

Today's presentation

- The Small Arms Survey
- Infographic “Possible measures to prevent and address diversion”
 - Risks
 - Possible measures for all states
 - Possible measures before, during, at delivery and post-delivery in the transfer chain
- Concluding remarks

Small Arms Survey

- Project of Graduate Institute of International and Development Studies Geneva
- Provides reliable and impartial evidence-based policy-relevant analysis on small arms and armed violence
- Recent focus areas of relevance for this presentation
 - Supporting multilateral arms control processes
 - Monitoring and measuring international arms flows
 - Promoting measures to prevent & address diversion
 - Global databases on state and civilian firearms holdings

Purpose of the infographic

Based on “Possible measures to prevent and address diversion” in Annex D of the report of the working group on effective treaty implementation:

- Provide a visual representation of the measures that can be taken to prevent and address diversion
- Highlight the measures that can be taken when regulating the export, import, brokering or transit/transshipment of conventional arms
- Prompt the sharing of other measures that can be taken by states that are committed to preventing and addressing diversion

Arms transfer chain stages & milestones

Arms transfers chain milestones

BEFORE THE TRANSFER

End user decision to import conventional arms

Competent authorities issue import authorisation

Competent authorities issue brokering authorization

Competent authorities issue export authorization

Competent authorities issue transit/trans-shipment authorization

Conventional arms depart from exporting state.

DURING THE TRANSFER

Conventional arms in transit/trans-shipment

Transportation of conventional arms

DELIVERY

Conventional arms arrive in state of import

Conventional arms reach declared end-user

POST-DELIVERY

Conventional arms declared surplus and their disposal

Conventional arms in end-user storage

Selected diversion risks

Selected risks in the arms transfer chain



Corruption by government official(s)



Negligence by government official(s)



Inadequate security and monitoring by competent government authorities



False information provided by entity involved in the transfer



Government intention to divert



'Honest mistake' by government official(s)

Diversion risk examples

Risk scenarios: during the transfer

DURING THE TRANSFER



State A has all the correct documentation to authorize delivery of conventional arms to state B. However, due to **negligence**, transit state C has not received an application or notification for transit.



The ship carrying the shipment of conventional arms from state A for state B arrives in transit state C and part of the shipment is unloaded without the knowledge of the customs officials in state C due to **inadequate security and monitoring**.



The ship carrying part of the shipment of conventional arms continues to state B as planned, but the unloaded portion of the shipment is diverted to armed groups in state D.

DELIVERY

ST-DELIVE



Conventional arms **mislabeled** as agricultural equipment depart from state A.



Corrupt customs officers in state A had received intelligence that a ship was due to depart from state A to an armed group in state C but had been paid off to not check the correct ship and checked another ship instead.



Conventional arms are delivered to an armed group in state C.

Scenario

Scenario

Prevention and response

Prevention/risk mitigation for diversion and response

Prevention/ risk mitigation for diversion

- + A strong national transfer control system and enforcement measures (Articles 5 and 14).
- + Governmental officials trained to detect fraudulent behaviour.
- + Sufficient resources to ensure effective control over conventional arms flows
- + Jointly developed programmes to address diversion risks (Article 11(2)).
- + Provide information on authorised transfers or deliveries of conventional



Response

- + When a diversion is detected, appropriate legal and administrative measures are taken to address the diversion and seize the illicit conventional arms (Article 5), including:
 - Alert potentially affected States Parties
 - Examine diverted shipments of conventional arms
 - Investigation by law enforcement of the diversion results in the sanctioning of those responsible for the diversion (Article 11(4)). Available sanctions should be both administrative (including confiscation of conventional arms) and criminal (sufficiently high to serve as deterrents).



- + Close cooperation and information-sharing with other States involved in the arms transfer chain (Articles 8(1), 11(3), 11(4), 11(5), and 15(4)).
- + Share information with other States on measures taken that have been proven effective in addressing the diversion (Article 13(2)).
- + Maintain open communication and cooperation across licensing, customs, law enforcement, intelligence, and other government agencies domestically.
- + Cooperate through regional and sub-regional groups, private sector (armament industry, transport).
- + Effective legislation for investigating and punishing theft, corruption, and other diversion-related offences.
- + Industry outreach programmes include diversion risk assessment guidance and encourage industry to play a cooperative role in risk assessment and management.
- + Cooperation between national authorities and the private sector (armament industry, transporters, banks, etc.) to ease the detection and the interception of the illicit flows.



The role of a state in the arms transfer chain

States in the arms transfer chain



Exporting state: state from which the conventional arms are exported



Importing state: state into which the conventional arms are imported



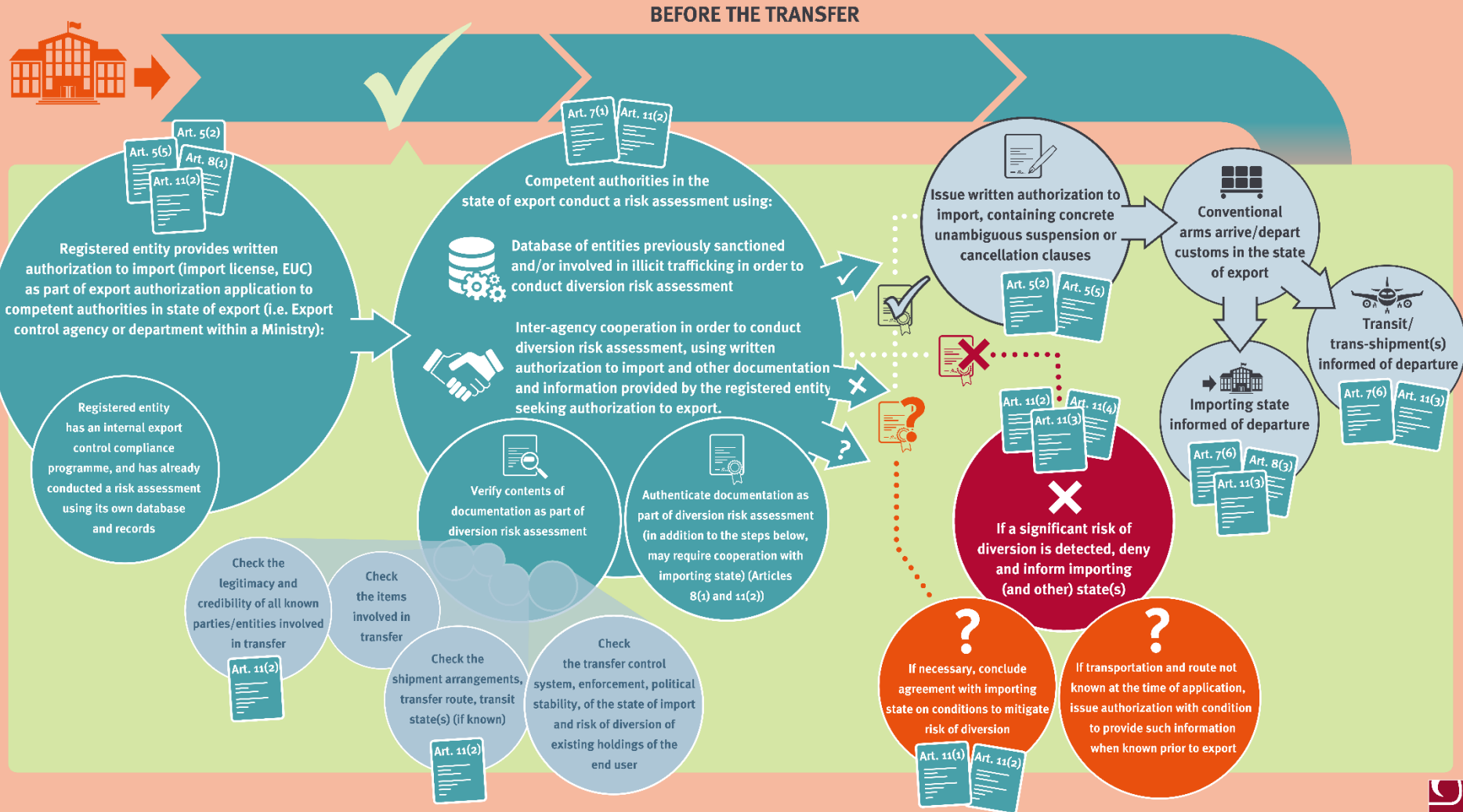
Trans-shipment state: state through which conventional arms pass between leaving the exporting state and entering the importing state



Brokering state: state in which brokering activities take place / where broker is registered or licensed

Exporting state: before the transfer

Actor-specific mitigation measures: exporting state



Transit / Trans-shipment state: during the transfer

Actor-specific mitigation measures: trans-shipment state



DURING THE TRANSFER



Cooperate and share information with exporting and importing states and other transit state(s)

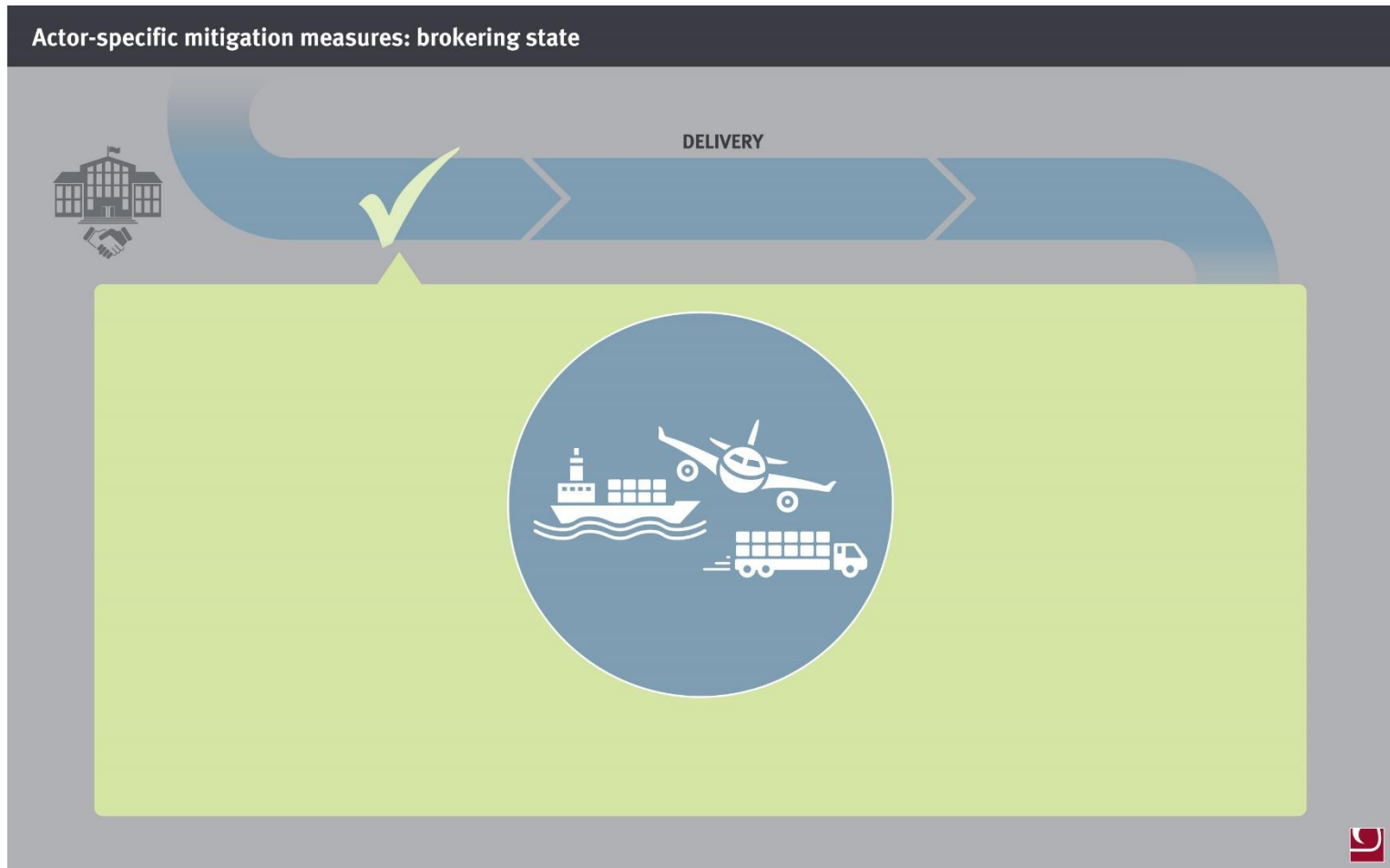
Art. 11(3)



Monitor and protect shipment, in cooperation with industry

- Physical escort or satellite monitor
 - Alarm systems
 - Container seals
- Physical inspection during transit
 - Customs agents check documentation and shipment

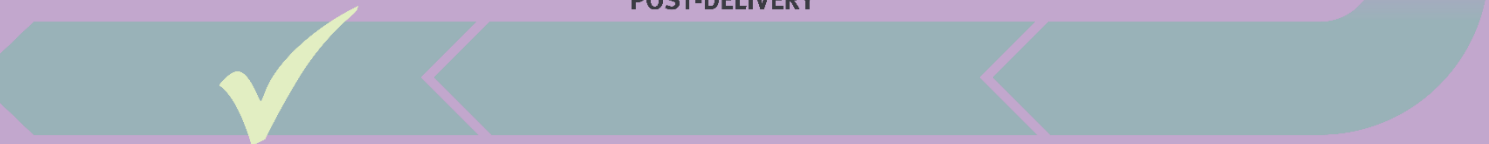
State of broker / brokering: at delivery



Importing state: post-delivery

Actor-specific mitigation measures: importing state

POST-DELIVERY



Cooperate with exporting state to conduct post-delivery checks:

- Check signatures on documentation
 - On-site visit
- Conduct physical inventory
- Investigate suspected violations of conditions



Cooperate with exporting state or third party states in response to tracing requests



Establish and maintain robust stockpile management procedures for safe storage, including:

- Inventory management and accounting procedures
 - Control access to stockpiles
- Apply physical security measures (e.g. fences and locks)
 - Ensure security of stockpiles in transit
- Destroy surplus in accordance with international norms and standards
 - Ensure training
- Note useful guidance in ISACS module on “stockpile management” and IATG

EUC



Ministry of Defence of the
Republic of Alpha

END USER CERTIFICATE

EUC Unique No.:

Period of validity:

This End User Certificate certifies that the following conventional arms for the national defence and security needs of the Air Force of Alpha, will be purchased under the attached contract from the supplier:

Mr Wile E. Coyote
ACME Arms Trading, c/ Tank Way, Capital City, CC234, Beta.
Telephone: +1234 (0) 9876 5432.
Email: ACME@ARMSTRADE.COM

Mr Coyote is arranging the transportation for the conventional arms listed in this End User Certificate via:

Ms Pippi Longstocking
Adventure Travel Inc, Villa Villakulla, Nilsson Road, Deltaville, DV5678, Delta.
Telephone: +2468 3690 1593.
Email: Pippi@Adventure.com

| No. | Description | Qty (Pcs.) / Weight | Value |
|-----|-------------|---------------------|-------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |

The Ministry of Defence of Alpha hereby certifies that the conventional arms listed in this End User Certificate are for the exclusive use of the Security Forces of Alpha for operations of keeping the peace and security of Alpha.

The conventional arms listed in this End User Certificate not be lent, leased, re-sold, re-exported, or transferred to any third party without the written consent of the Competent Authorities of the Republic of Beta and will not be used for any other purpose except the one mentioned in this End User Certificate.

The Ministry of Defence of Alpha undertakes responsibility to submit a "Delivery Verification Certificate" upon receipt of the conventional arms listed in this End User Certificate.

The Ministry of Defence of Alpha undertakes that the conventional arms listed in this End User Certificate will be stationed at Alpha City Air Base. Permission will be granted to the Competent Authorities of the Republic of Beta to conduct a post-shipment inspection.

Signature of End User:

Date of Issue:

Name: Mickey Mouse
Position: Minister of Defence, Republic of Alpha
Address: 100 Victory Avenue, Alpha City, AC079, Alpha
Telephone: +678 (0) 1234 5678.
Email: M@Defencealpha



Element

Essential

Optional

Parties involved in the transfer

- details of the exporter and end-user, such as name, business name, address, phone, etc.

- details of the intermediate consignee and final consignee

Goods to be transferred

- description;
- reference to contract, purchase order, invoice or order number; quantity and/or value

End-use

- Indication of end-user;
- undertaking, where appropriate, that the goods will not be used for purposes other than the declared end-use and/or used for Chemical Biological Radiological and Nuclear (CBRN) etc.

Location

- certification that goods are to be installed at/used at premises of end-user;
- agreement to on-site inspections.

Document

- signature, name, title of consignee/end-user representative;
- original or legally-certified copy.

- signature and certification by government of final consignee/end-user and only by specific representatives of that government;
- unique identifier/number provided by the government authority;
- validity terms and date of issue;
- kept with conventional arms all along the transfer

Re-export / diversion

- an undertaking not to reexport/transship at all, or at least not without notification or express permission from original exporting state's competent authorities

Delivery verification

- provide a Delivery Verification Certificate / proof of arrival



Concluding remarks

- Available in PDF and examining other ways to make the infographics available for use
- Welcome feedback and comments
- Consider further developments, especially measures to prevent and address diversion for states in the chain other than the “exporting state”



Thank you

www.smallarmssurvey.org
paul.holtom@smallarmssurvey.org

