evolved principles that allow them to take all necessary measures to control brokering activities taking place within their territories and to consider controlling brokering activities outside their territories carried out by brokers of their nationality resident or brokers who are established in their territories. As a concrete measure, the Decision foresees that States will endeavour to ensure that their existing or future national legislation is in conformity with agreed principles.

**3.5 Improving co-operation and law enforcement**

Reference	Quotation regarding implementation measures	Status (completed, in progress or pending)
Section III (E) 3  Section V (D) 4	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.  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.	Developing subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials in the field of small arms

Assistance to individual participating States has been considered by the OSCE community as a priority. For that reason, from the very beginning of implementation of the Document a series of seminars and workshops were conducted for the countries of the Caucasus, Central Asia and South Eastern Europe.

With respect to trafficking of SALW across borders, a significant amount of work has been done in Central Asia. The first border-control training project was implemented for the Termez Hayraton checkpoint on the border between Uzbekistan and Afghanistan in 2002. This training programme was embedded within a broader training course on all aspects of border management run by the UN Office for Drugs and Crime. The UN-led project was supplemented by a two-week training event organized by the CPC.

The following year, the OSCE conducted its own follow-up programme: “Combating illicit trafficking of SALW through border management assistance”, for both Uzbek and



Afghan officials. The programme was implemented by the CPC in close co-operation with the OSCE Centre in Tashkent. The aim of the event was to train law enforcement authorities to be proficient in searching for, detecting and tracing illegally-trafficked weapons; checking vehicles and containers, identifying and seizing weapons, and examining falsified travel and customs documents. The main emphasis was placed on co-operation between the customs and border-guard agencies of States sharing a common border. Co-operation was initiated between the neighbouring states and conditions were created for improving the exchange of information across the border.

Finally, in 2004, this training programme was extended to three more checkpoints along the Uzbek-Kyrgyz and Uzbek-Tajik borders, namely Khorezm, Samarkand and Fergana. A high-level training segment was also conducted in Tashkent. Thus, the overall ability of these checkpoints and policy-making officials to prevent illegal trafficking in SALW was improved.

### 3.6 Section V — Implementation mechanism

Reference	Quotation regarding implementation measures	Status (completed, in progress or pending)
Section V (C), (D)	Procedures for assessment and measures in response to requests by participating States for assistance.	Decision No. 15/02, Expert Advice on Implementation of Section V of the OSCE Document on SALW. FSC expert advice approved by Permanent Council Decision No. 535 (PC.DEC/535)

As outlined above, the OSCE Document contains a menu of measures for SALW control as part of the OSCE's activities in relation to early warning, conflict prevention, crisis management and post-conflict rehabilitation. In order to make these measures operational, in 2002, the FSC provided the Permanent Council with expert advice on the implementation of Section V of the OSCE Document on SALW, which comprised a five-stage mechanism to facilitate requests for assistance from participating States.

Following the submission of requests from Belarus, Tajikistan and Kazakhstan, the OSCE embarked on a new activity aimed at assisting with improvement the security of SALW stockpiles and destruction of surpluses. These three requests have become a focus of activity for OSCE participating States that sent experts to evaluate the real situation, identify the scope of assistance required and develop project plans on that basis.

#### SALW assistance projects — donors (up to December 2005)

Donor	Funds pledged (EUR)	Country assisted
Finland	100,000	Tajikistan
Finland	9,033	Kazakhstan
Germany	5,000	Kazakhstan
Norway	30,000	Tajikistan (for both SALW and

<b>Donor</b>	<b>Funds pledged (EUR)</b>	<b>Country assisted</b>
		CA)
Norway	In-kind (secondment of chief technical adviser)	Tajikistan
Norway	7,500	Kazakhstan
Slovenia	40,000	Tajikistan
Sweden	170,296	Tajikistan
Sweden	3,826	Kazakhstan
Switzerland	Financial support dep. on various conditions, also incl. the costs for an information and training visit (Ref.: FSC.DEL/464/05)	Belarus
USA	In-kind (stockpiles management course)	Tajikistan
USA	164,000	Tajikistan

**Synopsis of status of requests for assistance on SALW in the OSCE**

<b>Requesting State</b>	<b>Description of problem</b>	<b>Initial assessment visit and development of project plan</b>	<b>Project funding implementation</b>
Belarus	<p>1. Improvement of security of stockpiles</p> <p>2. Destruction of surpluses of SALW . On 2 November 2005, the request relating to destruction of SALW surpluses was withdrawn by Belarus.</p>	<p>1. 26–29 April 2004 — Initial assessment visit by assessment team composed of experts from Austria, Germany, Lithuania, Poland, USA, Slovenia, Serbia and Montenegro, Spain, Switzerland, UK, Turkey, CPC (team leader).</p> <p>2. UK, Switzerland, Spain and the CPC developed a project proposal on security of stockpiles of SALW based on four staff assessment visits conducted between December 2004 and March 2005. Reports provided: FSC.GAL/0134/04; FSC.GAL/2/05; FSC.GAL/15/05; FSC.GAL/36/05.</p> <p>3. The project plan was sent to delegations on 14 September 2005 (FSC.DEL/430/05/Rev.1) and presented in the FSC on 5 October 2005.</p> <p>4. Fourteen MANPADS covered by the Belarusian request were destroyed on 25 May 2005</p>	

Requesting State	Description of problem	Initial assessment visit and development of project plan	Project funding implementation
Tajikistan	<p>Improvement of security of stockpiles</p> <p>Destruction of surpluses of SALW</p> <p>Training of Personnel</p>	<p>20–26 August 2004 — Technical assistance visit (CPC, Russian Federation).</p> <p>13 October to 6 November 2004 — OSCE assessment visit: Germany, France, Netherlands, Russian Federation, USA, OSCE Centre in Dushanbe, CPC (team leader).</p> <p>15 January 2005 — Initial seven project ideas on improvement of security of stockpiles submitted by the OSCE Centre in Dushanbe to the Group of friends of Tajikistan for consideration.</p> <p>15–19 March 2005 — Project development team visited Tajikistan at the request of the Centre in Dushanbe . The legal framework for the OSCE action on SALW and CA was successfully negotiated (Memorandum of Understanding). Based on the initial project ideas, two SALW project proposals were evolved: 1. Destruction of SALW (estimated budget: 120,488 euros); 2. SALW Security of stockpiles (estimated budget: 332,000 euros)</p> <p>Comprehensive SALW and CA programme was agreed upon by signing of MoU, as of 1 June 2005</p>	<p>11–16 April 2005 USA and Centre in Dushanbe conduct physical security and stockpile management training for 44 Tajik experts.</p> <p>Finland, Norway (including secondment of chief technical adviser), USA, OSCE Unified Budget</p> <p>Funds received in euros: 100,000 — Finland (Security of SALW Stockpiles) 50,000 (OSCE Unified Budget) 164,000 — USA (Destruction of SALW)</p> <p>Sweden and Slovenia have pledged respectively EUR 170,148 and EUR 40,000 for security of stockpiles of SALW (Task 3)</p> <p>Concerning security of stockpiles of SALW , agreements have been signed and construction work has started at the Drug Control Agency, General Prosecution Office and Material Technical Supply Base Agreements are being prepared with Ministry of State Income and Revenue, Military Prosecution Office and State Border Protection Committee.</p>
Kazakhstan	<p>1. Destruction of surpluses of SALW (financial assistance and development of fixed or mobile destruction facilities);</p> <p>2. Assistance in</p>	<p>10 February 2005 — CPC submitted initial project proposals on conducting national workshop on security of SALW stockpiles combined with assessment in June 2005</p> <p>2–3 June 2005 — OSCE Workshop on SALW/CA Destruction Techniques and Stockpile Security and Management</p> <p>June to November 2006 — Initial assessment visit</p>	

Requesting State	Description of problem	Initial assessment visit and development of project plan	Project funding implementation
	improvement of stockpile security.	on management and security of stockpiles (Kapchagay and Arys').  Reports provided on 30 June 2005: FSC.GAL/69/05 FSC.GAL/68/05	

## Lessons learned

- The OSCE Document on Small Arms and Light Weapons has proved to be an effective tool in addressing the problems arising from small arms and light weapons and in fostering transparency as well as confidence among the participating States. It has also become an important framework for dealing with surpluses and stockpiles of SALW with a view to reducing the risk of destabilizing accumulations and uncontrolled proliferation of them, thereby also fostering co-operation among participating States.
- The document itself has also become a framework which has provided a basis for further development of its provisions. It has been complemented and reinforced by a number of decisions in the field of export controls, procedures for assessment and measures in response to participating States' requests for assistance. The Handbook of Best Practice Guides is aimed at identifying standards for national implementation and assisting participating States in improving their national implementation of aspects of the Document. The Handbook was also used as a reference during assessment missions to Tajikistan, Belarus and Kazakhstan.
- Overall, implementation with regard to information exchanges is improving, bearing in mind the steady increase in a number of submissions during the last two years. However, it is difficult to say what has improved qualitatively as a result of specific measures implemented in the course of the years, and/or what kind of adjustments could be considered with regard to the various information exchanges (contents, templates, etc.).
- Emphasis should be placed on full implementation of FSC decisions in the area of export controls of SALW, including MANPADS. Here, too, it is difficult at this stage to identify to what extent these decisions are being implemented. More attention by the FSC to follow-up on implementation can be beneficial.
- It may be appropriate to conduct a review of the implementation of the OSCE Document on SALW and relevant FSC decisions during the Annual Implementation Assessment Meeting in 2006 or at a Special FSC meeting on this subject.
- The outcome of this review process could comprise an adjustment of implementation work and a distinct, specific OSCE contribution to the 2006 Conference to Review the UN Programme of Action on SALW.