



Organization for Security and Co-operation in Europe
The Secretariat

Conflict Prevention Centre

Vienna, 27 May 2010

OSCE Report to the Fourth Biennial Meeting of States

**On 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**

Table of Contents

1.	INTRODUCTION	3
2.	TRANSPARENCY MEASURES	4
	ONE-OFF INFORMATION EXCHANGES	5
	ANNUAL INFORMATION EXCHANGES	6
	FORMAT UPDATE OF ONE-OFF INFORMATION EXCHANGES.....	7
3.	SMALL ARMS AND LIGHT WEAPONS REVIEW PROCESS	8
	OSCE REVIEW MEETING.....	8
	OSCE PLAN OF ACTION ON SALW	8
4.	EXPORT CONTROL	9
	PRINCIPLES FOR EXPORT CONTROLS OF MANPADS	10
	STANDARD ELEMENTS OF END-USER CERTIFICATES	10
	SALW BROKERING CONTROLS	11
5.	SUBREGIONAL OR REGIONAL MECHANISMS FOR LAW ENFORCEMENT, BORDER AND CUSTOMS CONTROL.....	12
6.	SAFE, EFFECTIVE STOCKPILE MANAGEMENT AND SECURITY.....	13
7.	NATIONAL DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROGRAMMES	13
8.	EXCHANGE OF EXPERIENCE IN TRAINING OF POLICE AND CUSTOMS OFFICERS.....	14
9.	OTHER NORMATIVE INITIATIVES: TRAFFICKING OF SALW BY AIR.....	14
10.	INITIATIVES OF THE OSCE PARLIAMENTARY ASSEMBLY.....	14
11.	OSCE ASSISTANCE PROJECTS ON SALW IN 2008-2010	15
	CYPRUS.....	16
	BELARUS	16
	KYRGYZ REPUBLIC.....	16
	TAJIKISTAN	17
12.	AWARENESS-RAISING AND CAPACITY-BUILDING	17
13.	CO-OPERATION AND PARTICIPATION IN EVENTS ORGANIZED BY OTHER INTERNATIONAL AND REGIONAL ORGANIZATIONS IN 2006-2008.....	19
	MEMORANDUM OF UNDERSTANDING WITH UNDP	19
	OPERATIONAL SUPPORT AND INFORMATION EXCHANGE.....	19
	PARTICIPATION AND JOINT EVENTS WITH OTHER INTERNATIONAL ORGANIZATIONS	20
14.	ENSURING EFFECTIVE IMPLEMENTATION OF ARMS EMBARGOES	21
15.	FIGHT AGAINST TERRORISM	21
16.	DISSEMINATION OF INFORMATION	22
17.	REGIONAL POINT OF CONTACT	22
18.	ANNEX A (OSCE PLAN OF ACTION ON SMALL ARMS AND LIGHT WEAPONS).....	23
19.	ANNEX B (OSCE AND UN INFORMATION EXCHANGES ON SALW).....	29

1. INTRODUCTION

The range of OSCE activities to prevent and combat the illicit trade in Small Arms and Light Weapons (SALW) in all its aspects is a reflection of the Organization's comprehensive approach to security and a product of its broad *acquis* in arms control, disarmament and conflict prevention. It also reflects the OSCE's wide geographic coverage¹, including major producer and exporter States, and States negatively affected by the proliferation of SALW.

OSCE's Forum for Security Co-operation (FSC) is a decision taking body of the organization that includes representatives of all OSCE participating States and meets on a weekly basis. According to its mandate, FSC is tasked to conduct negotiations on, *inter alia*, arms control, disarmament and confidence building. SALW issue has been on the OSCE's agenda since 1999.

The OSCE Document on SALW (FSC.DOC/1/00, adopted on 24 November 2000) committed States to a comprehensive set of norms, measures and principles to control each stage of life of a small arm. It also paved the way for the Organization's broad response to these problems, and gave participating States the primary responsibility for the implementation of its commitments.

In the course of the Document's follow-up implementation, the OSCE participating States have agreed on a number of SALW related decisions and developed a set of best practices known as Handbook of Best Practices on SALW. The issue of conventional ammunition, including SALW ammunition, has also become a vital part of the OSCE activities in this domain.

The OSCE SALW Document and relevant supplementary decisions serve as a solid base to ensure comprehensive control on SALW. The review process launched at the OSCE identified that the future OSCE course of action should be double tracked and focus on further enhancement of SALW controls in parallel to the efforts aimed at the full implementation of existing measures.

This Report shows how the Organization has implemented the UN Programme of Action (PoA) on SALW between July 2008 and June 2010. For previous reports and a general overview of OSCE normative commitments and activities in the field of SALW, please see <http://www.osce.org/fsc>.

¹ OSCE includes 56 participating States and is comprised of countries of Europe, Central Asia and Northern America.

2. TRANSPARENCY MEASURES

The OSCE Document on Small Arms and Light Weapons is a landmark document, agreed by the Forum for Security Co-operation (FSC) and adopted on 24 November 2000. Comprehensive in its nature, it covers every stage of life of SALW from manufacturing, to marking and record-keeping, to export control and brokering as well as to DDR and destruction.

The OSCE Document commits participating States to a number of norms, measures and principles, which, if fully implemented, will assist States in their efforts to abide by many of the paragraphs on national implementation in the PoA. Among others, the OSCE Document established a mechanism of transparency measures aimed at raising confidence and security as well as further promoting trust among OSCE participating States. Transparency measures enshrined within the SALW Document is a key measure to monitor the implementation of commitments undertaken by States.

Information exchanges

OSCE participating States exchange information on various aspects related to transfer controls of SALW and conventional arms more generally. These information exchanges are restricted to the OSCE pS, and are regularly discussed at FSC meetings, special seminars and conferences.

At the OSCE there are two types of information exchanges related to SALW: one-off and annual information exchange. Under one-off information exchanges, States provide only once the full report on required legislative and procedural information, and send updates, when necessary. Under annual information exchanges, States provide mostly quantitative information every year by an established deadline. OSCE information exchanges include (by topic):

Topic	Information Exchange	Regularity
<i>Manufacturing</i>	Information exchange on national procedures for the control over manufacture of small arms and light weapons (FSC.DOC/01/00, II(D)1).	One-off in 2001, updates when necessary.
<i>Marking, record-keeping and tracing</i>	Information exchange on national marking systems used in the manufacture and/or import of small arms and light weapons (FSC.DOC/01/00, II(D)1).	One-off in 2001, updates when necessary.
<i>Stockpile management and security</i>	Information exchange on national stockpile management and security procedures (FSC.DOC/01/00, IV(E)2).	One-off in 2002, updates when necessary.
<i>Transfer</i>	Information Exchange on Conventional Arms Transfers (FSC.DEC 13/97 and FSC.DEC 8/98).	Annual
	Questionnaire on Conventional Arms Transfers (FSC.DEC 20/95).	Annual
	Information Exchange on Small Arms	Annual

	Exports to, and Imports from, Other Participating States During the Previous Calendar Year (FSC.DOC/01/00, III(F)1).	
	Relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in SALW (FSC.DOC/01/00, III(F)2).	One-off in 2001, updates when necessary
	Information exchange on national regulations concerning brokering activities with regard to SALW (FSC.DEC/11/07).	One-off in 2008
	Exchange of sample End User Certificates and relevant national verification procedures with regard to SALW (FSC.DEC/12/08).	One-off in 2009
<i>Destruction</i>	Information exchange on national techniques and procedures for the destruction of small arms (FSC.DOC/01/00, IV(E)3).	One-off in 2001, updates when necessary.
	Information exchange of available information on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territories during the previous calendar year (FSC.DOC/01/00, IV(E)1).	Annual

One-off information exchanges

Under the OSCE Document on SALW, participating States agreed to share and submit updated information when necessary, 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; small arms stockpile security and management programmes. Detailed information about the number of participating States that exchanged this information can be found in Chart I.

Chart I. Overview of One-off SALW Information Exchanges on Marking, Export controls, Stockpile Management and Destruction Procedures

Reference (paragraph)	Quotation regarding implementation measures	Current Status	
		Exchanged to date	Updates in 2009
Section II (D) 1 (starting from 30 June 2001)	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	52 pS	7 pS

	manufacture of such arms.		
Section III (F) 2 (starting from 30 June 2001)	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 spread awareness of “best practice” in these areas.	52 pS	8 pS
Section IV (E) 2 (starting from 30 June 2002)	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 pS	7 pS
Section IV (E) 3 (starting from 30 June 2001)	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 pS	6 pS

Annual information exchanges

In addition to exchanging information about the existing norms and regulations, the OSCE Document commits participating States to exchange annually data on exports to, and imports from, other OSCE participating States, as well as on small arms identified as surplus and/or seized and destroyed on their territory in the previous calendar year. This information is displayed in Chart II.

Chart II. Overview of Annual SALW Information Exchange on Export-Import, SALW surplus and/or seized and destroyed

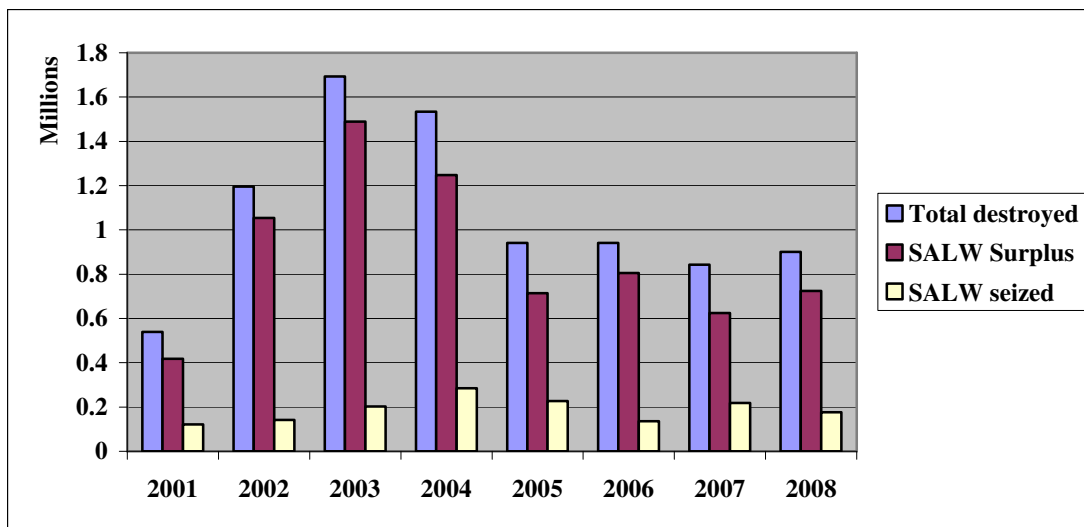
Reference (paragraph)	Quotation regarding implementation measures	Information exchange in 2009²
Section III (F) 1	The participating States agree to conduct an information exchange among themselves about their small arms exports to, and imports from, other participating States during the previous calendar year. They also agree to study ways to further improve the information exchange on transfers of small arms.	46 pS

² The deadline for annual information exchange on Export-Import, SALW surplus and/or seized and destroyed is on 30 June and relates to the previous calendar year.

Section IV (C) 1	The participating States agree that the preferred method for the disposal of small arms is destruction.	35 pS
Section IV (E) 1	The participating States agree to share available information on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territories during the previous calendar year.	

According to the data exchanged, OSCE States destroyed during the period of 2001 – 2008 **8,585, 642** pieces of SALW, of which **7,077,881** were deemed as a surplus and **1,507,761** – seized from illegal possession and trafficking (Chart III).

Chart III. SALW Destruction in the OSCE area³



Format update of one-off information exchanges

Both the OSCE and UN receive national reporting on SALW controls. Since the political norms based in the OSCE and UN regulatory frameworks coincide to a large extent, inevitably, reporting on their implementation is duplicated to a certain degree. Moreover, the OSCE and the UN require differing reporting format, thus increasing the workload of the States and possibly leading to the lower quality and submission rates.

The OSCE Conflict Prevention Centre has made a report comparing the reporting under the UN PoA and the OSCE SALW Document in order to identify similarities and differences in reporting. Particularly, it was examined what type of information is provided both to the OSCE and to the UN and the type of information that is provided either to the OSCE or to the UN, but not both. Finally, the level of commitments on SALW was compared based on the regulatory framework of the both organizations. The report revealed that considerable amount of similar information was submitted to both organizations, yet in different formats and on differing deadlines. In order to ease the burden placed on OSCE States to provide two similar reports, the report recommended, among others, harmonizing OSCE and UN information

³ It should be noted that in cases where pS has not differentiated between surplus and seized weapons, the statistics are reflected as surplus.

exchanges with possible involvement of other interested intergovernmental organizations and arrangements. The full report can be found at Annex A.

Given the ongoing work at the United Nations to update reporting templates for national reporting on the implementation of the UN PoA on SALW and International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW (ITI) the OSCE contributed to this process by providing input and further suggestions to the UN ODA. The OSCE promotes action at global level and plans its activities in such a way as to avoid duplication. Therefore, in line with the recently adopted OSCE Plan of Action on SALW, the Organization will align its SALW questionnaire to the new UN reporting template in order to improve quality of reporting, increase the number of States reporting and decrease unnecessary reporting burden on States.

3. SMALL ARMS AND LIGHT WEAPONS REVIEW PROCESS

OSCE Review Meeting

In line with MC Decision 11/08, the Forum organized a meeting to review the OSCE Document on SALW and Its Supplementary Decisions on 22-23 September 2009. The meeting brought together representatives of OSCE pS, Partners for Co-operation, other relevant intergovernmental and non-governmental organizations. Over two days, the participants discussed issues related to international assistance and co-operation, including OSCE assistance projects; export controls and brokering; stockpile management and security; and marking and tracing of SALW. The meeting has reinforced the high position that the issue of SALW occupies on the organization's agenda and concluded that further action is needed in order for the OSCE to remain its prominent role in fighting illicit SALW.

As a follow-up to the meeting OSCE States adopted a Ministerial Council Decision in Athens in December 2009. The Decision tasked the FSC to develop a Plan of Action on SALW by May 2010.

OSCE Plan of Action on SALW

The Plan of Action adopted by the FSC on 26 May 2010, envisages a number of tasks for the organization on how to improve the implementation of agreed norms and take the OSCE further in setting-up an effective network for fighting the proliferation of illicit SALW. Each of the tasks in the Plan has an implementation deadline, and a meeting to review the implementation of the Plan is foreseen to take place by May 2012. The full text of the Plan can be found at Annex B. The Plan of Action firstly addresses the issue of the full implementation of agreed norms and measures:

- Participating States to conduct national evaluation of the implementation of the OSCE SALW commitments and bring it in conformity with agreed norms in accordance with OSCE SALW Document's Sections II (D), III (F) and IV (E).
- FSC to consider establishing a mechanism for continuous assessment of the situation regarding the implementation of FSC-agreed commitments on SALW.
- OSCE to further conduct awareness-raising and provide training, as appropriate, to countries in need, upon request.
- Further focus on specific areas when implementing projects, *inter alia*, gender aspects and further measures to facilitate fundraising.

- FSC to review the implementation of Ministerial Council Decision 11/08 with regard to the establishment of reinforcement of a legal framework for lawful brokering activities within the national jurisdiction of participating States by the end of 2010.
- FSC to accelerate measures to improve the submission rate of FSC-agreed info exchanges on SALW.
- FSC to consider making public one-off and annual information exchanges, as appropriate.
- FSC to raise awareness on SALW work done by the OSCE.

In addition, the Plan also sponsors to review the implementation of principles, norms and measures in order to improve capacity and efficiency. Particularly, it tasks:

- FSC to review Best Practice Guides on SALW.
- FSC to discuss the OSCE’s regulatory framework on SALW transfer criteria.
- FSC to explore the expansion of contacts with the Wassenaar Arrangement’s Secretariat, including export and brokering controls as topics.
- FSC to explore the expansion of the scope of transfer controls to include transfer of technology.
- FSC to discuss national experiences and procedures for end-use verification, re-export, post-shipment verification, brokering controls and licensing among participating States.
- FSC to review OSCE Principles on the Control of Brokering in SALW and update them, as appropriate, in light of GGE recommendations.
- FSC to consider strengthening commitments on stockpile management and security on SALW.
- FSC to consider ways to strengthen participating States’ commitment to destroy surplus and illicit SALW.
- FSC to discuss means to improve participating States’ capacity for the destruction of surplus and illicit SALW.
- FSC to take concrete steps to further the implementation of the ITI.
- FSC to discuss national experiences in tracing requests and their outcomes.
- FSC to explore the needs of OSCE countries to receive assistance on marking in the framework of stockpile management and security assistance.

4. EXPORT CONTROL

The OSCE Document on SALW established criteria to govern exports of small arms and light weapons and related technology. Moreover, the Document also established norms for effective procedures and documentation on import, export and transit. Finally, the OSCE SALW Document pointed out the importance of controlling brokering activities and encouraged States to consider the establishment of national systems for regulating such activities, including registration of brokers operating within national territory, licensing/authorization of brokering and the requirement to disclose import/export licenses and relevant details of brokers involved in the transaction.

With the purpose of complementing and thereby reinforcing the implementation of the 2000 SALW Document, the participating States have taken additional efforts in particular with regard to SALW export control and export documentation. In 2004, the SALW Document was complemented by three export control decisions: “Standard Elements for End-User

Certificates and Verification Procedures for SALW Exports”⁴, “OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS)”⁵, and “OSCE Principles on the Control of Brokering in Small Arms and Light Weapons”⁶, all of which address issues related to SALW transfers.

Principles for Export Controls of MANPADS

OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS) were adopted in 2004 as FSC Decision 3/04. In the decision, the FSC agreed on principles drawn from the Wassenaar Arrangement’s “Elements for Export Controls of Man-Portable Air Defence Systems”. Participating States also agreed to incorporate these principles into their national practices, policies and regulations, and to promote the application of the principles to the non-OSCE countries.

In order to address threats posed by unauthorized proliferation and use of MANPADS, especially to civil aviation, the Forum for Security Co-operation adopted in March 2006 “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”.

The MANPADS Decision 3/04 was updated in May 2008⁷ following the updates adopted at the Wassenaar Arrangement in December 2007. The purpose of these amendments is to ensure their more effective implementation by making them more easily understood for commercial exporters and licensing authorities. In addition, the updated Principles also cover issues related to the transfer of production technologies and stricter end-use assurances than the original 2004 Principles.

Standard Elements of End-User Certificates

Standard Elements of End-User Certificates and Verification Procedures for SALW Exports were adopted at the OSCE as FSC Decision 5/04. The Decision 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 for 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.

In order to enable better tracing of SALW as well as assist States that are in the process of revising or introducing national legislation on the subject, in November 2008, the OSCE Forum for Security Co-operation decided exchange sample EUC and relevant verification

⁴ Standard Elements for End-User Certificates and Verification Procedures for SALW Exports, adopted on 17 November 2004, FSC/DEC/05/04, http://www.osce.org/documents/fsc/2004/11/3809_en.pdf.

⁵ OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS), adopted on 26 May 2004, FSC/DEC/03/04, http://www.osce.org/documents/fsc/2004/05/2965_en.pdf.

⁶ OSCE Principles on the Control of Brokering in Small Arms and Light Weapons, adopted on 24 November 2004, FSC/DEC/08/04, http://www.osce.org/documents/fsc/2004/11/3833_en.pdf.

⁷ Updating the OSCE Principles for Export Controls of Man-Portable Air Defence Systems, adopted on 26 May 2008, FSC.DEC/5/08.

procedures on them. To date, 47 pS provided they sample EUC to the OSCE. On the basis of the exchanged information, in September 2009, Group for Research and Information on Peace and Security (GRIP) produced an overview that assessed the implementation of the OSCE agreed Standard Elements of End-User Certificates in the OSCE area.

SALW Brokering Controls

The OSCE was among the first multilateral fora to acknowledge the critical need of regulations for the activities of international small arms brokers and to encourage its 56 participating States to take action in this regard. Documents adopted by the FSC together with activities to support their implementation have made OSCE a central actor in international SALW brokering controls, even though the level of implementation of these documents varies among the pS.

The most detailed decision taken by the FSC on SALW brokering is the Decision on OSCE's Principles on the Control of Brokering Small Arms and Light Weapons, adopted as decision number eight in 2004. 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; and
- 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.

In January 2008, participating States exchanged information on a one-off basis, on their current regulations concerning brokering activities related to small arms and light weapons to assess the implementation of the OSCE Principles of Control of Brokering. The Summary Report subsequently prepared by the CPC provided a statistical overview of the implementation of the Principles. On the basis of the review, OSCE Ministerial Council in 2008 requested the pS to establish or to reinforce, as necessary, a legal framework for lawful brokering activities within their national jurisdiction by the end of 2010. In 2009, Athens Ministerial Council tasked the OSCE's Forum for Security Co-operation to take steps to implement the Ministerial Council Decision No. 11/08 with regard to the establishment or reinforcement of a legal framework for lawful brokering activities within the national jurisdiction of participating States by the end of 2010. The OSCE Plan of Action on SALW identified the way forward to follow-up the MC Decision and mandated a two-step approach. Firstly, the OSCE Conflict Prevention Centre would provide an updated progress report presenting a statistical analysis of the implementation of commitments related to brokering. Once the analysis has been completed, pS will conduct a review by September 2011, according to the Plan of Action, on the basis of the progress report to analyze the gaps and identify the strategy to address them.

5. SUBREGIONAL OR REGIONAL MECHANISMS FOR LAW ENFORCEMENT, BORDER AND CUSTOMS CONTROL

The OSCE Document encourages participating States to co-operate in tracing illegal SALW, including by making available information on request to the investigating authorities of other participating States. Implementation of this provision falls to national governments. However, the CPC has also endeavoured to support regional initiatives, such as the Regional Centre for Combating Trans-Border Crime of the Southeast European Co-operation Initiative (SECI).

The OSCE's role in borders is firmly anchored in a number of official documents, not least the Helsinki Final Act. The SALW Document (2000) and subsequent decisions⁸ established a mechanism for providing assistance. Recognizing the importance of effective border controls in preventing arms smuggling, the OSCE included assistance on SALW border controls in the scope of the mechanism.

More recently the OSCE participating States commitment to promote open and secure borders in the OSCE area was reflected in the OSCE Border Security and Management Concept adopted at the Ministerial Meeting in Ljubljana in 2005.

Increasingly, the OSCE is being called upon by participating States to provide assistance on border management and policing issues. A number of activities have been undertaken by various OSCE bodies, institutions and field operations, focusing on various aspects of border security, including police, customs and immigration. The OSCE activities in this area consist of the following key elements:

- regional seminars and the facilitation of meetings aimed at promoting the conclusions and implementation of cross-border cooperation agreements and cooperation at the operational level;
- promotion of inter-agency cooperation between border guards, customs and law enforcement agencies;
- assistance in the transition from military to civilian border law enforcement agencies;
- professional training for border guards on such issues as document security, risk analysis, combating trafficking in human beings/drugs/weapons, and inter-agency cooperation;
- contributions to the reform of the curriculum of border guard services;
- monitoring of borders; and
- provision of specialized border equipment to border guards.
- established and oversees the OSCE Border Management Staff College for the continued education of senior level border agency officials from all participating States;
- advises in the development and adoption of national border management strategies and their implementation.
-

The Borders team in the CPC continues assisting to the Chairperson of the Working Groups on the elaboration and the implementation of the OSCE Security and Management Concept.

⁸ FSC Decision 15/02 and its update 11/09.

6. SAFE, EFFECTIVE STOCKPILE MANAGEMENT AND SECURITY

As outlined above, Section IV of the OSCE Document on SALW contains a number of norms, measures and principles for safe storage of SALW, including physical security measures, identification of surpluses, destruction and deactivation. The participating States report on their national procedures under the OSCE information exchanges. Moreover, the OSCE Document on SALW envisages a range of measures to respond to requests for assistance of participating States for assistance on stockpile management and security of SALW. Furthermore, the OSCE Handbook of Best Practice Guides on SALW contains a chapter on model regulations and practices *inter alia* on “National Procedures for Stockpile Management and Security” (Chapter 3).

In 2009, the OSCE has successfully completed a flagship project entitled Comprehensive SALW and Conventional Ammunition Programme in Tajikistan. Starting 2004, the OSCE has helped, *inter alia*, eliminate and build national capacity for further destruction of surplus and obsolete SALW and conventional ammunition, improved stockpile management and security for national holdings by constructing new storage sites and/or repairing the existing ones. Currently, SALW assistance programmes are ongoing in Belarus, aiming *inter alia* at improving stockpile management and security of large army stockpiles. A new project aimed at ensuring effective storage of SALW and conventional ammunition is in the final stages of planning in the Kyrgyz Republic (see further details in Section 11 of this Report).

Since 2003, the OSCE has also embarked on an initiative to examine the security risks arising from stockpiles of ammunition and explosives for use in conventional armaments in surplus or awaiting destruction in the OSCE region. Adoption of the OSCE Document on Conventional Ammunition in 2003 revealed serious humanitarian and environmental threats posed by outdated ammunition, including SALW ammunition, in the OSCE area often under precarious conditions. The Document covers all types of conventional ammunition, including SALW ammunition, provides indicators of surplus and stipulates national responsibility of safe and secure storage of relevant ammunition. Furthermore, the Document established an assistance mechanism that enables the provision of voluntary assistance to OSCE States to improve stockpile management and security of ammunition and destroy surplus and/or obsolete ammunition.

7. NATIONAL DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROGRAMMES

The OSCE Document on SALW provides the basis for pS action in national disarmament, demobilization and reintegration (DDR) programmes, including both normative work and practical assistance programmes. In addition, Chapter 8 of the Handbook of Best Practice Guides deals specifically with “Best Practice Guide on Small Arms and Light Weapons in Disarmament, Demobilization & Reintegration Processes”.

As a confidence and security-building measure, OSCE pS each year exchange information of on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territories during the previous calendar year.

8. EXCHANGE OF EXPERIENCE IN TRAINING OF POLICE AND CUSTOMS OFFICERS

As outlined above, the OSCE Document encourages participating States to collaborate in tracing illegal SALW. Section III(E) also encourages States to facilitate regional, subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials in the SALW field.

These activities are continuously carried out by several specialized units within the OSCE Secretariat (CPC/Operations Service/Borders, FSC Support, Strategic Police Matters Unit (SPMU), Anti-Terrorism Unit), other OSCE Institutions (ODIHR) as well as by a number of OSCE field operations.

9. OTHER NORMATIVE INITIATIVES: TRAFFICKING OF SALW BY AIR

Pursuant to the OSCE Ministerial Council Decision No. 9/06 and related FSC Decision No. 7/06, in order to support the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade on SALW in all its Aspects, as well as to implement the OSCE Document on SALW commitments the FSC held a special FSC Meeting on Combating the Illicit Trafficking of Small Arms and Light Weapons by Air on 21 March 2007. During the meeting experts and delegates from OSCE participating States, as well as representatives of the air transportation sector and international, governmental and non-governmental organizations, explored ways to improve controls over the air-cargo sector, through enhanced national implementation of the relevant international regulations, including the control over SALW transfers through the air-transportation channels.

Following this meeting, an initiative was launched to develop OSCE Best Practices to prevent destabilising transfers of small arms and light weapons through air transport that led to its adoption at the FSC in November 2008.⁹ Though labelled as ‘best practices’, the document is politically binding on OSCE pS. In accordance with the decision, OSCE States also exchanged information on the national practices related to preventing the spread of SALW through illicit air transport. To date, 41 pS provided such information.

10. INITIATIVES OF THE OSCE PARLIAMENTARY ASSEMBLY

The SALW control is a vital element of the OSCE’s efforts in the politico-military dimension. This was recognised also by the OSCE Parliamentary Assembly’s Resolution on Small Arms and Light Weapons, adopted in the Vilnius Declaration of 2009. The role of national parliaments in establishing and upholding effective small arms control is of great importance. In this context, the Resolution called to increase OSCE’s legal instruments in the following areas:

- formulating a series of criteria for export controls of SALW;
- preparing a normative framework for the management of stocks of SALW and their ammunition;
- preparing a normative framework for the marking and tracing of SALW;

⁹ Introducing best practices to prevent destabilizing transfers of SALW through air transport and on an associated questionnaire, adopted on 5 November 2008.
http://www.osce.org/documents/fsc/2008/10/34809_en.pdf

- making efforts towards the standardization of SALW end-user certificates within the OSCE area.

11. OSCE ASSISTANCE PROJECTS ON SALW IN 2008-2010

The implementation of the Document on SALW, which deals with requests for assistance from participating States to tackle the issues of destruction, stockpile management and security of stockpiles of SALW, remains the most essential part of the efforts of the Forum for Security Co-operation in this field.

A procedure for early warning, conflict prevention, crisis management and post-conflict rehabilitation within the organization was established in Section V of the OSCE Document for incorporating small arms measures into conflict prevention and post-conflict rehabilitation activities. The Document contains a range of such measures, including assistance with the reduction and disposal of small arms; advice and assistance for the reinforcement of border controls; and assistance with small arms collection and control programmes. These measures can be used on a voluntary basis. November 2002–January 2003 the OSCE agreed on “Expert Advice on Implementation of Section V of the OSCE Document on Small Arms and Light Weapons” aimed at establishment and operationalization of SALW assistance mechanism. In 2009, the decision on expert advice was updated in order to further enhance the provision of assistance within the OSCE.¹⁰

Since 2003 the OSCE has received 33 requests for assistance from 14 countries on enhancing stockpile management and security of SALW and Stockpiles of Conventional Ammunition, including mélange, or destroying their surpluses, and organizing SALW collection programmes. Of these, three requests dealt with the destruction of SALW (two projects were launched and successfully completed), four requests dealt with stockpile management and security of SALW (three projects were launched of which two have already been successfully completed). The requests for assistance from participating States to tackle the issues of destruction, management and security of stockpiles of SALW remain an essential part of the FSC’s efforts in this field. Especially, assistance projects in Belarus, Cyprus and Tajikistan can be seen as examples of these activities in 2008-2010.

Information on donors’ assistance shows that in 2009, approximately EUR 434,000 were pledged for SALW projects, and over EUR 430,000 in 2008. The OSCE participating States donated a total of almost 3,5 million euros for SALW projects in 2005 – May 2010.

Following the signing of the Memorandum of Understanding with United Nations Development Programme (UNDP) in 2006, the OSCE launched two joint projects in Belarus and Montenegro in 2006 and 2007 respectively. The joint Project on Capacity Building for SALW in Belarus dealt with SALW stockpile management and security. In this regard, FSC Co-ordinators on SALW and Conventional Ammunition Projects and the CPC had a number of consultations with UNDP Bureau for Crisis Prevention and Recovery and relevant countries officers in order to ensure smooth implementation. In 2009, a financial agreement was concluded between the two organizations that allows for transfer of funds to support the implementation of such joint projects.

¹⁰ Update of FSC decision no. 15/02 on expert advice on implementation of section v of the OSCE document on SALW, adopted on 25 November 2009. http://www.osce.org/documents/fsc/2009/11/42106_en.pdf

Cyprus

In October 2008, the Cyprus made a request for OSCE assistance in the destruction of 324 MANPADS and associated 101 Grip Stocks. Five OSCE participating States submitted national proposals on the possible destruction methods. The MoD of Cyprus decided to proceed along with the proposals put forward by UK and the USA. The destruction programme for the missiles was based on open-pit detonation. Following the preparation stage starting in March 2009, the disposal took place on 9-20 June 2009 and was monitored by international observers from pS. The destruction certificate has been provided to the OSCE upon the completion of the destruction programme.

Belarus

In 2007, based on the Memorandum of Understanding signed between the OSCE Secretariat and UNDP, the OSCE started the implementation of two joint OSCE-UNDP projects, in Montenegro and Belarus. The joint Project on Capacity Building for SALW in Belarus dealt with SALW stockpile management and security at 16 storage sites belonging to the armed forces. The first phase of the programme aiming at enhancing capacity of the MOD of Belarus in safely guarding SALW at four storage sites will be completed by the end of summer 2010.

The OSCE and the government of Belarus agreed that United Nations Development Programme (UNDP) be the implementing agency for the project with the total budget of about 2,9 Million Euro.

A donors' visit was organized on 16-21 November 2008 in order to revisit the implementation plan for phases II and III. The donors had the opportunity to observe the destruction of 15 Man-Portable Air Defence Systems (MANPADS) at one of the destruction sites of the Ministry of Defence in Minsk, visit two sites of Phase I and three potential sites of Phase II, discuss the status of the implementation of Phase I as well as prospects for the implementation of Phase II of the Programme. As regards the planning for Phase II, it was decided to launch Phase II concurrently with the completion of Phase I at two sites in Polotsk and Borovka in order to ensure continuity. Finally, it was decided to re-evaluate the works to be conducted at ten other sites that require enhancements to safety and security.

The programme manager from UNDP Belarus holds regular briefings to update the OSCE donors about the progress achieved in the implementation of the programme and plan further steps.

Kyrgyz Republic

In February 2008, the Kyrgyz Republic submitted a request for assistance to the FSC for enhancing stockpile management and security of SALW and conventional ammunition in the southern part of the country, where an increase in the activity of radical extremist groups is putting the current storage facilities at risk. Help was also requested in the destruction of surplus and obsolete Man-Portable Air Defence Systems type "Strela 2." The Kyrgyz Republic substantiated the request by providing the questionnaire with detailed information about the type of assistance requested in July 2008 and update in February 2010.

The CPC conducted assessment visits to the country in November 2008 and in April 2010, with the aim of studying the situation on the group and developing a concrete plan to respond to the request for assistance. In consultation with the Kyrgyz authorities and the OSCE

Centre in Bishkek, a project plan is being developed by the OSCE Centre in Bishkek and the Conflict Prevention Centre to provide the necessary financial and technical assistance.

Tajikistan

In spring 2009, the OSCE Centre in Tajikistan finalized the Comprehensive Programme on SALW and Conventional Ammunition in Tajikistan. The implementation of this two-phase Programme extended over the period 2005-2009. Phase I of the Programme was designed to tackle problems of surplus SALW and conventional ammunition as well as safe and secure stockpile management of the national holdings of the remaining SALW and ammunition in Dushanbe and its vicinity. Following the successful completion of Phase I in November 2006, the OSCE Centre in Dushanbe started the implementation of Phase II, extending the scope of action from the capital to all the regions of the country, including the Tajik-Afghan border. Phase II of the Programme was designed to increase regional stability, SALW control and the anti-drug-trafficking capabilities of the law-enforcement authorities throughout the territory of Tajikistan.

Phase II consisted of five tasks, of which Tasks III and V primarily deal with the physical security of stockpiles of SALW.

As a follow-up to the programme, during 2010, the OSCE will provide to the Tajik authorities tailored assistance to address incident response on SALW and conventional ammunition. The initiative envisages a study of the legislative and regulatory gaps as well as concrete assistance in amending relevant laws and training programmes. Furthermore, practical study tours and additional SALW and conventional ammunition training courses in a train-trainers programme format will allow the Tajik authorities to obtain hands-on experience with the subject matter.

12. AWARENESS-RAISING AND CAPACITY-BUILDING

The FSC and CPC regularly organize events to promote the implementation of the OSCE Documents on SALW and Stockpiles of Conventional Ammunition.

SALW meetings, seminars and conferences organized by the OSCE in 2008-2010:

In 2008-2010, the Informal Group of Friends on SALW continued to assist FSC Chairmanship in the matters related to the implementation of the OSCE Document on SALW as well as SALW-related decisions adopted at the FSC. In particular, the Group focused on discussing possible further steps in the field of SALW that could be undertaken in the framework of the OSCE, including through the development of a Plan of Action on SALW; and on the prospects for co-operation of the OSCE with relevant international organizations in SALW domain.

In February 2008, the OSCE conducted a Workshop on the Implications of Technical, Managerial and Financial Issues of Existing and Planned Projects on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition in Vienna in order to review the requests for assistance, draw lessons learnt and best practices from project implementation and further enhance effectiveness of project planning and implementation through co-

operation and co-ordination of efforts with other international organizations. The workshop was deemed as big success and met its goals.

From 28 to 30 May 2008, the OSCE, together with the Euro-Atlantic Partnership Council (EAPC), organized a Synergy Conference for Regional Organizations on the Implementation of the UN Programme of Action. The Conference, which was also supported by the United Nations, was held at NATO Headquarters in Brussels. It brought together over a hundred representatives from 30 regional and international organizations, together with civil society organizations from all over the world, to discuss the implementation of the UN Programme of Action at the regional level. The primary aim of the Conference was to facilitate further co-operation and promote best practices between regional organizations.

In line with MC Decision 11/08, the Forum organized a meeting to review the OSCE Document on SALW and Its Supplementary Decisions on 22-23 September 2009. More information is available in section 3 of the report.

Other events

SALW-related presentation at the Security Dialogue of the FSC

FSC Chairs regularly invite guest speakers to address the Forum also on issues related to SALW. In 2008-2010, presentation topics related to SALW included briefings on the Wassenaar Arrangement's activities, Chair of the Third Biennial Meeting of States on the UN PoA on SALW, Chair of the Group of Governmental Experts on ATT, briefings on the status of the OSCE ongoing and planned projects on SALW and briefings by various NGOs.

Exhibitions at the Ministerial Council Meeting in Helsinki Dec 2008 and Athens Dec 2009

On the sidelines of the Ministerial Council Meetings in Helsinki in December 2008 and Athens in December 2009, the FSC Support Section prepared photo exhibitions displaying FSC assistance projects on SALW and Conventional Ammunition. The pictures showed different stages of projects covering both assessments and the project implementation. The exhibitions showed project activities in countries in which assistance was provided, including Belarus, Georgia, Kazakhstan, Moldova, Montenegro, Tajikistan and Ukraine.

Information Brochure and Documentary Film

In order to raise awareness and promote FSC assistance projects on SALW and Stockpiles of Conventional Ammunition, the FSC Support Section has produced an update of a ten-minute documentary film describing recent projects on SALW and conventional ammunition, including rocket fuel component mélange, has been produced in English and Russian. The film update has been presented at the Ministerial Council Meeting in Athens.

Side Event at the Ministerial Council in Athens

In the framework of the Ministerial Council Meeting in Athens in December 2009, the FSC Chair and the Conflict Prevention Centre conducted a side event on SALW and conventional ammunition projects to raise the awareness of the general public about the problem of surplus and insecurely stored SALW and ammunition as well as to attract more donors to OSCE projects.

In addition, Working Group "A", one of the FSC's working groups, has a permanent agenda item for SALW, thus enabling participating States to discuss views regarding any aspect of SALW control on a weekly basis.

13. CO-OPERATION AND PARTICIPATION IN EVENTS ORGANIZED BY OTHER INTERNATIONAL AND REGIONAL ORGANIZATIONS IN 2006-2008

Memorandum of Understanding with UNDP

In line with the UN Programme of Action on SALW that encouraged regional organizations to co-operate, develop and strengthen partnerships to share resources to combat illicit SALW, the OSCE developed a general framework for technical co-operation with the UNDP. A Memorandum of Understanding (MoU) was signed by the two organizations in June 2006 and is aimed at providing a non-exclusive framework of technical co-operation for the implementation of SALW and conventional ammunition projects. Two joint projects have been launched in the framework of the MoU in Belarus and Montenegro. Additional information about the projects can be found in Section 9 of this report.

In March 2009, a financial agreement was finalized between the OSCE and UNDP. The agreement allows for smooth transfer of funds between the two organizations to finance joint projects. In April 2010, the MoU was extended for another two years until June 2012.

Operational Support and Information Exchange

The OSCE exchanges information on OSCE project activities as well as on normative achievements in the area of SCA with other international organizations. Following the OSCE's initiative on 27 November 2008, a one-day informal meeting was organized in Vienna with other international organizations to enhance co-ordination of efforts with regard to projects on Small Arms and Light Weapons (SALW) and Stockpiles of Conventional Ammunition (SCA). The first of its kind, the purpose of the meeting was (1) to take stock of SALW and SCA projects which are implemented by international organizations, and (2) to discuss the OSCE proposal to start organizing such co-ordination meetings on a regular basis. The meeting also provided an opportunity to discuss the proposal put forward by the OSCE to conduct informal co-ordination meetings on a regular basis. The idea was supported by all the representatives of the international organizations. It is envisaged that such meetings will be held regularly as to allow regular exchange of information regarding projects with the aim of improving their effectiveness and efficiency.

The OSCE has provided support in the development of International Small Arms Control Standards (ISACS) and participated in the Expert Reference Group established by the United Nations Coordinating Action on Small Arms (CASA) mechanism to review and provide feedback on draft ISACS.

Furthermore, the Organization has supported sub-regional measures such as initiatives of the Stability Pact for South-Eastern Europe, including the Regional Implementation Plan and the UNDP-Stability Pact South-Eastern Europe Small Arms Clearinghouse (SEESAC). The CPC participates in the Stability Pact's Regional Steering Group, which oversees implementation of the Regional Implementation Plan. The OSCE also provides support and advice to SEESAC in its daily activities, particularly through the OSCE Mission to Serbia and Montenegro and the OSCE Mission to Bosnia and Herzegovina. The SEESAC expertise is also used by the OSCE in and outside the SEE sub-region.

The OSCE organizes annual staff talks with UN during which information about the latest initiatives, both norm-setting and practical assistance on SALW, is being shared between the officials of the OSCE and UN.

The OSCE also conducts biannual staff talks with NATO during which issues related to the implementation of SALW and Conventional Ammunition projects are discussed in detail. Such talks serve the purpose of information sharing in order to avoid possible duplication of effort and establish synergies, where possible, in order to raise the effectiveness of projects.

Finally, the OSCE holds biannual staff talks with EU to exchange information and discuss a wide range of issues, including SALW.

Participation and Joint Events with Other International Organizations

In terms of co-operation with other regional and international organizations and civil society, the OSCE continued active external co-ordination and co-operation, including by participating in events organized by other actors.

In 2008-2010, representatives of the FSC Chair and the CPC continued to promote OSCE's outreach activities by participating in events organized by other international and regional organizations. Seminars and workshops, where presentations were given are listed below.

OSCE/FSC participation in SALW-related events organized by other international and regional organizations		
Date	Title	Place
2008		
March, 12-13	Saferworld Seminar: Information Exchange, Transparency and Preventing Diversion of Arms to Unauthorised End-Users	Moscow, Russia
July, 14-18	Third Biennial Meeting of States on the Implementation of the UN Programme of Action on SALW	New York, USA
August, 25-29	Expert Group Meeting on Model Legislation on the CTOC Firearms Protocol (UNODC)	Vienna, Austria
October, 20-24	UN General Assembly's First Committee Meeting	New York, USA
November, 13-14	Regional Meeting on Armed Violence and Development for the countries of Eastern and South-Eastern Europe and the Caucasus (Hosted by the Governments of Bosnia and Herzegovina and Switzerland with UNDP)	Sarajevo, BiH
November, 24-25	Broad-based Consultation on the Development of International Small Arms Control Standards	Geneva, Switzerland
2009		
5-6 May	RASR Workshop on SALW	Zagreb, Croatia
1-2 July	NATO Workshop on SALW Brokering	Brussels, Belgium
3 July	Coordination Meeting with Other International Organizations on SALW and SCA Projects	Brussels, Belgium
15-16 July	Workshop to Launch the Drafting Phase of the ISACS Project	Geneva, Switzerland

5-6 October	Workshop on the Potential Activities to be Financed under the Instrument for Stability in the Area of Prevention, Combat and Control of the Illicit Trade in Small Arms and Light Weapons	Brussels, Belgium
19-22 October	UN General Assembly's First Committee Meeting	New York, USA
3-5 November	South East Europe Regional Approach to Stockpile Reduction (RASR) of Conventional Weapons and Munitions	Budva, Montenegro
2010		
11 February	Promoting Discussion on an Arms Trade Treaty: Regional Seminar for countries in Wider Europe	Vienna, Austria
12 February	Promoting Discussion on an Arms Trade Treaty: Concluding Seminar of the EU-UNIDIR Project of regional ATT events	Vienna, Austria
23-25 February	Expert Group Meeting on Model Legislation on the CTOC Firearms Protocol (UNODC)	Vienna, Austria
18-19 February	United Nations Regional Seminar on Enhancing International and Regional Cooperation to Prevent, Combat and Eradicate Illicit Brokering in Small Arms and Light Weapons in East and Southeast Asia (UNRCPD)	Bangkok, Indonesia
24-25 May	Regional policy seminar on Combating the illicit trade in small arms and light weapons: information exchange and preventing diversion of weapons to unauthorised end-users	Almaty, Kazakhstan

14. ENSURING EFFECTIVE IMPLEMENTATION OF ARMS EMBARGOES

The OSCE has furthered the implementation of existing arms embargoes. In relation to the OSCE embargo, the OSCE Conflict Prevention Centre has regularly provided information to OSCE participating States as well as other international organizations on the status and the level of its implementation. The issue of responsible transfers is included in a number of OSCE documents, such as Principles Governing Conventional Arms Transfers (1993) and most recently the OSCE Principles on Control of Brokering, discussed in Section 3 of the report.

In addition, the OSCE regularly provides updates on the relevant OSCE export control activities to the UN officials responsible for sanctions and arms embargoes implementation, including Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. Furthermore relevant OSCE training workshops always include encouragement to follow UN arms embargoes, including those imposed against Al-Qaeda.

15. FIGHT AGAINST TERRORISM

The OSCE (Action against Terrorism Unit) regularly assesses the status of the 13 universal anti-terrorism conventions (UATI) and protocols in the OSCE area and circulates updates to participating States, informs about progress in Counter-Terrorism Network newsletters. Furthermore, in co-operation with the UNODC and the Office on Democratic Institutions and Human Rights (ODIHR), technical assistance can be provided to participating States, upon their request, which will enhance their capabilities to review existing legislation or draft new

legislation necessary to ratify the 13 UATI. In partnership with the UNODC, the OSCE (ATU, ODIHR and field presences) organizes workshops on 13 UATI at national and sub-regional level.

16. DISSEMINATION OF INFORMATION

The OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, is dedicated to sharing SALW and Ammunition related information and documents produced within the OSCE with the United Nations. According to the FSC decisions the following documents have been provided to the UN: OSCE SALW Document, Model Answers, OSCE Handbook of the Best Practice Guides and Standard Elements of End-User Certificates and Verification Procedures for SALW Exports.

17. REGIONAL POINT OF CONTACT

The OSCE Document on SALW designated the Conflict Prevention Centre (CPC) as the point of contact on SALW issues. The FSC Support Section in the CPC has taken on this function, and acts as the repository of data collected under the information exchanges, and as the liaison with other international, regional and sub-regional organizations. The CPC also provides advice and expertise to OSCE bodies, institutions and field missions on SALW-related issues and projects, and fosters the implementation of OSCE commitments among participating States through the organization of seminars and training courses on request. Finally, the CPC maintains an informal roster of experts and administers extra-budgetary contributions for SALW related activities.

The regional point of contact on SALW and the implementation of the UN Programme of Action is:

FSC Support Section
Conflict Prevention Centre
OSCE Secretariat
Wallnerstrasse 6
1010-Vienna
Austria
Tel. + 43 1 514 36 0
Fax. + 43 1 514 36 96

National coordination bodies

In 2008, the FSC took a decision to establish an “OSCE Directory of Points of Contact on SALW and SCA” to be an additional tool for co-operation and co-ordination among participating States on assistance projects relating to SALW and SCA. The primary purpose of the directory is to facilitate information-sharing between participating States on issues related to SALW and SCA projects.

ANNEX A

PLAN OF ACTION ON SMALL ARMS AND LIGHT WEAPONS

Measures	Possible measures to implement	Implementation timeline
I. IMPROVE THE IMPLEMENTATION OF EXISTING MEASURES		
1. Conformity of participating States' legislation and procedures with existing OSCE commitments on SALW		
(a) Participating States to conduct national evaluation of the implementation of the OSCE SALW commitments and bring it in conformity with agreed norms in accordance with OSCE SALW Document's Sections II (D), III (F) and IV (E).	Updates to be provided, when necessary, in one-off and/or annual information exchanges.	By June 2011
(b) FSC to consider establishing a mechanism for continuous assessment of the situation regarding the implementation of FSC-agreed commitments on SALW.	(1) Improvement of announcing and reminding mechanism with regard to SALW. (2) The CPC will be tasked to develop a matrix based on existing info exchanges and within existing resources, identifying the detailed implementation of SALW commitments. The matrix will be restricted to participating States only.	By December 2010 By December 2011
(c) OSCE to further conduct awareness-raising and provide training, as appropriate, to countries in need, upon request.	(1) Participating States will organize seminars and training events. (2) CPC will organize seminars in relevant countries.	Continuous

Measures	Possible measures to implement	Implementation timeline
(d) Projects	<p>(1) FSC, upon request, to provide assistance on developing relevant legislation on SALW in accordance with the OSCE Document on SALW, its supplementary decisions and the OSCE Handbook of Best Practices on SALW.</p> <p>(2) FSC, through PC, to explore the creation of a special SALW and SCA Voluntary Fund with the OSCE accountability controls for projects on SALW and SCA.</p> <p>(3) FSC to give more consideration to gender aspects of SALW. Possible measures to implement:</p> <p>(a) FSC to explore the application of gender aspects in the development of post-conflict SALW programmes, such as disarmament, demobilization, and reintegration projects; and</p> <p>(b) FSC to explore a list of recommendations to ensure the identification and integration of gender aspects in post-conflict SALW</p>	<p>Continuous</p> <p>By January 2011</p> <p>Continuous</p>

Measures	Possible measures to implement	Implementation timeline
	<p style="text-align: center;">programmes.</p> <p>(4) Update FSC Decision No. 15/02 on Expert Advice on Implementation of Section V of the OSCE Document on SALW</p>	Completed – FSC Decision No. 11/09
<p>(e) FSC to review the implementation of Ministerial Council Decision No. 11/08 with regard to the establishment or reinforcement of a legal framework for lawful brokering activities within the national jurisdiction of participating States by the end of 2010.</p>	<p>(1) Progress report by the CPC.</p> <p>(2) FSC review</p>	By September 2011
2. Transparency measures		
<p>(a) FSC to accelerate measures to improve the submission rate of FSC-agreed info exchanges on SALW.</p>	<p>(1) Same as I.1.(b).</p> <p>(2) CPC will align, if necessary, questionnaires' formatting.</p>	By December 2010
<p>(b) FSC to consider making public one-off information exchanges on SALW, as appropriate.</p>	The Secretariat will be tasked to create a public web page for this purpose.	Continuous
<p>(c) FSC to consider making public annual information exchanges on SALW, as appropriate.</p>	The Secretariat will be tasked to create a public web page for this purpose.	By June 2011
<p>(d) FSC to raise awareness on SALW work done by the OSCE.</p>	The Secretariat will be tasked to create a public webpage to reflect different SALW reports, studies, assessments carried out by the CPC and continue other venues of raising public awareness (PRs, side events, etc.).	By July 2011

Measures	Possible measures to implement	Implementation timeline
II. REVIEW THE IMPLEMENTATION OF PRINCIPLES, NORMS AND MEASURES IN ORDER TO IMPROVE CAPACITY AND EFFICIENCY		
1. General		
(a) FSC to review Best Practice Guides on SALW.		Continuous
2. Export and brokering controls		
(a) FSC to discuss the OSCE's regulatory framework on SALW transfer criteria.		Continuous
(b) FSC to explore the expansion of contacts with the Wassenaar Arrangements Secretariat, including export and brokering controls as topics.		Continuous
(c) FSC to explore the expansion of the scope of transfer controls to include transfer of technology.		Continuous
(d) FSC to discuss national experiences and procedures for end-use verification, re-export, post-shipment verification, brokering controls and licensing among participating States.		Continuous

Measures	Possible measures to implement	Implementation timeline
<p>(e) FSC to review OSCE Principles on the Control of Brokering in SALW and update them, as appropriate, in light of GGE recommendations, including:</p> <ul style="list-style-type: none"> – Description of brokering activities; – Record-keeping; – Transparency measures; – Penalties; – Co-operation with other international organizations. 		Continuous
3. Stockpile management and security		
<p>(a) FSC to consider strengthening commitments on stockpile management and security on SALW.</p>	<p>The CPC will be tasked to provide a statistical overview of the information provided by participating States on national procedures related to stockpile management and security of SALW.</p>	Continuous
4. Destruction		
<p>(a) FSC to consider ways to strengthen participating States' commitment to destroy surplus and illicit SALW.</p>		By January 2011
<p>(b) FSC to discuss means to improve participating States' capacity for the destruction of surplus and illicit SALW.</p>		Continuous

Measures	Possible measures to implement	Implementation timeline
5. Marking and tracing		
(a) FSC to take concrete steps to further the implementation of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW.	(1) FSC to identify means to further implementation. (2) FSC to consider the integration of the International Tracing Instrument's 2005 commitments concerning traceability of SALW in its regulatory framework.	Continuous
(b) FSC to discuss national experiences in tracing requests and their outcomes.		Continuous
(c) FSC to explore the needs of OSCE countries to receive assistance on marking in the framework of stockpile management and security assistance.		Continuous

ANNEX B



Organization for Security and Co-operation in Europe

The Secretariat

Conflict Prevention Centre

Vienna, 17 March 2010

**OSCE and UN Information Exchanges on
Small Arms and Light Weapons**

Table of Content

1	EXECUTIVE SUMMARY	32
2	BACKGROUND	33
3	PURPOSE	33
4	METHODOLOGY	33
5	SUMMARY OF FINDINGS	34
5.1	LEVEL OF COMMITMENTS	34
5.2	REPORTING AT THE UN/OSCE	34
6	RECOMMENDATIONS	37
7	REGULATORY FRAMEWORK	38
7.1	OSCE REGULATORY FRAMEWORK	38
7.2	UN REGULATORY FRAMEWORK	38
8	COMPARISON OF OSCE/UN COMMITMENTS AND TEMPLATES FOR REPORTING	39
8.1	LIST OF ABBREVIATIONS	39
8.2	COMPARISON OF COMMITMENTS ON SALW AT THE OSCE AND UNDER UN PoA	40
	8.2.1 <i>OSCE SALW Document</i>	40
	8.2.2 <i>UN PoA</i>	42
8.3	COMPARISON OF REPORTING REQUIRED BY THE OSCE AND THE UN POA	43
	8.3.1 <i>Marking/Record-keeping</i>	43
	8.3.2 <i>Manufacture</i>	44
	8.3.3 <i>Import/Export/Transit</i>	45
	8.3.4 <i>Brokering</i>	46
	8.3.5 <i>End User Certificates</i>	46
	8.3.6 <i>Surplus Reduction/Destruction</i>	46
	8.3.7 <i>Stockpile Management and Security</i>	47
	8.3.8 <i>DDR</i>	48
	8.3.9 <i>Other</i>	48
9	ANNEX: MODEL ANSWER FOR OSCE INFORMATION EXCHANGE ON SALW 2001	50

Executive Summary

Both the OSCE and UN receive national reporting on SALW controls. Since the political norms based in the OSCE and UN regulatory frameworks coincide to a large extent, inevitably, reporting on their implementation is duplicated to a certain degree. Moreover, the OSCE and the UN require differing reporting format, thus increasing the workload of the States and possibly leading to the lower submission rates. Thus, the reports received by the OSCE and the UN are provided with varying regularity, on differing dates and in differing formats.

Numerous calls have been made for improving synergy and complementarity of international efforts. The OSCE as a regional intergovernmental organization under Chapter VIII of the UN Charter works to contribute to the full implementation of the UN instruments to control SALW and to bring further regional norms, measures and principles that could be applied at the global level.

Reporting on the UN PoA on SALW and on the OSCE SALW Document is a key element in reviewing progress made by States in the implementation of the above commitments and identifying areas where further support could be provided. Therefore, it is of prime importance to ensure highest quality and submission rates of such reports. The commitment for OSCE states to provide two different reports on different deadlines (to the OSCE and the UN) covering to a large extent similar information on SALW controls presents an unnecessary additional burden for States and may negatively affect their quality and the rates of submissions.

Based on the findings of this report, the following recommendations could be considered in order to improve the information exchange processes:

- (1) Jointly aligning or harmonizing information exchanges submitted to the UN and the OSCE in order to improve their numbers and quality with possible input from other regional arrangements (e.g. Wassenaar Arrangement).
- (2) Synchronizing deadlines for information exchanges to the extent possible as well as dates for review/experts meetings.

These concrete proposals could be worked out by the CPC and ODA using video-conference technology.

Background

Both the OSCE and UN receive national reporting on SALW controls. Since the political norms based in the OSCE and UN regulatory frameworks coincide to a large extent, inevitably, reporting on their implementation is duplicated to a certain degree. Moreover, the OSCE and the UN require differing reporting format, thus increasing the workload of the capitals and possibly leading to the lower submission rates. Thus, the reports received by the OSCE and the UN are provided with varying regularity, on differing dates and in different formats.

Purpose

The purpose of this document is to compare reporting by States based on the OSCE Document on SALW and related decisions and the UN Programme of Action (PoA) on SALW. The paper is not intended to be all-inclusive but rather to provide a comparison of the scope and the depth of reporting.

Methodology

The reporting formats required by the OSCE Document on SALW and related decisions and the UN PoA were compared on the basis of the existing guidelines for reporting, particularly the OSCE Model Answer and Templates for Information Exchange on SALW as well as the UN Guidelines for Reporting on Implementation of UN PoA.

Next, three categories of information requested in the reports were identified: (1) information requested both by the OSCE and to the UN; (2) information requested by the OSCE only; (3) information requested by the UN only.

Finally, actual reporting of sample States was compared in order to identify common/differing approaches to reporting to both the OSCE and the UN. Three States (hereafter referred to as country A, country B and country C) submitted their reports both to the OSCE and the UN in 2008 and thus could serve as the base with which to compare how States use the guidelines of the OSCE and the UN in their answers on the implementation of the respective instruments.

It should be noted that the level of detail and the scope of reporting on some subjects differed since the level of depth of commitments indicated in the OSCE/UN regulatory framework differs. Therefore, while one organization would ask a more general question, the other would require more detail. The assumption is that a more general question does not require, however would not preclude the submission of more detailed information.

Summary of Findings

Level of commitments

Both the UN PoA on SALW and the OSCE Document on SALW are politically binding documents that introduce a comprehensive set of commitments on SALW control aimed at preventing illicit manufacturing and diversion of SALW as well as its effective tracing. While the UN PoA and the OSCE commitments on SALW coincide considerably, especially in the areas related to manufacturing, marking/record-keeping, export/import, brokering, surplus destruction, stockpile management and security, there are differences in the documents that reveal the context in which they were agreed. The OSCE SALW Document is a regional measure aimed to address specific needs of the region as it includes major producers and exporters of SALW. The UN PoA on SALW reflects the global character of the document that takes into account action at national, regional and global levels to address the problem of illicit SALW. Hence, significant differences can be found in the sections relating to requirements on DDR programmes and others. Moreover, slight differences in the depth of requirements also appear between UN and OSCE commitments in the areas of manufacturing, marking/tracing, export/import, brokering, surplus destruction, stockpile management and security.

Reporting at the UN/OSCE

The OSCE Document on SALW (2000) is a politically binding document that commits OSCE participating States (pS) to transparency measures on various issues related to SALW control and covered in the OSCE SALW Document as well as subsequent decisions (see *OSCE Regulatory Framework*).¹¹ Under OSCE commitments, in 2001-2002, participating States provided one-off information on marking techniques, national policies on stockpile management and security, destruction techniques, export control policies and control of manufacturing. Updates should be provided by pS when necessary.

In addition, OSCE pS are committed to annually (by 30 June) exchange information on imports to/exports from other pS the during previous calendar year as well as the number of SALW “seized and destroyed” and “identified as surplus and destroyed”.

The OSCE Conflict Prevention Centre (CPC) has developed a model answer for one-off information exchanges and a template for annual information exchanges. Both are not politically binding and can serve as recommendation only.

Following the adoption of the UN Programme of Action on SALW (2001), reporting to the UN was introduced. There are no politically set deadlines or regularity with which Member States should provide the reporting. However, in the operational guidelines the UN recommends that full reports be submitted once every two years by 31 January. The UN ODA developed Guidelines to help Member States provide reports on the implementation of the UN PoA on SALW.

¹¹ OSCE Document on Small Arms and Light Weapons (2000)
<http://www.osce.org/documents/fsc/2000/11/1873_en.pdf>

Marking/Record-Keeping. *Both the OSCE and the UN* require detailed information pertaining to relevant legislation reflecting States' commitment to marking all weapons. Further both organizations request information on the marks used and ask for information on marking both for military and civilian weapons, as well as inquire about state control over private sector marking and exceptions that can be made. Finally, both the OSCE and UN request information on states' SALW register (e.g. type of info, length of keeping) and used methods of tracing. Even though there is no obvious difference in commitments, the *OSCE* specifically asks for information on the types of markings used as well as inquires about their permanent nature. Moreover, it inquires about states' policies on marking unmarked weapons and asks for information on licensed production outside national territory. Again, there are no obvious differences in commitments, however the *UN* requests information on the uniqueness of markings and information conveyed by marking. In addition, the UN requests information on international co-operation on tracing, tracing of all weapons belonging to the State and tracing expected response time.

Manufacture. *Both the OSCE and the UN* request information on penalties for illicit manufacture. Additionally, the *OSCE* asks for information on procedures for issuance of licenses, their review, their renewal and their revocation. The *UN* guidelines include a general call for information on laws, regulations and procedures regarding manufacture. In addition, the UN asks for examples of groups/individuals recently tried for illegal manufacturing.

Import/Export/Transit. *Both the OSCE and the UN* request information on export licensing laws and regulations and state practice for export licensing. Furthermore, both ask for information on international arrangements considered in exports, including enforcement of embargoes. On EUCs, both organizations request information on the requirements for EUC and information contained in them. Next, the UN and the OSCE ask for information on enforcement/penalties for illicit export/import/transit. Finally, they also request information on assistance with other States (training, awareness raising, etc). In addition, the *OSCE* inquires about the implementation of the OSCE common export control criteria and requests information on types of licenses used as well as their details (period of validity, the way they are represented in documentation). It also asks for information on exceptions to licensing requirements as well as reasons for revocation. With regard to EUCs, the OSCE requests the one-off provision of a sample EUC as well as end use verification procedures, if applicable, and cases in which exceptions to EUC requirements can be made. The *UN* in its turn gives a general call for information on laws, regulations and procedures regarding trade and particular laws/regulations on import and transit. Finally, the UN asks whether notification of original exporter state is required when re-exporting/retransferring.

Brokering. *Both the OSCE and the UN* request information on the registration of brokers as well as licenses/authorizations required for brokering activities. Both organizations also inquire about penalties for illegal brokering. In addition, the *OSCE* requires information on the registration in cases of extraterritoriality, reporting requirements for registered brokers, including record-keeping. The OSCE also inquires about the national definition of brokering, number of revocations or disbarment of brokers as well as exporters' requirements to disclose brokers involved in transaction.

Surplus reduction/destruction. *Both the OSCE and the UN* request information on criteria for surplus identification and on policies related to SALW surplus. Next, both organizations ask for information on destruction techniques as well as recent public destruction and awareness raising campaigns and assistance to/from other states. Finally, both organizations

ask for numbers of confiscated/destroyed SALW. In addition, the *OSCE* inquires about the policies of destroying SALW parts and components in the destruction process, details on record-keeping and the national authority for destruction as well as policies on seized or confiscated weapons. The UN requests information on safeguarding measures for SALW prior to destruction.

Stockpile management and security. Both the *OSCE* and the *UN* request information on physical control measures and access control measures as well as characteristics for stockpiles locations. Both organizations also ask for information on inventory management and account control, including frequency of inventory review. Organizations inquire about security training of stockpile staff and procedures for maximizing security of transports. In this regard, organizations also ask for information on sanctions for theft/loss and assistance to improve stockpile management and security procedures. Although there are no obvious differences in commitments, the *OSCE* asks more detailed questions on each topic and requests information on protection measures in emergency situations.

DDR. While both organizations point out the importance of addressing the issue of surplus and/or not secure SALW in DDR initiatives, the *OSCE* Document on SALW and UN PoA on SALW take differing approaches to DDR. The *OSCE* SALW Document foresees the provision of practical assistance to participating States on a wide range of measures, including SALW destruction/stockpile management and security, SALW border controls and collection programmes. As part of the assistance mechanism the *OSCE* has developed questionnaires for States requesting/providing assistance that are completed on voluntary basis. The *UN* asks for information related to national programmes related to DDR, including collection, effective storage, control and destruction of SALW. This information should be provided regularly and is to be included in the national reports.

Other. In addition to the legislative information on export controls, the *OSCE* requests annual information on exports from/imports to other *OSCE* participating States as well as numbers of SALW “identified as surplus and destroyed” and “seized and destroyed”. The *OSCE* also requests information on legislation and regulations on preventing illicit trafficking of SALW by air. The *UN* additionally requests information on illegal possession and stockpiling of SALW. Due to the global context of the UN PoA on SALW, the UN also asks for information on regional co-operation.

Comparison of sample countries’ reports. Three States were selected to compare their national reporting both to the *OSCE* and the *UN* in order to identify national similarities/differences in reporting. The comparison showed that *country B* reported mostly identical information on their reports on all common topics to both organizations. *Country A* used the *OSCE* Model Answer format in their reports to both organizations. The report on the PoA on SALW was slightly expanded or revised to adjust it to the UN reporting guidelines. The comparison revealed that the reports by *country C* to the *OSCE* and the *UN* were not based on the same report and were separately written for each organization although some information is the same.

Recommendations

Numerous calls have been made for improving synergy and complementarity of international efforts. The OSCE as a regional intergovernmental organization under Chapter VIII of the UN Charter works to contribute to the full implementation of the UN instruments to control SALW and to bring further regional norms, measures and principles that could be applied at the global level.

Reporting on the UN PoA on SALW and on the OSCE SALW Document is a key element in reviewing progress made by States in the implementation of the above commitments and identifying areas where further support could be provided. Therefore, it is of prime importance to ensure possibly high submission rates of such reports. The commitment for OSCE states to provide two different reports on different deadlines (to the OSCE and the UN) covering to a large extent similar information on SALW controls may negatively affect their quality and the rates of submissions. Moreover, it presents an unnecessary additional burden for States.

The following recommendations could be considered in order to improve the processes:

- (1) Jointly aligning or harmonizing information exchanges submitted to the UN and the OSCE in order to improve their numbers and their quality with possible input from other regional arrangements (e.g. Wassenaar Arrangement).
- (2) Synchronizing deadlines for information exchanges to the extent possible as well as dates for review/experts meetings.

These concrete proposals could be worked out by the CPC and ODA using video-conference technology.

Regulatory Framework

OSCE Regulatory Framework¹²

- OSCE Document on SALW (2000)
- FSC Decision 15/02 on OSCE Assistance Mechanism on SALW (2002), updated through FSC Decision 11/09 (2009)
- OSCE Handbook of Best Practices on SALW (2003), Annex C on MANPADS to Best Practice Guide on Stockpile Management and Security of SALW (2006)
- OSCE Principles for Export Controls of Man-Portable Air Defence Systems (2004), updated through FSC Decision 5/08 (2008)
- Standard Elements of End-User Certificates and Verification Procedures for SALW Exports (2004). FSC Decision 12/08 on Information exchange of sample End User Certificates (2008)
- OSCE Principles on the Control of Brokering in SALW (2004)
- Best Practices to Prevent Destabilizing Transfers of SALW Through Air Transport (2008)
- Points of contact on projects on SALW and Stockpiles of Conventional Ammunition (2008)

UN Regulatory Framework

- UN Programme of Action to Prevent, Combat & Eradicate the Illicit Trade in SALW in All Its Aspects (2001)
- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW (2005)
- UN Register on Conventional Arms (2001) and updates

In 2005, the UN adopted International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. This politically binding instrument is aimed at enabling States to identify and trace illicit SALW. However, the document is not included in the scope of this analysis.

The UN created a register of conventional arms in 1991 that established an annual information exchange of exports/imports of conventional weapons specified. Later on, the categories of weapons subject for transparency measures were updated and information on SALW exports/imports was included as a voluntary category. However, the document is not included in the scope of this analysis.

¹² Relevant Documents and Decisions can be found at www.osce.org.

Comparison of OSCE/UN commitments and templates for reporting

List of Abbreviations

OD: OSCE Document on SALW (2000)

OM: Model Answer for OSCE Information Exchange on SALW 2001 (2002)¹³

OT: Templates for the OSCE Information Exchange on SALW 2001 (2002)

OO: Overview of the First OSCE Information Exchange on SALW 2001 (2002)

OP: OSCE Handbook on Best Practices on SALW (2003)

OB: Information Exchange on OSCE Principles on Control of Brokering SALW (2007)

UP: UN Programme of Action to Prevent, Combat & Eradicate the Illicit Trade in SALW in All Its Aspects (2001)

UG: Guidelines for Reporting on Implementation of UNPoA

UT: Reporting Template for UNPoA

UA: UNIDIR's Analysis of the National Reports Submitted from 2002 to 2008 (2008)

UI: International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW (2005)

CountryCU8: Country C's UN Information Exchange submitted in 2008 for the year 2007

CountryCO8: Country C's OSCE Information Exchange submitted in 2008 for the year 2007

(Three countries which provided full reports to both the UN and the OSCE in 2008 are used for comparison.)

¹³ For the text of the model answer, please refer to Annex.

Comparison of commitments on SALW at the OSCE and under UN PoA

OSCE SALW Document

Definition. The OSCE Document on SALW gives the following definition of SALW covered under the 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 antitank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm”.

Weapons marking. The first section of the SALW Document sets out principles for the marking of small arms and light weapons. Participating States must ensure that weapons are marked in such a way as to allow investigating authorities to be able to identify the year and country of manufacture, and the weapon’s serial number. As almost all illegal weapons, including those used for criminal purposes, are originally transferred perfectly legally, these constitute essential elements which enable such weapons to be traced back to the supplier or to the point of diversion. They also complement the provisions of the UN Firearms Protocol. Participating States also agreed to either mark or destroy all unmarked or inadequately marked weapons. Furthermore, as even well-marked weapons cannot be traced unless proper records of markings and transfers are kept, states agreed to keep full and accurate records of all small arms holdings.

Common export criteria and export controls. The comprehensive approach to export controls is reflected in Section III of the Document, which elaborates a series of common export criteria. These were adapted from the OSCE Principles Governing Conventional Arms Transfers, and mirror those in the EU Code of Conduct. They highlight the need among recipient states for respecting human rights, avoidance of armed conflict and compliance with international agreements. Crucially, these criteria are universal in scope and apply to transfers outside as well as inside the OSCE area. Participating States also agreed on a detailed set of principles governing the procedures and documentation for the import, export and transit of small arms and light weapons. In essence, the Document includes the essential elements of an arms licensing system, including information on receipt, retransfer, end-user certificates and verification and inter-agency co-ordination.

In 2004, the OSCE approved a decision on the content of end-user certificates (EUC) issued 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 for end-user certificates and verification procedures for exports of SALW. This will allow participating States to develop a common approach regarding the application of end-user certificates, while taking due account of their respective national legislation. In addition, the Decision foresees commitments that participating States should undertake to implement verification measures and to further strengthen transparency in this field.

Also in 2004, the OSCE adopted a decision on more stringent export control of MANPADS. The decision was based on the international obligations on export control and transit of SALW. The provisions specify the conditions where MANPADS export can take place and indicates the steps needed to carry out the export action. Furthermore, the assurances not to re-export MANPADS, and the secure storage, handling, transport and the proper use of the MANPADS material were required from the recipient. In addition, disposal or destruction of excess stocks of MANPADS was required. In 2008, the FSC decision on MANPADS control was updated following the revisions made in the context of Wassenaar Arrangement. The purpose of these amendments was to ensure their more effective implementation by making them more easily understandable for commercial exporters and licensing authorities. In addition, the updated principles also cover issues related to the transfer of production technologies and stricter end-use assurances than the original principles of 2004.

Arms brokering. Controls over international arms brokering are hugely problematic and controversial, not only within the OSCE but also in other fora such as the UN. The Document encourages states to consider establishing national systems, including registration of brokers operating within their territory and licensing or authorisation of brokering transactions.

The OSCE was one of the first multilateral fora to acknowledge the critical need for regulations governing the activities of international brokers in small arms and to encourage its participating States to take action in this regard. Also in 2004, the OSCE adopted the Principles on the Controlling of Brokering Activities.

With these Principles, the OSCE participating States, building upon the relevant UN, OSCE, EU and Wassenaar Arrangement documents, have evolved principles that allow them to take all the 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 or brokers who are established in their territories. As a concrete measure, the decisions foresee that States will endeavour to ensure that their existing or future national legislation is in conformity with agreed principles.

Management of stockpiles, reduction of surpluses and destruction. The OSCE Document contains a detailed list of standards which should be followed when guarding weapons stocks. States also agreed on a set of ‘tripwires’ which should notify a government that it ought to review its holdings and decide whether a surplus exists. Although the determination of a national surplus remains firmly the prerogative of each government, there is nevertheless broad agreement on the principle of sufficiency within the OSCE. Furthermore, States agreed that the ‘preferred method of disposal is destruction’, which should prevent surplus and seized illegal weapons from being resold.

Early warning, conflict prevention, crisis management and post-conflict rehabilitation. Early on, the participating States recognized the enormous potential of the OSCE Missions in combating the destabilizing accumulation of small arms and light weapons. However, the Forum for Security Co-operation (FSC), as the body which oversees the development and implementation of politico-military agreements such as the SALW Document, does not play a formal role in directing the work of the missions, which is the responsibility of the Permanent Council (PC). Therefore any additional tasks on small arms and light weapons are voluntary in nature, both to take account of this organizational division of labour, and to allay fears that the missions would overstep their mandates.

Section V, therefore, outlines a set procedure for incorporating small arms measures into conflict prevention and post-conflict rehabilitation activities. It created a process whereby concerns can be raised in the PC or FSC and an expert assessment can be conducted before any action is taken. The PC could then request a range of measures, including assistance with the reduction and disposal of small arms; advice and assistance for the reinforcement of border controls; and assistance with small arms collection and control programmes. The mandates of future missions adopted by the PC should, if appropriate, ‘include the capacity to advise, contribute to, implement and monitor small arms collection and destruction programmes and small arms related [disarmament, demobilization and reintegration] measures.’

Information Exchanges. A number of restricted information exchanges are included throughout the Document. Under these exchanges, the participating States agreed to share information 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; small arms stockpile security and management programmes. These are the so-called one-off information exchanges, which were to be completed fully by June 2002. In addition, participating States committed themselves to exchange annually statistical information on exports to and imports from other OSCE participating States, as well as small arms identified as surplus and/or seized and destroyed on their territory in the previous calendar year. Upon a separate decision of the OSCE, participating States can undertake to exchange additional information related to the adopted documents/decisions on SALW. In this venue, in 2008, OSCE States exchanged sample End User Certificates and information on their relevant verification procedures. Also in 2008, OSCE States exchanged information concerning national regulations concerning brokering activities on SALW.

UN PoA

Like the OSCE Document on SALW, the UN Programme of Action is a politically binding document. It focuses on a number of norms and measures for use at the global, regional and national levels, which reinforce or co-ordinate existing efforts. It calls for the development of new international measures, and places emphasis on post-conflict environments where there are excessive and destabilizing accumulations of SALW. The Programme of Action also aims to mobilize political will among states and promote responsible action on their part with a view to preventing the illicit trade.

There is no internationally agreed *definition* of SALW. The categories of weapons included in the scope of the PoA stem from the Report of the Panel of Governmental Experts (2007). International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons gives the following definition of SALW:

“(a) “Small arms” are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) “Light weapons” are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, 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 a calibre of less than 100 millimetres.”

At the *national level*, states undertake to put in place adequate regulations and procedures to exercise effective control over production, export, import, transit and re-transfer of SALW. These do not include common export criteria. States should also criminalize illegal manufacture, stockpiling and trade, co-ordinate the formulation of national policy, mark weapons and keep adequate records. The need for stronger regulations on brokering is also highlighted. In the field of stockpile security and management, and destruction of SALW, the Programme of Action closely mirrors the OSCE document – for example, the standards for stockpile management are drawn from the OSCE language. States are also encouraged to make public their laws and regulations.

The Programme of Action also contains a number of recommendations for the regional level. Although the UN cannot directly task regional organizations, UN member states undertake to encourage regional organizations, such as the OSCE, to establish certain standards and measures. Regional organizations are asked to establish points of contact to act as liaisons for the implementation of the Programme of Action. A number of potential other initiatives are highlighted, including: negotiations on legally binding instruments; moratoria on transfers; sub-regional or regional mechanisms on cross border customs co-operation and information-sharing among law enforcement officials; regional programmes to strengthen laws and procedures to combat the illicit trade; regional measures to promote stockpile security; disarmament, demobilization and reintegration (DDR) programmes; and voluntary measures to enhance transparency.

At the *global level*, states agree to implement arms embargoes; submit national reports on implementation; support disarmament, demobilization and reintegration programmes and weapons collection; co-operate in tracing illegal weapons and prosecuting traffickers; develop common understandings on brokering; facilitate the participation of civil society and develop public awareness programmes on the problems associated with the illicit trade in SALW.

Comparison of reporting required by the OSCE and the UN PoA

Marking/Record-keeping

Both:

- Laws requiring marking. (UG:A.9.i) States commit themselves to marking. (OD:II.B.1; UP:II.7)
- Laws requiring marking. (OM:3.1[2]; UG:A.9.v)
- Marks used. (UG:A.9.iii)
- Both civilian- & state-owned SALW. (OM:3.1[1]; UG:A.9.i)
- State control over private sector marking. (OM:3.5; UG:A.9.i)
- Exceptions to mandatory marking requirements. (OM:3.1[4]; UG:A.9.i)
- Details on records – duration, access, etc. (OM:3.7; UG:A.9.v)
- Methods for tracing. (OM:3.7; UG:A.9.iv,vi,vii)

OSCE only:

- Nature of “permanent manner” when marking. (OM:3.1[6,7])
- Changes being made in legislation. (OM:3.1[5])
- Techniques for marking. (OM:3.2)

- Marking unmarked weapons. (OM:3.3)
- National marking authority. (OM:3.4)
- Licensed production outside national territory. (OM:3.6)
- Marking/record-keeping lessons learned. (OM:3.1,3.7)

UN only:

- Uniqueness of marking; information conveyed by marking. (UG:A.9.ii,iii) Described in OP.
- International cooperation on tracing. (UG:A.9.vii)
- Tracing of all SALW held by State. (UN:A.9.vi)
- Tracing expected response time. (UN:A.9.vi)

Reporting Results:

- Country BU8 and Country BO8 reported identical information regarding marking/record keeping, largely following the OM format.
- Country AU8 and Country AO8 used the OM format, adding minor details to the UN version which were not obviously in response to specific questions posed in UG.
- Country CU8 and Country CO8 are completely different reports using the respective formats provided; many of the differences listed above thus occur. However, the armed forces, finance administration, federal and state police are discussed in both reports more or less equally. The OSCE report has both more description and more illustrations in this section.

Manufacture

Both:

- Penalties for illicit manufacture. (UG:A.4.ii; OM:4.4)

OSCE only:

- Procedures for issuance of licenses. (OM:4.1)
- Review and renewal of licences. (OM:4.2)
- Procedures for revocation of licenses. (OM:4.3)
- Lessons learned. (OM:4.4)

UN only:

- General call for information on laws, regulations, procedures regarding manufacture. (UG:A.3.i)
- Pending legislation on further criminalizations of illicit manufacture. (UG:A.4.i)
- Examples of groups/individuals illegally manufacturing. (UG:A.4.ii)

Reporting Results:

- Country BU8 and Country BO8 reported identical information regarding manufacture, including the note that “previous reports submitted by Country B still apply”.
- Country AU8 and Country AO8 used the OM format, but add several paragraphs to the UN version, including noting the Ministry of Foreign Trade and Economic Relations’ procedures for inspecting SALW manufacturers and noting the lack of drastic violations of manufacturing legislation.

- Country CU8 and Country CO8 are completely different reports regarding manufacture. The OSCE report has a longer discussion of manufacturing licenses and mandatory records kept by manufacturers. The UN report lists relevant laws and minimum/maximum punishments.

Import/Export/Transit

Both:

- Licensing laws/regulations. (OM:5.2; UG:A.3.i)
- State practice for licensing. (OM:5.2; UG:A.7.ii)
- Enforcing embargoes. (OM:5; UG:A.4.iii) OM – voluntary, adds “areas of concern”.
- International arrangements considered in exports. (OM:5.1; UG:B,C)
- EUC requirements. (OM:5.5; UG:A.7.iii)
- Assistance with other pSs - training, awareness raising, cooperation with foreign authorities, etc. (OM:5.6; UG:B.3,C.2)
- Enforcement/penalties for illegal export, and state practice thereof. (OM:5.7; UG:A.4.i)
- Information contained on EUCs. (O:sample EUCs available to pSs; UG:A.7.iii)

OSCE only:

- Implementation of OSCE common export criteria. (OM:5.1)
- List of types of licenses. (OM:5.2)
- Period of validity of licenses; how they are represented on documentation. (OM:5.3)
- Exceptions to licensing requirements. (OM:5.3)
- Revocation of licenses – reasons and implementation. (OM:5.3)
- Number of licenses/annual contract volume. (OM:5.4)
- Minimization of people involved in licensing procedures. (OM:5.4)

UN only:

- General call for information on laws, regulations, procedures regarding trade. (UG:A.3.i)
- Pending legislation on further criminalizations of illicit trade. (UG:A.4.i)
- Import laws/regulations. (UG:A.3.i,7.i) Described in OD:III.B.
- Transit laws/regulations. (UG:A.7.i) Described in OP.

Reporting Results:

- Country BU8 and Country BO8 reported identical information regarding trade.
- Country AU8 and Country AO8 used the OM format, though with significant revisions in the UN version often not obviously related to the different questions posed. OSCE version included paragraph on “law enforcement and penalties” although some of the points raised appear in the UN version’s larger section on “period of validity, revocation and exceptions”.
- Country CU8 and Country CO8 are different reports with only a few shared paragraphs; many of the above differences thus apply. For example, the OSCE report describes more exceptions to licensing requirements and provides a chart showing the value of export licenses by country. The UN report answers the question of notification to original exporting state.

Brokering

Both:

- Registration of brokers. (OM:6.1; UG:A.8)
- Licences / authorisations for brokering transactions. (OM:6.3; UG:A.8)
- Penalties for illegal brokering. (OM:6.6,OB:1; UG:A.8)

OSCE only:

- Registration of brokers both who are working in state territory and who are state nationals wherever located. (OM:6.1,2)
- Reporting requirements for licensed brokers. (OM:6.4)
- Exporter's requirements to disclose brokers involved in transaction. (OM:6.5)
- Number of revocations or disbarment of brokers to date. (OM:6.6)
- National definition of brokering. (OB:1)
- Record-keeping of licences. (OB:1)

UN only:

Reporting Results:

- Country BU8 and Country BO8 reported identical information regarding brokering.
- Country AU8 and Country AO8 used the OM format, again with many unrelated revisions to the UN version (even to the Country A definition of brokering, supposedly taken from the same source). OSCE version notes where brokers must be registered.
- Country CU8 and Country CO8 give nearly identical descriptions under brokering. The UN report includes maximum/minimum punishments for illegal brokering.

End User Certificates

Both:

- Information contained on EUCs. (O:sample EUCs available to pSs; UG:A.7.iii)

OSCE only:

- End use verification procedures. (OM:5.5)
- Exceptions to EUC requirements/IICs. (OM:5.5)
- Archive of sample EUCs by OSCE pS

UN only:

- Notification of original exporting state when re-exporting/retransferring. (UG:7.iv)
Described in OP.

Surplus Reduction/Destruction

Both:

- Description of surplus SALW policies. (OM:7.4; UG:A.6.ii,v)
- Destruction techniques for particular weapons. (OM:7.1; UG:A.6.v)
- Surplus weapon criteria. (OM:7.4; UG:A.5.ii)
- Public destruction and awareness campaigns. (OM:7.5; UG:A.11.i,ii)
- Assistance to/from other states. (OM:7.6; UG:C.2.i)

OSCE only:

- Small arms parts? (OM:7 – only in list, no detailed questions provided) OD:IV.C.3 mentions only need for deactivation of weapons to include rendering of all essential parts permanently inoperable.
- Details on record keeping and/or authority for destruction. (OM:7.2)
- Policies on seized or confiscated weapons. (OM:7.3)

UN only:

- Confiscated/destroyed SALW details submitted to other IOs. (UG:A.6.vi)
- Safeguarding measures for SALW prior to destruction. (UG:A.6.iii) Described in OP.

Reporting Results:

- Country BU8 and Country BO8 reported identical information regarding surplus and/or seized and destroyed SALW, except that in the OSCE report was added information on such SALW collected or seized by the Italian Armed Forces in Kosovo and Country A.
- Country AU8 and Country AO8 used the OM format, with many revisions made without substance. Only the report to OSCE noted the donation of weapons and ammunition to Afghanistan.
- Country CU8 and Country CO8 give similar descriptions of SALW destruction. The OSCE report mentions public awareness campaigns here in this section, although the UN report describes other awareness-raising efforts elsewhere.

*Stockpile Management and Security***Both:**

- Appropriate characteristics for stockpile locations. (OT:Annex 1.1; UP:II.17)
- Physical security measures. (OT:Annex 1.2; UP:II.17)
- Access control measures. (OT:Annex 1.3; UP:II.17)
- Inventory management and accounting control, including frequency of inventory review. (OT:Annex 1.4; UG:A.5.ii)
- Sanctions for theft and loss. (OT:Annex 1.6; UP:II.17)
- Procedures to maximize security of transports. (OT:Annex 1.7; UP:II.17)
- Security training of stockpile staff. (OT:Annex 1.8; UP:II.17)
- Assistance for improving stockpile management and security procedures. (OT:Annex 1.9; UG:C.2.i)

OSCE only:

- More detailed questions on each of the above.
- Protection measures in emergency situations. (OT:Annex 1.5)

UN only:**Reporting Results:**

- Country BU8 and Country BO8 reported merely that previous detailed reports still apply.

- Country AU8 did not have a section on stockpile management and security as Country AO8 has a 3-page annex; nor is this area specifically cited elsewhere in the report to the UN.
- Country CU8 and Country CO8 are completely different reports. The OSCE report has more detailed descriptions of access control measures, stockpile locations, etc. It describes the Armed Forces exclusively, while the UN's briefer overview nonetheless addresses the federal and state police forces.

DDR

OSCE only:

- Questionnaires for requesting & donor states on SALW destruction, stockpile management and security, border controls, collection programmes.
- Discussed in OB.

UN only:

- Description of DDR programmes developed and implemented by state, including effective collection, control, storage and destruction of SALW. (UG:A.10.i,UP:II.21)
- Addressing special needs of children affected by armed conflict. (UG:A.10.ii,UP:II.22)
- Support for DDR programmes or activities. (UG:A.10.iii,UP:II.30,34)

Reporting Results:

- Neither Country BU8 nor Country BO8 reported on DDR.
- Country AU8 has a paragraph on DDR projects, both past and present, which Country AO8 lacks.
- Country CU8 has a section on DDR efforts in eight countries which Country CO8 lacks.

Other

OSCE only:

- Annual exchanges of exports, imports, surplus and/or seized and destroyed. (OT:Annexes 2-4)
- Illicit air-transport one-off information exchange.

UN only:

- Laws to include title in short and long form, original language title, last amended date, weblink. (UG:A.3.i,4.i,etc.)
- Illegal possession. (UG:A.4.i,UP:II.6)
- Illegal stockpiling. (UG:A.4.i,UP:II.6)
- Regional cooperation. (UG:B)
- Global level. (UG:C)
- Full report requested at least biennially rather than simply when updates needed.

Reporting Results:

- Country BO8 includes charts on exports and imports. Country BU8 included more information on regional and global cooperation. Laws are noted the same way in both reports.

- Country AO8 includes charts on exports, imports, surplus/seized and destroyed. Country AU8 included more information on regional and global cooperation. Laws are noted the same way in both reports.
- Country CO8 includes charts on exports and imports. Both reports include a chart on surplus/seized and destroyed SALW, although the UN report includes data only for the Armed Forces whereas the OSCE report includes the Federal Finance Administration and Police Forces. Country CU8 included more information on regional and global cooperation. Illegal possession laws are cited in the UN report, which also tended to give more information on laws generally.

Annex: Model Answer for OSCE Information Exchange on SALW 2001

1. Introduction

In accordance with recommendations made in the Overview of the first OSCE information exchange on small arms and light weapons, and as tasked by the Chair of the FSC, this Model Answer for the 2001 information exchange has been designed to provide a basis for a consistent structure for the 2001 information exchange for those participating States which still are to submit their first report. This Model Answer also serves the purpose of a reference model to be compared to national reports by those participating States wishing to provide an update of their first submission.

The following gives a brief review of the main reporting elements which participating States were to provide within the first round of information exchanged under the Small Arms Document. Where possible illustrative examples are given to facilitate reporting.

2. Method of Reporting

Two threshold criteria may be considered in providing information. The first is whether the report explicitly addresses the subject matter. Relevant information on the absence of a State policy is helpful for the information exchange as it makes state policies and reporting explicit. The second concern is whether the information provided is sufficient to contribute to the development of best practices. Important aspect is whether the report provides sufficient information to allow its comparability to the reports of other participating States so that commonalities and/or differences can be observed and communicated to participating States.

3. National Marking Systems:

Information on national marking systems broadly falls into seven categories (in no particular order):

- Marks used on SALW
- Techniques for marking
- State policies in marking unmarked weapons
- National authority in charge of marking
- Whether there is state control over the private sector regarding marking
- Whether State laws or practices influence licensed production outside of the national territory
- Information on the means for tracing weapons, and/or details on record keeping.

3.1 Marks used on SALW

Information about the actual marks placed on weapons provides a means for other states to determine the origin and details of weapons in their possession if they were imported or seized. This reporting also provides the reasons for state marking, what that marking is designed to accomplish, and identifies the primary actors in the marking process. Providing information about formal laws regulating action, as well as non-legislated practices (such as marking traditions in private firms) enables States to determine the relevant authorities and so

know whether practices are likely to change in the future. Matters that should be considered in all submissions, or updates to submissions, include:

- As thorough a discussion of civilian weapons as those possessed by State organs
- What laws or decisions in fact require that such marks be placed on the weapons
- When did such practices come into effect
- Why are certain marks considered mandatory and not others
- Are changes or modifications being made to this system at the present time, and if so, what are the reasons for the proposed changes
- What constitutes a “permanent manner” when marking weapons
- Was the definition of “permanent” arrived at through a process that could be shared with other OSCE member States who may have to cross that bridge in the future
- Are there any lessons learned about developing a marking system and implementing it that could provide guidance for other OSCE member states to save time, money, or political difficulties?

3.2 Techniques for marking

Techniques refer to physical processes of applying marks to weapons. Guidelines for techniques -- such as the marks should be made in a visible and permanent manner, should not substitute for the means of providing the marks. Possible reporting includes stamping, pressing, laser printing, stenciling and embossing (among others). Information provided is not only useful for the overall OSCE information exchange, but can aid other States in developing techniques and finding cost-effective and simple procedures that could be implemented in the future.

3.3 State policies in marking unmarked weapons

All states potentially face the problem of encountering unmarked weapons imported (legally or illicitly) into their territory, whether or not they have armed state organs or manufacture weapons. It therefore follows that all participating States should consider the matter applicable. In some case, reporting on the absence of a policy is equally helpful information for the information exchange.

3.4 National authority in charge of marking

Authorities for marking should be provided. If the authority is centralized, the name of the State organ should be provided, and if the matter is de-centralized, general information on the names of the state (or sub-state) organs and their capacity for independent action should be provided.

3.5 State control over the private sector regarding marking

Private sector practice may or may not be under State control. This information is important because it recognizes the actual authority for decision making about marking and also under whose authority present practice might be altered. Reporting on State control may include the name of the relevant State organ, and if there is no current State control, this information may be provided.

3.6 State laws or practices on licensed production outside of the national territory

Matters of extra-territorial jurisdiction might be addressed by those States who license production of SALW outside State territory.

3.7 Information on the means for tracing weapons, and/or details on record keeping

States should report on whether records are kept, what those records contain, and who has access to the records. Matters of content could include the duration of record keeping, the specific types of data (e.g. weapon type, quantity, etc.), and what laws regulate the management of those records. Access to records is also important because it informs States about their own capacity to trace weapons from another State. Some information on the means by which these records could be accessed by interested parties should be provided, or else States may provide explicit information that the records are not accessible or only through certain authorities under particular conditions.

As record keeping affects all States, it may be worthwhile to provide information about domestic practices, lessons learned, and some comments on what has been found beneficial or detrimental so that other States now developing such systems may avoid mistakes and/or gain from other members' expertise.

4. National Procedures for the Control over Manufacture

Information on national procedures for the control over manufacture broadly falls into four categories (in no particular order):

- Procedures for the issuance of licenses and authorizations
- Review and renewal of licenses
- Procedures for the revocation of licenses
- Prosecution/penalization of illicit manufacture

4.1 Procedures for the issuance of licenses and authorizations

Reporting on procedures concerns the actual process a present or potential manufacturer must undertake to receive a license or authorization. This information should include those details the manufacturer must submit to the authorizing body. Reporting could also address the State system for evaluating those applications. Specifically, this involves the detailing of the application review process (who conducts it, how long the process takes), as well as the criteria used to accept or reject applications. It is also helpful to know what the license allows the manufacturer to do, and for how long.

4.2 Review and renewal of licenses

Once a license has been issued, States may have procedures for reviewing the manufacturer's compliance with the conditions of the license. Reports should explain whether such review systems exist, and if so, how they are implemented. For example, is the process standardized so that reviews take place regularly, or are they conducted only when there is suspicion of wrong-doing? Furthermore, if licenses are issued for a certain period of time, or else for certain production runs, how might those licenses be renewed, and what is the process the manufacturer undertakes?

Helpful reporting information includes:

- Procedures for renewal
- Relevant authorized bodies to process applications
- Criteria used to accept or reject renewals
- Whether renewals have ever been rejected, and if so, on what grounds
- For how long renewals are active

4.3 Procedures for the revocation of licenses

Concerns here involve the national criteria for electing to revoke a license and the means of implementing that decision. How long does the process take? Can the decision be appealed, and if so, on what grounds?

4.4 Prosecution/penalization of illicit manufacture

Illicit manufacturer involves manufacturing without the needed State authorization. Reporting should explain how States prosecute illicit manufacturers, the State organ or organs that are involved in the process, and what the consequences are for having been found guilty of the action. If different penalizations accompany different actions (e.g. fines vs. imprisonment, etc.), reports might offer some explanation of the system. For the benefit of those States now developing such systems, States with formal procedures may provide information on what systems have been found most advantageous.

5. National legislation and export control policies

In sub-section III(F)2 of the Document, participating States agreed to exchange information on national legislation and current practice in export policy, procedures and documentation, with a view to identifying elements for development of “best practices” in these areas.

The requirement to report on export controls was one of the broadest topics on the first information exchange. Here is a list of questions which participating States provided information on:

- Are OSCE common export control criteria followed?
- Are there other international commitments?
- What types of licenses are issued?
- What is the licensing authority?
- What is the period of validity for licenses?
- Are there licenses for temporary export?
- Any there circumstances in which licenses are not required?
- Is revocation of a license possible?
- What considerations are made for embargoed destinations or areas of concern?
- What is the number of licenses issued per year?
- What is the number of staff engaged in export licensing procedures?
- How long are transfer records kept (years)?
- Are end-use documents required?
- Is there any end-use verification?
- What procedures govern re-transfer?

- Are there provisions of assistance for other states regarding export controls?
- Are there penalties for illegal export?

5.1 OSCE common export control criteria and other international commitments

As part of the OSCE Document, the participating States established and agreed to follow **common criteria governing the export of SALW**. The Document requires that each participating State will ensure that the criteria is reflected in its national legislation and/or national policy documents.

Therefore, participating States should indicate if the OSCE common export criteria are incorporated in national legislation (for example the law governing conventional arms exports, including SALW), or whether the OSCE criteria are incorporated into policy guidelines. Also it is useful to know how the OSCE common criteria are followed in practice.

Participating States should also report on **other international arrangements** they take into consideration before permitting exports. These include the criteria and principles of the EU Code of Conduct, the UN Register on Conventional Arms Transfers, the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group, the Missile Technology Control Regime and various regional initiatives.

5.2 Types of licenses

States should provide a list of the **types of licenses** issued and a brief explanation to each type. Elaboration of the types of licenses issued is very useful as it can be relevantly easy to confuse between different types of licensing systems.

For example: 1. Individual License – authorizes the export of one or several pieces to one recipient upon application.

2. Collective license – authorizes a certain exporter to export a group of equipment to several recipients

Examples of state practice are also welcomed in this section as they could be valuable for other participating States; for example a detailed explanation of a system and procedures for **provisional enquiry** could prove to be very useful for States which are currently renewing their legislation and practice.

5.3 Period of validity, revocation and exceptions

This section concerns the **period of validity** of different types of licenses, grounds for revoking an issued license as well as any exceptions were a license is not needed at all. This information provides other participating States with a better understanding on state practice on export licensing procedures.

The participating States should provide a brief explanation of the period of validity of each of the types of license issued. It could also be indicated how this period of validity is apparent on each license documentation. This helps for example officials in charge of transits at the borders.

Revocation of issued licenses concerns mainly the criteria used to revoke a previously issued license, for example revocation in situations where the conditions of the license are no longer

met, or the export rules are violated. Information on the implementation would also be helpful: for example how many licenses have been revoked and why? How long does the process take and can the decision be appealed? Is it possible to suspend a license for a certain period of time?

The participating States should provide information on the **circumstances in which a license is not required**. Such exceptions to the main rule could be illustrated with concrete examples such as peacekeeping operations, military training exercises, repairing and delivery of spare parts, private persons on temporary travel with legally owned weapons.

5.4 Number of licenses and members of staff

According to the SALW Document, the **number of government officials** entitled to sign or otherwise authorize export documentation should be kept to a minimum consistent with the current practice of each participating State. To enhance common understanding of practices within the OSCE region participating States should provide information on the average number of staff engaged in export licensing procedures. Information on **the number of licenses** and /or information on total value of goods exported that year is also helpful in understanding state practice.

5.5 End-use, verification and re-transfer

One of the key standards in export control documentation, and in the OSCE Document, is that no export license can be issued without an authenticated **end-user certificate** (EUC) or some other official authorization issued by the receiving state, such as an International Import Certificate (IIC).

Participating States should provide information on what are the main principles determining when an end-user declaration is needed and when is it enough to resort to private declarations, are there circumstances in which an end-user document is not needed, and what is the reasoning behind the chosen state policy.

End use verification measures are essential to ensure that exports are carried out according to the export control rules. Under this section participating States are to provide information whether such a verification system is in place and what kind of procedures it includes. *For example: End use verification is required by law (name of the relevant national legislation). Verification is carried out as random inspections or when there is reason to suspect a violation of export control rules. Individual exports are verified on an ad hoc basis through diplomatic representation overseas.*

5.6 Assistance

The Document states that participating States should consider assisting other participating States in the establishment of effective national mechanisms for controlling the export of small arms. Under this section information could be provided on the state policy regarding assistance as well as on the kinds of projects currently undertaken.

For example: bilateral talks, training projects, awareness raising seminars, and co-operation between different foreign authorities such as customs officials, etc.

5.7 Law enforcement and penalties

Under this section reporting should include the relevant national legislation as well as a brief description of the penalties for illegal exports. It would also be useful to provide some information on the state practice.

For example: Procedures of the customs investigations in cases of export violation, the number of cases prosecuted and of what gravity have the export violations been.

6. Control over International Arms Brokering

According to the Document on small arms, the participating States identified the following measures as important in ensuring appropriate regulation of brokering activities at the national level:

- a) Registration of brokers operating within their territory;
- b) Licensing or authorization of brokering; or
- c) Disclosure of import and export licences or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

As described in the Document, “the regulation of international brokering activities is a critical element in a comprehensive approach to combating illicit trafficking in all its aspects”. Therefore the following topics were created for the participating States to report on:

- Registration of international brokers working on State territory
- Registration of international brokers who are State nationals, wherever located
- Licences / authorisations for international brokering transactions (Revocable?)
- Reporting requirement for licensed international brokers?
- Exporter required to disclose brokers involved in transaction?
- Penalties for illegal international brokering activities?
- Number of revocations or disbarment of international brokers to date

6.1 Registration of international brokers working on State territory

Under this section information should be provided on the relevant national legislation or policy on registration of international brokers, also reporting on the absence of rules governing this particular topic is relevant. Detailed reporting on procedures would be very helpful since based on the submissions of the 2001 OSCE information exchange various States are in the process of developing national legislation regarding international brokering and would welcome experiences and examples from other participating States.

6.2 Registration of international brokers who are State nationals, wherever located

This topic relates to extra-territorial dimension of regulating international brokering. Reporting should include the relevant criteria used in determining when registration is necessary for State nationals regardless where they are located. Or in cases where State nationals working outside the territory have no legal restraints, it could be explained what are the requirements used when determining when a brokering activity is linked to the territory, i.e. at least one element of the brokering activity takes place on State territory.

6.3 Licenses / authorizations for international brokering transactions

Participating States were expected to report on the types of licensing / authorizing systems in place for international brokering. A brief description of the procedures is preferable. Possibilities for revoking a license and the reasoning should also be reported.

6.4 Reporting requirement for licensed international brokers?

This section regards information on state practice on requirements for international licensed brokers to report regularly to the relevant State organs.

For example: International brokers equipped with general licenses are to report regularly on their activities; or International brokers are to obtain a license to act as a broker and then a specific license for each individual transaction where upon no additional reporting is required.

6.5 Exporter required to disclose brokers involved in transaction

Under this section participating States should provide information on any requirements for exporters to disclose information on the names and locations of brokers involved in the transaction.

6.6 Penalties for illegal international brokering activities and law enforcement

This section requires information on the penalties stipulated in national legislation for illegal international brokering activities, such could include fines, prison terms or a combination of both.

Law enforcement information gives a better understanding of State practice. Information under this section could include the following: number of revocations, disbarment of international brokers, number of criminal investigations and gravity of the offences.

7. Techniques and Procedures for Destruction

Information on national procedures for the control over manufacture broadly falls into seven categories (in no particular order):

- Techniques for destruction
- Details on record keeping and/or authority for destruction
- Seized or confiscated weapons
- Surplus weapons
- Small arms parts
- Public destruction practices and awareness campaigns
- Assistance to/from other states.

7.1 Techniques for Destruction

Reporting on techniques involves a discussion of the physical process or processes of rendering a weapon permanently inoperable. Such techniques may include smelting, pressing, cutting, shredding or other means of destruction. Particularly useful is the reporting of which weapons types are treated to each applicable technique and why. This information is valuable to other reporting States that may wish to further develop their methods. If States have experiences with destruction techniques that might increase operational safety, cost-effectiveness and reliability, this information would be welcome.

7.2 Details on record keeping and/or authority for destruction

Details on the chain of command for determining the necessity for destruction and conducting weapons destruction should be reported. Identifying the competent authorities increases transparency and allows States to compare practices. Record keeping at each stage of the process should be explained, including what information is recorded, by whom, and where that information is then stored. Helpful information would include how long these records are kept, whether the records are accessible to investigating authorities (domestic and/or foreign) and under what conditions.

7.3 Seized or confiscated weapons

Seized or confiscated weapons are specifically addressed in the OSCE Document on SALW and should be explicitly addressed in all reports. All countries should report on the matter because illicit weapons may potentially be found in any State, and each participating State is expected to have some policy for handling the likelihood. States without destruction capabilities may report on how they plan to address this matter, and those with destruction capabilities may report on the procedures for processing or disposing of such weapons.

7.4 Surplus Weapons

Statistical information on destroyed surplus weapons is one of the topics of the second Information Exchange (2002). However information on State policy regarding surplus weapons could be voluntarily provided in connection with the national report on the 2002 information exchange. It is particularly useful for States to report on the criteria used to determining whether material is surplus, and whether that material should be destroyed. If surplus material is not destroyed, and is sold, transferred or stored, this may be reported including the procedures for conducting these activities.

7.5 Public destruction and public awareness campaigns

Public destruction programmes or events, and public awareness campaigns about weapons destruction should be addressed separately, because awareness campaigns do not only need to address public destruction activities. Providing awareness about weapons seizures, confiscation, and State destruction activities are potentially valuable activities and are worthy of discussion. If public destruction campaigns are not conducted, States should explain whether this is the result of a policy or whether that bridge simply has not been crossed. If awareness campaigns are not conducted, States may consider reporting on whether they may be considered a useful tool in the future.

Finally, the reasoning behind not conducting such programmes is worthy of discussion so that ideas can be exchanged in the discussion over best practices. Ideas on whether present policies may be subject to change would also provide room for political discussion on the matter.

7.6 Assistance to / from other States

Under this section information could be provided on the state policy regarding assistance as well as on the kinds of projects currently undertaken. It may also be helpful to know what

form of assistance is available for future considerations (e.g. technical assistance, financial support, national capacity building, etc.)