LES RAPPORTS DU GRIP

POST-EXPORT CONTROLS ON ARMS TRANSFERS

DELIVERY VERIFICATION AND END-USE MONITORING

Ilhan Berkol and **Virginie Moreau**

GRIP
GROUPE DE RECHERCHE
ET D'INFORMATION
SUR LA PAIX ET LA SÉCURITÉ

2009/4

This report has been produced as part of a project supported
by the Presidency of the Walloon Government.

GRIP's activities are financially supported by

the Ministry of the Region of Brussels-Capital (ACTIRIS)
the Ministry of the French Community (Permanent Education Service)
the Scientific Research Fund (FNRS)
the Luxembourg Ministry of Foreign Affairs
the Belgian Ministry of Foreign Affairs
the Maribel Social Fund

rue de la Consolation, 70
B-1030 Brussels
Belgium
tel.: +32 2 2418420
fax: +32 2 2451933
e-mail: admi@grip.org
website: www.grip.org

The Group for Research and Information on Peace and Security
(GRIP) is a non-profit association

Summary

1. Introduction

Legislation and standards are important elements guiding policies on arms exports, but they only have a real impact if they are properly applied. Although the effects of not regulating arms transfers may appear to be concentrated mainly within certain regions and populations, in reality the well-being of the whole planet is directly concerned.

The recent transformation of the European Union (EU) Code of Conduct into a Common Position[1] was an opportunity for the Member States to clarify certain criteria and introduce references to small arms and light weapons (SALW), arms brokering and weapons of mass destruction. The preamble to the Common Position emphasises the importance for the EU of ensuring the coherence of the whole of its external action within the framework of its external relations policies. So this was a clear call from the Member States to establish a common policy on exports, which can be achieved only by harmonising practices. The current User's Guide to the Code of Conduct on Arms Exports[2] should therefore be strengthened and made mandatory.

Associated control mechanisms should also be developed, in order to ensure that the exported material is actually in the hands of the final recipient and that the use to which it will be put by that recipient will comply with the original end-use conditions. Post-export checks should therefore be conducted in order to prevent arms trafficking and re-export to destinations that do not correspond to the wishes of the country of origin.

There was a generally upward trend in international orders for conventional weapons during 2007.[3] Europe plays an important role in conventional arms transfers to developing countries, alongside other exporting countries such as the United States, Russia and China. So the main producers have a specific responsibility to the international community to ensure the effective control of the weapons that they put on the world market through their arms transfers, including checks on the end use of these weapons. No weak link should be tolerated in this chain. Otherwise, the rest of it would be undermined. This goes far beyond the particular interests of States and companies, as the aim is to protect the general interest and human security at the global level.

The need for world-level regulation

The United Nations (UN) has been trying to regulate arms transfers at the global level ever since the 1990s. In 1991, the Security Council adopted directives on arms transfers and a register of conventional arms was established. The 1996 report of the Disarmament Commission provided States with new directives on arms transfers, with a view to the granting of authorisations.[4] Since the end of the 1990s, several international and regional instruments have emerged. However, given the voluntary or politically binding nature of these instruments, States have not been in a position to curb the irresponsible transfer and use of arms. Alarmingly, the UN Group of Governmental Experts on the Arms Trade Treaty (ATT) found that only about sixty States have legislation on arms transfers[5].

Although many instruments on SALW have been created in recent years, none of them has yet been implemented on the ground[6]. Certainly, this is due in part to the lack of resources, means and political will, but above all these instruments are waiting for an overarching global treaty. An effective ATT, if it is not weakened by certain compromises, together with a guide to its application, should incite all States to get together and resolve the problems hampering effective arms regulation.

1. Council Common Position defining common rules governing the control of exports of military technology and equipment, 15972/1/08, 8 December 2008. Available at http://data.grip.org/documents/2_Maitrise_des_armements/Transfert_des_armements/200904231028.pdf

2. EU Council, Document 7486/08, 29 February 2008, "Updated version of the User's Guide to the EU Code of Conduct on Arms Exports, as agreed by the Working Party on Conventional Arms Exports at its meeting on 22 February 2008."

3. For the figures on arms transfers and military spending, see GRIP report no. 2008/8 "*Dépenses militaires, production et transferts d'armes: Compendium 2009,"* Luc Mampaey: http://www.grip.org/fr/siteweb/images/RAPPORTS/2008/2008-8.pdf

4. UN document A/51/42, in the context of resolution 46/36 H of 6 December 1991 and 46/36 L of 9 December 1991.

5. Declaration by Ambassador Moritán, the Chairman of the Group, during the Geneva Process meeting held on 10 September 2008 in Geneva.

6. See the GRIP Analysis Note "Effective implementation of existing instruments on Small Arms and Light Weapons: an analysis of the OSCE Document," I. Berkol, October 2008: http://www.grip.org/en/siteweb/dev.asp?N=simple%26O=624

Improving arms transfer controls

The efficient and effective implementation of an arms transfer control instrument should include confidence-building and transparency measures at the global level. It should be proactive and preventive. The three phases of an arms transfer should be taken into consideration[7]:

- Pre-licensing and licensing
- Physical transfer
- Use and possible retransfer

The first phase requires the establishment of an authorisation system such as the licensing system that exists within the EU, with end-user certificates authenticated by competent bodies that have some experience in this field. This is about policy-driven, paper-based spot checks.

The second phase necessitates physical checks, in the case of EU exports, at the points of export, transit where applicable, and import, with an exchange of information to ensure that the arms are indeed as indicated in the documents and that they have actually arrived at their destination. Such verification would help to proactively identify any illicit diversion.

The third phase calls for post-delivery checks as well as checks on the use to which the arms are put, in order to verify compliance with the end-use conditions (such as the condition that no re-export should take place without prior notification to the country of origin). Some countries, such as the United States, do apply controls of this kind with regard to certain destinations.[8]

Proof of arrival

At present, for the great majority of transfers, no checks are made after the material has been exported. And yet, certain tools could prevent trafficking during the physical transfer of the arms – notably an effective system of proofs of arrival at the destination, as is already used by a limited number of countries. To this should be added controls on transport, which are vital to prevention, and on brokers.

As regards transfers of technology and production capacity, account should be taken of the additional criteria, as these capacities will be used throughout their lifetime, unlike a finished batch of weapons. The same goes for the criteria that permit the transfer of components and parts that could serve to increase the lethal capacity of the weapons.

Finally, an effective sanctions regime should be installed, so as to proactively prevent diversion. The current regime of possible economic sanctions coupled with some refusals to grant licences had proved particularly ineffective, and is rarely respected.

The present report stresses the importance of controlling phases 2 and 3 of arms transfers and points to avenues that States could explore in order to strengthen the control mechanisms, notably:

- proof-of-delivery procedures for all transfers outside the EU
- a "no re-export" clause as standard in all export licences
- the right to conduct selective post-delivery and end-use checks (with the aid of control mechanisms that are to be developed)
- strict controls on production capacities, with or without licences.

This report also reviews the existing initiatives enabling States to control arms transfers, as well as certain measures accompanying them in practice.

7. GRIP Reports (special issue), I. BERKOL, *Armes à feu: le Protocole de l'ONU dans la réglementation européenne,* 2006, p. 26. http://www.grip.org/fr/siteweb/dev.asp?N=simple&O=529&titre_page=2006-HS

8. Such as the Blue Lantern system, explained later in this report.

2. Arms transfer control obligations

There is not yet any international instrument covering conventional arms transfers. Controls on transfers of SALW are currently covered by just one legally binding text at the international level: the UN Firearms Protocol.[9] There is also the United Nations Programme of Action on SALW.[10] At the regional level, the EU Member States, including Belgium, also have to comply with the European export control policy, as set out in the EU Code of Conduct which has recently become a Common Position. Within the framework of the Organisation for Security and Cooperation in Europe (OSCE), a document exists on SALW,[11] and linked to it are several best practice guides to the regulation of SALW transfers.

There is also a series of regional documents in Africa and the Americas, aimed at controlling SALW transfers[12]. However, implementation of all these documents has proved difficult on the ground[13], due to a lack of means and of political will, but also because they are awaiting the advent of a global document such as the ATT.

2.1. Towards an Arms Trade Treaty

A process which should lead to an ATT is un derway within the UN, where a Working Group is tasked with examining the elements that might feature in it, so as to achieve a consensus among the Member States.[14] The principles of such an instrument would be simple and would take over the already existing obligations of States in terms of international humanitarian law, as well as the criteria that already exist in a number of western countries regarding arms transfers. This process was launched in 2006 via a Group of Experts which produced a report on the feasibility of such a treaty.[15] The UN Working Group should present its report to the General Assembly in 2011.

2.2. UN Firearms Protocol[16]

The Firearms Protocol entered into force on 3 July 2005 and has garnered 77 States Parties to date, of which only 52 have ratified it.

While its legally binding nature does require the States Parties to incorporate its various provisions into their national legislation, the Protocol does not apply to transfers between States, nor to State transfers for national security purposes.

Among other provisions aimed at combating the illicit manufacture and trafficking of firearms, the Protocol provides for control measures on transfers of firearms, their parts, elements and ammunition, based on a system of licences or authorisations for the export, import or transit of firearms (Art. 10.1). According to the legislative guide to the Protocol, this system underscores the text's central principle that "firearms and related items cannot be imported or exported without the awareness and consent of all States involved and that cases in which this is not complied with attract criminal investigation, prosecution and punishment".[17]

Before issuing a licence, the exporting State makes sure that the importing State has autho-

9. "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime," UN Document A/RES/55/255, 8 June 2001: http://www.grip.org/bdg/pdf/g1880.pdf

10. "Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects," UN Document A/CONF.192/15, 20 July 2001: http://www.grip.org/bdg/pdf/g1878.pdf

11. The OSCE Document on Small Arms and Light Weapons, 24 November 2000: http://www.grip.org/bdg/pdf/20001124-OSCE_SALW.pdf

12. The ECOWAS Convention on Small Arms and Light Weapons (2006), the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2004), the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region (2001), and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (1997). There will also soon be an instrument for Central Africa.

13. See the GRIP Analysis Note "Effective implementation of existing instruments on Small Arms and Light Weapons: an analysis of the OSCE Document," *op.cit.*

14. See UN Resolution 63/240, "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms," 9 January 2009.

15. UN Document A/63/34, 26 August 2008: http://data.grip.org/documents/2_Maitrise_des_armements/Transfert_des_armements/200906230949.pdf

16. I. Berkol, "*Armes à feu: le Protocole de l'ONU dans la réglementation européenne*," GRIP Reports (HS: special issue), 2006. http://www.grip.org/fr/siteweb/dev.asp?N=simple&O=529&titre_page=2006-HS

17. UNODOC (United Nations Office on Drugs and Crime), "Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols thereto," p. 436 (para. 91). http://www.unodc.org/pdf/crime/legislative_guides/Legislative%20guides_Full%20version.pdf

rised the import by means of an **import licence** (Art. 10.2a). In practice, this document is either an International Import Certificate (IIC) as used by the Member States of the EU and NATO, or an end-user certificate, which would replace the import licence up to the time when the material is physically exported.

The exporting State also verifies, before issuing an export licence, that the countries, if any, through which the firearms will transit have notified in writing **that they are not opposed to the transit** (Art. 10.2b).

The export and import licences or authorisations must, as a minimum, show: the place and date of delivery, the expiry date of the licence, the exporting country, the importing country, the final recipient, the designation of the firearms, their parts and components and ammunition and their quantity, and the country of transit where applicable (Art. 10.3).

The importing State must inform the exporting State, on request, that the dispatched material has been received (Art. 10.4). In practice, this could be through a **delivery verification certificate.**

States parties are to ensure that the **authenticity of the documents** is verifiable (Art. 10.5).

The implementation of such a system requires a reliable, rapid exchange of information between the exporting, importing and transit States. This means that most States are finding it difficult to transpose Article 10 into their legislation, that is also the case for the European Commission.

It should be noted that Article 10 deals solely with the technical aspects of the licensing system. It does not concern itself with the policy aspects of licensing (the importing country's respect of certain criteria, such as human rights, for example). So this article is applicable only when the authorities in the exporting country have taken the decision that the transfer is politically acceptable.

2.3. UN Programme of Action on Small Arms

The UN Programme of Action on Small Arms and Light Weapons (PoA) is a politically binding document which was unanimously adopted in July 2001 at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The PoA sets out measures aimed at combating threats to security and stability as well as the humanitarian and socio-economic consequences associated with the illicit trade in SALW.

Among these measures, the PoA takes account, albeit to a very limited extent, of controls on SALW transfers. In Section II, on preventing, combating and eliminating the illicit trade in SALW, paragraphs 11 and 12 notably provide for the establishment at national level of an effective system for the issuing of licences or authorisations for SALW transfers, but without laying down the main characteristics of such a system. These paragraphs also provide for the use of **authenticated end-use certificates.**

Through this document, States have committed themselves to support the control of arms transfers, by means of international and regional cooperation.

Arms transfer controls should also involve some harmonisation of national practices, as will be discussed later in relation to delivery verification certificates.

2.4. EU Common Position and User's Guide

The Common Position is the world's only legally binding regional instrument on arms exports. Each Member State is required to assess, case by case, the export authorisation requests that it receives for equipment that features on the EU common list[18]. The assessment is to be according to eight criteria. Drawn from the Code of Conduct, they mainly concern assessment of the situation in the importing country and of the risks of "improper use" of the weapons ordered. Amongst other things, the criteria rule out arms exports to countries experiencing internal or external conflicts, as well as to countries that may use the arms thus acquired for purposes of internal repression or to commit human rights violations or serious violations of international humanitarian law. In fact, this last criterion was added when the Common Position was adopted.

One of the export criteria for which non-respect may lead to the refusal of a licence application concerns the "existence of a risk that the military

18. EU Council, 6432/1/09 REV 1, "Adoption by the Council of an updated version of the EU Common Military list," 27 February 2009.

technology or equipment will be **diverted** within the buyer country or **re-exported** under undesirable conditions".[19] In its interpretation of this criterion, the User's Guide to the Code of Conduct recalls that "diversion can be initiated at various levels, can take place within a country or can involve detour or retransfer to a third 'unauthorised' country. It can be of possession (end-user) and/or function (end-use)".[20]

The end-user certificate

To combat diversion or re-export, the Common Position insists on the importance of controlling end-use. A new article has been added, according to which "Export licences shall be granted only on the basis of reliable prior knowledge of end use in the country of final destination. This will generally require a thoroughly checked **end-user certificate** (EUC) or appropriate documentation and/or some form of official authorisation issued by the country of final destination. (...)".[21]

Indeed, the User's Guide devotes a section to best practice on end-user certificates (Chapter 2, Section 1).

Elements that must be included in an EUC are:

- the details of the exporter (name, address and corporate name)
- the details of the end-user (name, address and corporate name; an importer who resells the goods on the local market will be regarded as the end-user)
- the country of final destination
- a description of the goods exported, their quantity and/or their value
- the signature, name and function of the end-user
- the date of the end-user certificate
- an end-use and/or non-reexport clause, as appropriate
- an indication of the end-use of the goods
- a commitment, where appropriate, that the exported goods will not be used for purposes other than those declared
- a commitment, where appropriate, that the goods will not be used to develop, produce or utilise chemical, nuclear or biological weapons or missiles that could carry such weapons.

Elements that could be included in an EUC are:

- a clause prohibiting, or placing conditions on, the re-export of the goods
- the full details, where applicable, of the intermediary
- if the EUC is issued by the country of destination of the goods, it will be authenticated by the authorities of the exporting country (as regards the signature, the signatory's capacity to enter into a commitment on behalf of his/her government)
- a commitment by the end recipient to provide the exporting State, on request, with a delivery verification certificate.

So according to the Guide, the end-user should be specified on the EUC, as well as the end-use of the goods.

The Guide does, however, remain rather vague about a non-reexport clause, although such a clause is mentioned both among the elements that ought to feature in the EUC and among those that could be in it. Also mentioned among the optional elements are intermediaries, the delivery verification certificate and an EUC authentication process.

It should also be noted that the User's Guide devotes a section to "post-shipment verification" (para.2.3.1). This describes on-site inspections or delivery verification certificates as particularly useful tools for preventing diversion within the importing country or re-export.

In practice, as we shall see, these recommendations are partially implemented. Moreover, the modalities of their application are different in both form and content. It should be borne in mind that, while these best practices are not legally binding, they do at least lay down principles.

2.5. OSCE Document on small arms and light weapons

Although it is "only" politically binding, the OSCE Document is one of the first international documents to focus on State transfers and stocks of SALW.[22]

19. Seventh criterion, "Common position defining common rules governing the control of exports of military technology and equipment," *op. cit.*

20. User's Guide to the EU Code of Conduct on Arms Exports, p. 85 (para.3.7.3), *op. cit.*

21. Common Position, Article 5.

22. OSCE, "OSCE Document on Small Arms and Light Weapons," 24 November 2000. Available at: http://www.grip.org/bdg/g1816.html .

This text lays down a series of clear standards, principles and measures covering all aspects of the SALW issue. On import, export and transit procedures, the Document generally incorporates the same principles as described above: an effective licensing or authorisation system (Section III.B.2), an appropriate import licence (Section III.B.3), possible insertion of a clause requiring that the original exporting State be informed before a new transfer (Section III.B.5), appropriate procedures to permit the exporting State to assure itself of the secure delivery of the transferred arms (Section III.B.6).

However, the OSCE Member States have envisaged additional standards that go further than the PoA. These concern controls on exports and export documents:

- The text provides for a **material check** on the SALW shipment at the point of delivery (Section III.B.6).
- It is recommended that no export licence be issued without an **authenticated** end-user certificate or some other form of official authorisation (an international import certificate, for example) (Section III.C.1).

In the OSCE's "Handbook of Best Practices on SALW," the section particularly devoted to arms export controls contains additional recommendations on the EUCs, which the participating States are encouraged to apply.[23] Incidentally, the OSCE Member States also adopted, on 17 November 2004, a Decision on standard elements of EUCs and verification procedures for SALW exports, in order to encourage Member States to implement these recommendations.[24]

OSCE Best Practice Guides

Among the recommendations on EUC use set out in the "Best Practice Guide on Export Control of Small Arms and Light Weapons," it may be noted that:

- The EUC should accompany the licence application.
- No export authorisation should be granted without an **authenticated** EUC or some other official authorisation issued by the country of destination (an IIC, for example).
- The EUC should take the **format of an unfalsifiable official form,** for example printed on banknote paper.
- Depending on whether the end recipient is a private or public user, the type of certificate required may vary.
- If the importer is non-governmental, the EUC should be validated by the government authorities of the country receiving the export and/or be accompanied by an official document, such as an import licence.
- The EUC should, in particular, include certain items of information: detailed description of the goods, their quantity and their value; the names and addresses of all the parties involved in the transaction; a description of the end-use; the location in which the goods will be used; an assurance that the goods will be used solely by the end-user and for the declared end-use purposes.
- The EUC should include a non-reexport clause.
- **The end-use of the goods should be verified** on every possible occasion – for example, at the request of the exporter, by the presentation of a verification certificate upon delivery, or through on-site inspections; a **clause on reshipment controls could be included in the EUC.**

Still on the subject of export controls, the Guide considers that a **non-reexport** clause should be included both in the sales or export contract and in the EUC. This clause might ban any retransfer outright, or it might make re-exports subject to prior approval by the original exporting country or by the bodies that issue the export licences. Moreover, the Guide recommends that exporters and representatives of the industry should receive **training** in order to better understand the aims and scope of export controls.

This document has some other interesting facets, as it also sets out principles for the "enforcement of export control", which should be conducted through:

- customs supervision;
- post-shipment control, ensured by the provision

23. "Best Practice Guide on Export Control of Small Arms and Light Weapons," OSCE, in "Handbook of Best Practices on Small Arms and Light Weapons," 19 September 2003.

24. Decision No. 5/04, "Standard Elements of End-User Certificates and Verification Procedures for SALW Exports," FSC.DEC/5/04, 17 November 2004.

of a delivery verification certificate (DVC) to the exporter by the final consignee, or by on-site inspections at the point of delivery, for which prior provision would have been made in a special clause to be included in the EUC;

- investigation and prosecution in the event of violations of export controls;
- adequate and effective sanctions (fines and terms of imprisonment).

3. Existing practices on the control of arms transfers

This section examines currently existing practices that are at States' disposal. More particularly, it looks at arms transfer controls in Belgium, placing them in their European context. The aim of this analysis is to establish the extent to which these standards are actually applied and identify the efforts that need to be made in order to achieve better control within a harmonised regional system.

3.1. United Nations Register of Conventional Arms

The United Nations Register of Conventional Arms was established under resolution 46/36L of 9 December 1991, entitled "Transparency in Armaments".[25] Considering that increased openness and transparency on arms transfers could enhance confidence between States and help to restrain military production and transfers, the resolution requests the UN Secretary-General to establish a "universal and non-discriminatory Register of Conventional Arms".

Within the framework of this register, Member States are invited to provide annually, on a voluntary basis, data relating to their imports and exports of major conventional arms, classified into seven categories, and to communicate background information on their military holdings.[26]

In its report dated 15 August 2006, the Group of Experts charged with examining the modifications to be made to the Register of Conventional Arms[27] noted that "the Register covers the great bulk of the global arms trade in the seven categories of conventional arms, as almost all significant suppliers and recipients of those weapons submit reports regularly".[28] Since its creation, 173 Member States have submitted national reports at least once to the Register of Conventional Arms. In all, according to Yuri Kryvonos of the United Nations Office for Disarmament Affairs (UNODA), these contributions represent a knowledge of more than 95% of the global arms trade.[29]

This instrument also has the advantage of making known those arms transfers effected by States that do not submit reports to the Register.[30] Some exporters or importers do indeed report transactions conducted with States that do not take part in the Register. For instance, Saudi Arabia has never taken part in the Register of Conventional Arms. But France reports that it exported 6 armoured combat vehicles to Saudi Arabia during 2007, and 24 in 2006, as well as 4 large calibre (anti-tank) artillery systems. For 2007, Russia for its part declared that it exported 12 combat aircraft and 86 missiles or missile-launchers to Venezuela, a country that has not submitted a report since 2002.[31]

Inclusion of SALW in the Register

The Register of Conventional Arms has also made it possible to improve knowledge of the global trade in SALW. Since 2003, the Register has also included a section on transfers of this type of arms, even though they have not yet been recognised as a full "eighth" category in their own right[32]. The Group of Governmental Experts tasked with examining the modifications to be made to the Register

25. "General and complete disarmament," General Assembly resolution A/46/36L of 9 December 1991. Available at: http://www.un.org/documents/ga/res/46/a46r036.htm

26. The seven categories of conventional arms are: battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, and missiles or missile launchers.

27. In resolution 46/36L of 1991, the UN General Assembly had launched a process of broadening the scope of the Register. The modalities for this broadening were studied by a group of technical experts in 1992. In its report, the Group recommended that the maintenance of the register, and the modifications to be made to it, should be the subject of a periodical report. Since then, a Group of Governmental Experts has examined these issues every three years. It decided to include a section on SALW, and it also agreed on technical adjustments concerning two categories of conventional arms. Thus, it decided to lower to 75 mm the calibre of arms systems falling under category III, and, exceptionally, to include man-portable air defence systems (MANPADS) in category VII ("missiles or missile launchers").

28. "Report on the continuing operation of the United Nations Register of Conventional Arms and its further development," General Assembly Document A/61/261, 15 August 2006, para.22, p. 13.

29. Saferworld, "Information exchange, transparency and preventing diversion of arms to unauthorized end-users," Regional policy seminar on implementing arms transfer control commitments, Moscow 12-13 March 2008, Summary report, p. 45.

30. "Report on the continuing operation of the United Nations Register of Conventional Arms and its further development," General Assembly Document A/61/261, 15 August 2006, para.22, p.13.

31. See the database available on the site of the UN Register of Conventional Arms, at: http://disarmament.un.org/UN_REGISTER.NSF

32. "Transparency in Armaments," General Assembly Resolution 58/54, 8 December 2003.

of Conventional Arms had decided that interested States that were in a position to do so could provide the Register with information on transfers of SALW, within the framework of supplementary information. And since 2006, a standard form has been available for reporting these transfers. Since then, more and more States have been submitting data on their SALW transfers.

According to a study by the Stockholm International Peace Research Institute (SIPRI), the number of States providing such information rose from 5 for the period 2003-2005 to 36 in 2006 and 48 in 2007[33]. In all, 56 States provided information on small arms at least once over the period 2003-2007. However, some of the most important SALW producing and exporting States have so far never provided data on these types of transfer. **Belgium** is among these countries, alongside Austria, China, Israel, Russia and the United States – again, according to SIPRI.[34]

Undoubtedly, the Register of Conventional Arms does make it possible to improve knowledge of international arms transfers. So it is also an important mechanism for preventing the excessive, destabilising accumulation of armaments worldwide. However, while an increase can be noted each year in States' participation in the Register, this instrument is still a voluntary mechanism. Efforts must therefore be maintained to secure more regular participation by States and achieve the objective of universality and transparency that the Register set itself at the outset. Indeed, the constantly growing number of States that do notify SALW transfers should prompt the new Group of Governmental Experts tasked with examining the modifications to the Register, who will be meeting during 2009, to recommend that there be a requirement, rather than an invitation, to provide this information.

3.2. Existing national-level measures in the European context

3.2.1. Controls at the stage of arms transfer authorisation

In Belgium, the use of an international import certificate (IIC) or an end-user certificate (EUC) is required by a Royal Decree[35]. Its Article 5, paragraph 1, specifies: "Applications for licences for the export of arms, ammunition and material intended specifically for military use and of the related technology must be accompanied by an international import certificate or an end-use certificate." The form and content of these documents are to be determined by the ministers responsible.

International Import Certificate (IIC)

The IIC is generally required for transfers of arms or military material to European countries or those placed in the same category, such as the countries of NATO.[36] This document must be issued by the authorities in the importing country.

This practice dates back to the 1950s, when it was established by the Coordinating Committee for Multilateral Export Controls (CoCom). This informal mechanism, created in 1949 by the United States and its main allies within NATO, was aimed at controlling sales of military goods, and goods of strategic interest, to the USSR and the communist countries of the Eastern bloc, in the context of the Cold War.[37]

Although CoCom was dissolved in 1994, many States continue to use the IIC[38]. However, each State retains its own rules on the use of IICs – not least because there is no common form for all the States that use them.

Belgium requests an IIC for exports to all the member countries of the European Union[39], several NATO countries and equivalently categorised countries.[40]

33. Holton P., "Reporting transfers of small arms and light weapons to the United Nations Register of conventional arms," 2007, SIPRI Background Paper, February 2009, p. 2.

34. *ibid,* p.6.

35. Royal Decree of 8 March 1993 regulating the export, import and transit of arms, ammunition and material intended specifically for military use and of the related technology, amended by the Royal Decree of 2 April 2003.

36. Together with "equivalent countries" such as Switzerland, Japan, New Zealand and Australia.

37. CoCom brought together 17 countries, namely all the NATO members minus Iceland and plus Japan and Australia. Neutral countries such as Switzerland, Austria and the Netherlands were also encouraged to cooperate with it at various levels.

38. CoCom, which lost its *raison d'être* at the end of the Cold War, was replaced by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, established in 1996.

39. Except Luxembourg and the Netherlands, as arms transfers within Benelux do not require documents, and Bulgaria and Romania, for which an end-user certificate is still required.

40. Andorra, Australia, Canada, Hong Kong, Japan, Malaysia, New Zealand, Norway, Singapore, South Korea, Turkey and the United States.

For other countries, a similar document, called an import certificate, is required[41].

For its part, **Luxembourg** requires an IIC solely from those countries that used to be members of CoCom, i.e. Australia, Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States. The **Netherlands** never ask for IICs but may accept them from a certain number of industrialised countries in the case of transfers of components that are to be incorporated in other countries. **Italy** requires this document from countries with which it has concluded mutual agreements[42]. In **Germany,** IICs are used for transfers to countries with which Berlin has bilateral agreements, including countries that share the same commitments on arms control and have rigorous export control legislation.[43]

This document represents a commitment by the importer to import the goods into the country of destination without diverting them. An IIC is the proof that the authorities are aware of the future transfer and agree to it.

However, an IIC does not require designation of the end-user, nor of the exported goods' final destination. This document concerns only the initial intended recipient, and not the final consignee. This weakens the export assessment system at the licensing stage, as the authorities in the original exporting country have no means of evaluating, and giving their opinion on, the possible country of re-export, where that country is a third country for which an EUC is needed. Moreover, the IIC does not include any provisions on end-use control, such as a "no re-export" clause[44]. So the only guarantee on this is often a requirement, in the IIC, that any future re-export will take place solely on the basis of the legislation in the country of the original importer, i.e. only with an export licence. Which means that the responsibility for the future use of the exported product is transferred to the government of the intended receiving country.

The IIC also excludes, for the country of origin, the possibility of requiring a delivery verification certificate (DVC).

This system therefore relies mainly on the mutual confidence accorded to each other by countries that regard themselves as long-standing "friends" or by countries pursuing the same policy on arms transfers – but without taking account of the exported product's final destination. It enables certain States to shrug off all responsibility for the real use to which their exported merchandise may be put. For as long as there is no harmonisation of common policy practices on EU arms exports, the danger remains that use will be out of line with the policy decision of the original exporting country.

One example of the re-export problem posed by the IIC is the case of the transfer of Eland military vehicles from France to Chad in December 2006. The original exporting firm, SABIEX, was Belgian and was exporting to France. Belgium was neither consulted nor informed about the re-export, although Belgian policy on exports would never have permitted such an export, due to several criteria in the EU Code of Conduct.[45]

With a view to a preventive, harmonised system, it would be desirable that, in the case of re-export to a third country, the original exporting country should be consulted before an authorisation is given. Otherwise, the danger will persist that the policy decisions of the country of origin will be skirted around by choosing, for exports, those countries that have greater affinity with certain destinations.

End-Use Certificate

The EUC is a document which, at the time when an export licence application is being assessed, certifies the final destination of imported products and the end-use to which they will be put. Through this document, the importer and the end-user commit to using the goods in accordance with the declaration that has been made, and not to re-export them to a third party without the prior agreement of the government of the country of origin.

41. Bosnia, Croatia, Iceland, Liechtenstein, Macedonia, Serbia, South Africa and Switzerland. See Annex I.

42. Flemish Peace Institute, "End-use as a factor in the Flemish licensing procedure for arms exports," Background note, 19 November 2008, p.16.

43. "EU NGO submission to COARM on harmonization among EU Member States on end-use and post-export control," May 2008, p.5.

44. See paragraph 2.1.3. of the User's Guide to the EU Code of Conduct on Arms Exports, *op. cit.*

45. Luc Mampaey, "*Commerce d'armement triangulaire Belgique-France-Tchad: limites et lacunes de la réglementation belge et européenne,*" GRIP Analysis Note, 14 February 2008. http://www.grip.org/fr/siteweb/images/NOTES_ANALYSE/2008/NA_2008-02-14_FR_L-MAMPAEY.pdf

The EUC is an important tool in arms transfer control regimes, as it obliges the competent authorities to take a responsible decision on the basis of a serious assessment of the risks associated with exports.

Nonetheless, for the EUC to be authentic, it is not enough simply to draw up a declaration of end-use and final destination. Governments need to put mechanisms in place that make it possible to ensure or verify the authenticity of the end-user and of the document provided, as recommended in the international instruments.

Within the European Union, the Member States always require an EUC or equivalent document. However, the modalities vary from one European country to another, as regards both form and content. This situation may be explained by the fact that the EU recommendations on EUC use, as contained in the "User's Guide to the EU Code of Conduct on Arms Exports," are still rather vague, as we have seen above.[46]The Guide sets out the elements that *must* be included in an EUC and those that *could* be in it. However, the adoption of common minimum standards at the European level would make it possible to reduce the risks of diversion of arms originating from the EU. This would also serve to guide the countries that have decided to come into line with the Code of Conduct. So Member States should regularly exchange information on non-respect of the EUC and on the consignees who have caused problems.

In **Belgium,** the EUC, also called an *end-user,* is used for any export of arms and military material intended for third countries that are neither EU members nor NATO members or equivalent countries. As for the IIC, there is no set model for the EUC. The document is often drawn up by the importing company itself. However, the licence issuing authorities do set minimum information requirements: the end-user, the end-use, the exporting company and the material exported are elements that must, compulsorily, feature on the end-user certificate. Moreover, some provisions can be added, such as a guarantee that the imported material will not be re-exported without Belgium's agreement, or a clause requiring the importer to provide proof that the imported goods have arrived at their destination. In this respect, however, practice varies among the regions that have responsibility for this matter in Belgium.[47]

To ensure respect for these principles, the Belgian authorities authenticate the end-user certificate. They do so via the Belgian embassy in the country of destination or, if Belgium does not have an embassy there, the end-user certificate is verified by a diplomatic post in a neighbouring country. However, the limits of the present system soon become apparent when one realises that the diplomatic authorities can have only limited knowledge of the arms circuit, and that those staff who do build up some experience are assigned to a new diplomatic posting every 3 or 4 years.

In **Germany,** the end-user certificate and the undertakings that the importer has to give depend on the nature of the end-user (i.e. whether public or private), the nature of the product, the final destination and the value of the export. As regards the authentication of the EUC, the end-user's official stamp must be affixed, together with a signature and a reference number. A clause specifying "no re-export without prior authorisation" (by Berlin) is also compulsory.

In **Sweden**, the EUC is required for all transfers of "military equipment for combat" and of "other military equipment" that are not destined for the western industrialised States. Unlike the Belgian situation, the EUC is drawn up in Sweden. To avoid any counterfeiting, the EUC is printed on banknote paper, with an individual reference number. It is then sent to the end-user for signature and the affixing of an official stamp. Once the form has been completed, the end-user sends it to the Swedish embassy in the country of final destination. The embassy then verifies the legitimacy of the request, and the signature, before authorising the transfer. Moreover, all the EUCs include a clause specifying "no re-export without the prior authorisation of the Swedish government". As in Germany, the type of EUC depends on the nature of the product exported. There are also specific EUCs for the export of SALW, of the components of military material, and of military material for civilian use.[48]

46. See paragraph 2.4. of the present report.

47. Notably as regards the different practices concerning non-reexport and proof of arrival at destination.

48. See the site of the ISP (Inspectorate of Strategic Products) at http://www.isp.se/sa/node.asp?node=543

In **Italy**, the EUC has to be issued by the authorities of the importing country, and authenticated by the appropriate Italian embassy or consulate. A licence application will be rejected if the end-user is not a government or has not been authorised by its government to import military weapons.[49]

There are also countries in which the end-user certificate is not a mandatory prerequisite for obtaining an export licence. Thus, in **Austria,** current law on arms exports (the Law on War Material and the Law on External Trade) do not include an obligation to provide an end-use certificate. However, the ministers responsible assert that they "regularly" require one.[50] As the content and terms of the EUC are not regulated by law, the Austrian EUC system remains at the discretion of the ministers responsible, i.e. the Ministry of Justice in the case of war material, and the Ministry of the Economy for other materials. Nor is an authentication mechanism provided for within the system. Austria's 2007 annual report on implementation of the PoA states, in this respect, that authentication takes place "case by case".[51]

"No re-export" guarantee

A certain number of States that export military material have recourse to the inclusion of a "no re-export" clause in EUCs, and sometimes in licences, in order to prevent the diversion of their exported products. According to the modalities involved, the clause commits the end-user either not to resell the imported material or not to resell it without the prior authorisation of the government authorities of the exporting country. Unfortunately, this clause is not included as standard in the contracts and licences pertaining to the arms transfers of EU Member States.

While it is true that the signing of this clause will not, in itself, prevent the diversion of material by a State that is determined to do so, the inclusion of this modality does place an additional contractual obligation on the intended recipient. If a violation of this clause is noted, future licence applications to the exporting State may be refused. This gives States a certain capacity to apply sanctions if the wish is that this control measure should be effective but also credible to the importers.

However, the non-reexport clause is not yet completely recognised as a standard norm that must feature in the arms transfer contracts and export licences of all EU Member States. On the contrary, a certain vagueness still surrounds this provision. In the User's Guide to the EU Code of Conduct on Arms Exports, the non-reexport clause is also among the elements that either *must* or *could* be included in an EUC. This results in wide disparities between the Member States.

In **Belgium,** recourse to a non-reexport clause is recommended by the Law of 5 August 1991[52]. The principle is that the material sold will not be re-exported, or that re-export will not be permitted except with the prior authorisation of Belgium. The Belgian system also provides that an export or transit licence application shall be refused if the country of destination has shown that it does not respect the non-reexport clause.[53]

Nonetheless, the implementation of this clause varies from one region to another in Belgium. While the **Walloon Region** "often" requires a non-reexport clause in an EUC, the **Brussels-Capital Region** requires one for every export.[54] Whereas since February 2008, the **Flemish Region** has no longer required a non-reexport clause.[55] Consequently, an importer of arms, ammunition or military material produced in Flanders no longer has to seek permission from the Flemish authorities in order to re-export the purchased goods to third countries[56]. Through this procedure, the Flemish

49. Law No. 185 of 9 July 1990 on the control of the export, import and transit of military material, para. 1.4.

50. Correspondence between GRIP and Amnesty Austria, February 2009.

51. "Austrian National Report 2007 on 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," 2008.

52. Law of 5 August 1991 concerning the import, export and transit of arms, ammunition and material intended specifically for military use and of the related technology, Article 3.

53. Law of 26 March 2003 amending the Law of 5 August 1991 concerning the import, export and transit of arms, ammunition and material intended specifically for military use and of the related technology, Art. 4§1.4°e).

54. Discussions with officials of the Walloon and Brussels administrations with competence for the granting of arms transfer licences.

55. Flemish Peace Institute, "End-use as a factor in the Flemish licensing procedure for arms exports," Background note, 19 November 2008, p. 10.

56. On 4 February 2008, the Flemish administration adopted new directives on the establishment of end-user certificates. As it considered that it was receiving few applications for permission to re-export, the non-reexport clause was abolished. The only remaining commitments concerning the export of military goods are that they will not be used as or in weapons of mass destruction,

authorities responsible for the granting of export licences delegate to the country of destination the entire responsibility for re-exports, but without requesting official confirmation of import, as is the case with an IIC. However, it should be emphasised that Australia and New Zealand systematically notify the original exporting State before any retransfer, even of minor military material and even though these countries operate within the framework of the system with IICs, where there is no obligation of this kind.[57]

As a general rule, **France** includes a clause on "non-reexport without the written prior agreement of the French Government" for all transfers of military equipment. This restriction on re-export is included not only in the EUC but also in the export licence.

In **Germany**, while a clause on "non-reexport without the written agreement of the German government" is generally imposed in an EUC, this also depends on the nature of the material exported and the export destination: this clause is indispensable in the case of exports of weapons of war, but is not required if a re-export of other military material concerns a Member State of the EU or NATO or equivalent countries. In principle, a country that breached the non-reexport clause, or failed to ensure that it was respected, would be denied future exports for as long as the conditions of violation continued.

On its exports of SALW, Germany has adopted a different approach that is worth mentioning. Wherever possible, export licences must stipulate that the old SALW must be destroyed when new arms are supplied. This measure is aimed at preventing irresponsible retransfers of old weapons and their proliferation over time.

For its part, the **United Kingdom** is among the States that still refuse to apply non-reexport clauses. Its 2008 annual report to UNODA on implementation of the PoA states that the inclusion of non-reexport conditions in export licences is not the practice in the United Kingdom.[58] The British government takes the view that a complete risk assessment at the licensing stage is the best means of preventing diversion or improper use of exported equipment. If, at that stage, the risk posed by exporting is judged unacceptable, the licence application will be rejected. The decision is taken on the basis of the information available, particularly in the EUC, and the information on the end-use and the end-user is verified at that time, as part of the decision-making.

And yet, at the point when the policy decision is taken whether or not to grant the licence, no more than a snapshot of the political situation in the country of destination will be available. So it would be appropriate to provide for the possibility of acting if that situation changes in ways that the exporting country finds unwelcome. Weapons have much longer lifespans than the policy projections that can be made at any given moment, and alliances can shift over time. The following examples bear witness to the difficulty of enforcing end-use conditions, particularly in the case of armaments that can be mounted on other weapons or on vehicles.

Examples of unauthorised re-export

The export of helicopters from India to Burma is a recent example of a retransfer for which postponement was achieved thanks to the intervention of civil society organisations, which published a report[59] on the issue, and the European press. A large proportion of the parts for these helicopters, and the technology, had originated in the EU, which is conducting an arms embargo against Burma. Belgium, Bulgaria, Finland, France, Germany, Italy, Poland, Romania and Spain were among the supplier countries. The non-reexport mechanisms had been only sporadically applied by the original exporting States, and their legal application was unclear. In the case of Spain, for example, the EUC includes a clause forbidding re-export without the permission of the Spanish authorities. As is also the case in Poland, this clause is used to prevent delivery to embargoed destinations or countries supporting terrorism. Other examples of this kind are given in the NGO report on end-use.[60]

---

or for military objectives in the case of dual-use goods: http://iv.vlaanderen.be/nlapps/data/docattachments/20070426_RichtlijnenOpmaakCertificaatEindbestemming.pdf

57. Meeting with the official responsible for the Walloon Region's licences, 10 February 2009.

58. "UK implementation and support for the UN Programme of action on SALW," 2008, p. 16.

59. "Indian helicopters for Myanmar: making a mockery of embargoes," Amnesty International & Saferworld, July 2007. http://www.saferworld.org.uk/images/pubdocs/Myanmar_report_July07.pdf

60. "EU NGO submission to COARM on harmonization

In 2007, the Americans seized about one hundred automatic rifles of Austrian origin in Iraq. They were reportedly part of a consignment of 800 Steyr HS50 Mannlicher rifles sold by Austria to Iran in 2006. Austria denied all responsibility for the diversion of these weapons to Iraq[61]. Yet the European Union's Code of Conduct bans arms transfers in cases where there is a risk of diversion within the purchasing country or to regions experiencing conflicts (seventh criterion), and this led to a reaction from the British and the Americans at the time when these guns were being exported, for fear that they would be used against their troops.[62] Moreover, the fact that Austria has been washing its hands of the affair by pointing out that these weapons were intended for use by the border police and that what happened after they were exported from Austria was not the Austrian Government's responsibility, indicates that a non-reexport clause had probably not been included in the contract. Even if such a clause was built in, it was certainly not respected – and, by the way, Austria did not exert any pressure on the Iranian authorities. This shows the difficulty of applying sanctions without the harmonisation of this clause and its application at the level of all the EU member countries.

In November 2001, press reports surfaced that about a hundred P90 machine-pistols, which FN (Herstal, Belgium) had quite legally delivered to Jordan three years earlier, had been immediately re-exported to a local arms dealer in Switzerland, who had obtained all the authorisations necessary for the transaction[63]. The P90s were then converted into semi-automatic pistols in the Netherlands, so that they could be sold on the Swiss civilian market. While the Dutch gunsmith reportedly received about twenty of them as payment for his services, some P90s from the "Jordanian" consignment were reportedly resold, legally or not, in Switzerland, Belgium, Finland and the Netherlands, and some of these were subsequently seized from criminal elements. Although Belgium routinely applies a non-reexport clause, this was ignored. Belgium did send an official protest letter, but it never suspended its arms deliveries to Jordan.

This last example raises a number of issues that could be quite easily tackled if the European States agreed to harmonise their practices and to exchange information preventively, rather than after the event:

- The non-reexport clause ought to be systematically included and all Member States should apply sanctions if any Member State's non-reexport clause is flouted.
- There should be a systematic exchange of information among the European countries, NATO members and equivalent countries before granting an import licence or export/re-export licence, especially when the origin of the arms is known. In the case of the P90s, it was obvious that these arms were of Belgian origin, and the Swiss and Dutch authorities should have automatically consulted the Belgian authorities before giving the authorisations.
- The various customs officers should also have been able to figure out the origin of the weapons and inform the authorities. This highlights the need for both licensing and physical customs checks to be handled by armaments specialists. The number of customs posts dealing with arms exports and imports should be restricted.
- By the same token, physical inspections at the time of exporting and importing arms, particularly to or from third countries, could also help prevent this kind of diversion.
- Finally, proactive post-export follow-up, including of end-use, could also show up actions of this kind before the arms are used for illicit purposes.

The four last points fall within the framework of stage 2 and 3 controls on exports, concerning as they do the physical transfer and the end-use of the arms. These aspects are examined in the following sub-section.

3.2.2. Post-export controls

Many States feel that their responsibility ends with a thorough assessment of the risks linked to

among EU Member States on end-use and post-export control," *op. cit.*

61. Telegraph.co.uk, "Austria distances itself from Iranian rifles row," 13 February 2007.

62. Telegraph.co.uk, "Fury over Austrian "super" rifles for Iranians," 14 January 2006.

63. "Marking, registering and tracing small arms and light weapons: Policy options for the European Union," Ilhan Berkol, in "Small Arms and Light Weapons Transfers," p. 41, UNIDIR, December 2005; Also see Box 2 in "Deadly diversions: Illicit transfers of Ammunition for SALW," Ilhan Berkol and Mike Bourne, in "Targeting Ammunition: A Primer," Small Arms Survey, 2006. http://www.smallarmssurvey.org/files/sas/publications/b_series_pdf/ammun/Am4.pdf

the export of military equipment, at the stage of authorising that export. However, the risks of diversion arise mainly after a licence has been granted. Diversion can occur during transfer of the arms, once the material has been delivered, or even several years later. Thus, the effects of a control policy at the licensing stage, and the restrictions imposed in the export documents, will remain limited if other steps are not taken to ensure that the arms have arrived at their final destination and are being used in compliance with the undertakings given when the licence was granted (stages 2 and 3 of arms transfers). All the more so when a decision has been taken to export to sensitive destinations.

Measures to enable checks that the material has well and truly arrived, and that its use complies with the end-use conditions, would be a valuable aid in assessing whether the decisions taken were the right ones. However, these checks should not lead to a weakening of assessments during the licensing stage. All these tools should complement each other and should be applied as effectively as possible.

Delivery Verification Certificate

A number of States have a system at their disposal under which they can require that the final consignee provide, after delivery, the customs documents attesting that the cargo has reached the destination that was declared and authorised in the export and end-user documents. This is what is known as the delivery verification certificate (DVC). So this system makes it possible to verify whether the arms have been diverted en route.

Belgium is one of the countries that systematically demand "proofs of arrival at destination," and it has been relatively successful in doing so. Thus, Article 7 of the Royal Decree of 8 March 1993 specifies: "After each shipment of merchandise covered by an export licence, the exporter shall provide, within a period of three months, to the Licence Service, proof of their arrival in the authorised country of destination and that the importer has brought them into consumption. This proof is to be furnished by means either of the document delivered by the Customs Administration of the importing country, establishing that the exported merchandise has been declared for purposes of consumption, or by any other document establishing the direct taking into charge of this merchandise by the competent authority in the importing country, or by any operator mandated by that authority."[64] Also, the routing plans, showing the stopovers and ports of final destination, must be presented to the customs authorities before any departure of the cargo (Art. 10.1 and 2).

To this end, the authorities may or may not accept the transporter, if that transporter might be problematic. This is, for example, the case for the transport of dangerous goods, including ammunition. In this spirit, it would be desirable for the transporters to be registered with the authorities in advance, and that they should be recognised as fit to transport arms.

Both the **Walloon Region** and the **Brussels-Capital Region** systematically require that the arrival of the delivered equipment at destination be confirmed to them by the sending of the official documents issued by the customs services of the country of destination[65]. The Walloon Region estimates that it receives between 60 and 70% of these justificatory documents, whereas the Brussels-Capital Region puts the return rate at 80-85%. These figures are substantially above the European average (estimated at 10-15%).[66] The **Flemish Region,** meanwhile, no longer asks for these "proofs of arrival at destination."

Although the practice of requiring DVCs seems to be well-established in Wallonia and the Brussels Region, mention should be made of the difficulties encountered by Belgian administrations in obtaining these documents. The three-month deadline set by the Belgian law appears to be impossible to meet. In practice, the documents are ofte.nreceived a year and a half after the actual exports have taken place, and the administrations have to send numerous reminders to the exporting companies. For their part, the companies encounter difficulties in obliging the end-user to provide them with the proof – after all, not only is this system not compulsory in third countries, it does not exist at the regional and global levels. However, pressure can

64. Royal Decree of 8 March 1993 regulating the export, import and transit of arms, ammunition and material intended specifically for military use and of the related technology, amended by the Royal Decree of 2 April 2003, Art. 7.

65. Proof of arrival at destination is not requested for intra-Community transfers.

66. I. Berkol, "*Armes à feu: le Protocole de l'ONU dans la réglementation européenne,*" GRIP Reports (special number), 2006, p. 15. See also pages 19-20 on DVCs. Available at http://www.grip.org/fr/siteweb/images/RAPPORTS/2006/2006_hs1.pdf

be brought to bear by the administration the next time the same exporter applies for a licence. As the number of countries requiring this document is so small, **Belgium is seen as an exception** and in these circumstances, it has difficulty in applying real sanctions.

And yet, demanding such documents does help to discourage and detect the diversion of exported goods during their transfer. Thus, the User's Guide to the European Code of Conduct states that "delivery verification certificates are particularly useful tools to help prevent diversion."[67] But to be effective, this system would have to be generalised and harmonised among States. However, there is absolutely no obligation to follow this recommendation. On the contrary, the same text classified the DVC as an element that *could* feature on an EUC[68]. The result is that practices vary from one European country to another. In reality, the harmonisation of these practices at the European level, requiring that licences be refused for destinations that have let one of the EU member countries down, would have a real impact on the ground, via an effective, systematic exchange of information.

While some other countries, such as **Italy** and **Bulgaria,** always require DVCs, a large number of European countries generally do not. This is the case in **Sweden,** whose national legislation does not provide for verification of delivery. However, this Scandinavian country does reserve the right to verify delivery in specific cases – for example, the transfer of particularly sensitive equipment such as man-portable air defence systems (MANPADS).

The **Netherlands,** on the other hand, "sometimes" require delivery verification certificates. In fact, when certain countries are uncooperative about providing DVCs, and certain exporters complain about the cost of this operation, it seems that the Dutch administrative body in charge of export licences *(Centrale Dienst voor de In- en Uitvoer)* often drops this obligation to send back a DVC.[69]

In **Austria,** the decision to include a delivery verification clause is left up to the discretion of the minister concerned, as there is no explicit DVC obligation in the law. However, this seems to be more the exception than the rule. Apparently, a DVC is used when a doubt exists about possible diversion, or in the case of sensitive destinations.[70]

It may also be noted that **Bulgaria** is one of the European countries that go furthest in checking delivery. Not only does it require DVCs for each and every transfer, its law also provides for the possibility of requiring the exporter to include a clause authorising the physical verification of the delivery by the Bulgarian authorities after shipment.[71] However, the inclusion of such a clause is left to the discretion of the authorities responsible for the granting of licences, and these inspections appear to be rather rare, due to a lack of capacity and resources.

Estonia has a relatively demanding system as regards checks on deliveries and end-use.[72] It is the Commission for the control of the export, import and transit of strategic goods which issues the DVCs and checks the non-reexport and end-use clauses.[73] The importer is to ensure:

- storage at the address stipulated on the documents
- that the material is used for the purposes stipulated in the DVC
- that the material is not diverted, re-exported or transshipped without the authorisation of the Commission
- that the Commission, via such agencies as it may choose, is able to verify if the use of the material conforms to the initial purpose.

Similarly, **Lithuania** operates a system of delivery controls via the Lithuanian Development Agency, which delivers and checks DVCs, as well as a use control system, via the Committee on Strategic Goods.[74]

A number of non-European countries require DVCs, such as the United States, Canada and Hong

67. User's Guide to the EU Code of Conduct on Arms Exports, *op. cit,* para.2.3.1.

68. See the section on the EUC in the User's Guide to the EU Code of Conduct on Arms Exports.

69. Information obtained by a member of "Campagne tegen Wapenhandel," exchange of correspondence on 10 February 2009.

70. Information obtained by a member of Amnesty Austria, correspondence dated 7 February 2009.

71. Saferworld, "Bulgaria's arms transfer control system at EU accession: an analysis," February 2007.

72. Regulation No. 281 of the Government of the Republic of Estonia, 28 September 1999: Procedure for import, export and transit of strategic goods.

73. Paragraph 10 of Regulation No. 281.

74. Regulations of control of strategic goods, Regulation No. 421, 16 December 1997.

Kong.[75] However, it should be recalled that, according to the UN Group of Governmental Experts on the ATT, only some sixty States have legislation on arms transfers, meaning that such control practices are applied by only a limited number of third countries.

Checks on DVCs can be carried out, on the one hand, via the exporter/importer circuit and, on the other, via the official circuit in which the importing State forwards the DVC to the exporting State. The latter can then compare the two circuits (see the flowchart). This double verification makes it possible to check the veracity of the importation, as a photocopy of the customs document is generally produced. Some countries, such as Bulgaria and Italy, request verification by the consular services in the countries of destination. However, it is not certain that diplomatic services' assistance can be provided consistently and systematically. It would be desirable for the verifications to be carried out by specialists who have been trained for such tasks.

Nonetheless, delivery verification certificates do not offer protection against possible diversions of arms after delivery. That is why end-use controls must also be envisaged.

Verification and inspection bodies

Verification of the proof of arrival can be performed via specialised monitoring bodies that operate commercially worldwide, checking quality, quantity and all kinds of other commercial transaction parameters on behalf of the buyer and/or seller. For example the Société générale de surveillance (SGS), based in Geneva, has more than 120 offices across the world, providing verification and inspection services at the destination and/or the point of shipment of products and arbitrating in the case of disputes.[76]

COTECNA, also based in Geneva and Lloyd's of London perform similar checks.[77] These bodies are not currently empowered to monitor armaments, but would be prepared to do so if States requested this within an official framework. FN Herstal, for example, confirms that it has already worked with SGS at the request of certain customers, for certain types of arms.

Moreover, for the transport of dangerous goods, the control bodies approved by the authorities[78] systematically verify the compliance of the packaging for transport and storage, and issue certificates of approval. And they may also conduct checks during the manufacture of the packaging. These bodies operate in the framework of the UN's model regulations on the transport of dangerous goods, as established by its Committee of Experts.[79]

Governments should explore the possibilities for working with such organisations to check on delivery verification operations and on the compliance of the material at the time of export and at any transit points. Cross-checking of information would make it possible to proactively detect a diversion during transport. These bodies could also cooperate on monitoring use and verifying the end-user certificate. The cost of such checks is to be borne by the buyers and/or sellers on the basis of a certain percentage of the shipment's value (as in the case of SGS, which charges between 0.4% and 1%). In some cases, the fee may be capped (for example, a maximum of 300 Euros in the case of the transport of dangerous goods). Bearing in mind the positive effect such controls would have in terms of the impact of arms proliferation on budgets for security and development, this kind of approach would ultimately pay off.

End-use controls

Although most States always require an EUC or equivalent document committing the final consignee not to re-export the material purchased and to use it for a precise, defined purpose, few of them check whether these commitments are met once the export has taken place. And yet, arms

75. See the examples of Delivery Verification Certificates in the appendix.

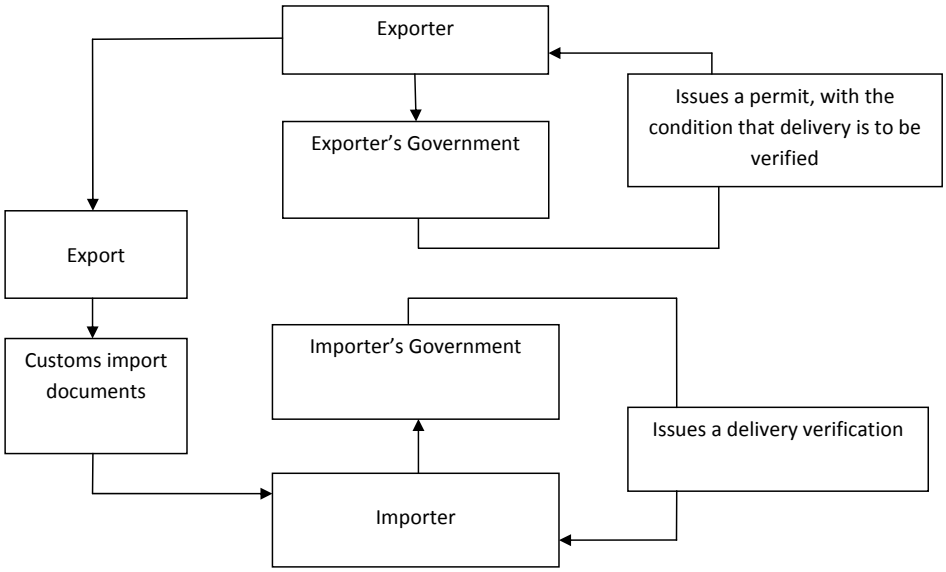
76. SGS already works for the EU on tracing aid granted to third countries. According to the executive whom we met in Geneva, the tracing rate reaches 99.5%. SGS also verifies the capacity of civil society organisations in third countries for EU-financed projects, and proposes solutions where there are shortfalls.

77. See the GRIP Analysis Note, Holger Anders, "Feasibility of an SALW Tracing Agency in Germany," June 2004. http://www.grip.org/fr/siteweb/images/NOTES_ANALYSE/2004/NA_2004-06_EN_H-ANDERS.pdf

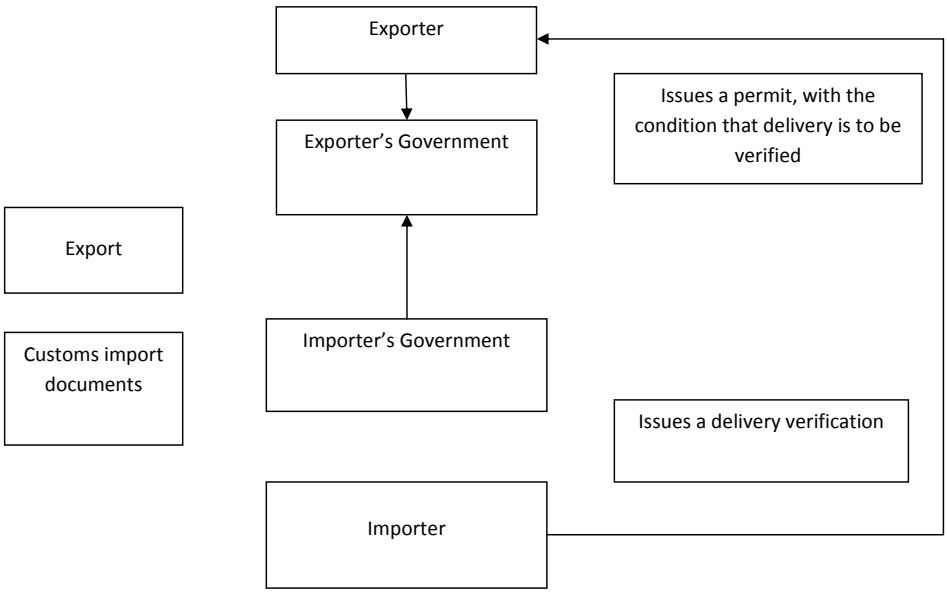
78. In Belgium, the *Institut Belge de l'Emballage (IBE)*. See GRIP Analysis Note, I. Berkol and C. Gramizzi, "The transport of Dangerous Goods: A concrete Example of Traceability," June 2004. http://www.grip.org/bdg/g4543.htm

79. Committee of Experts on the Transport of Dangerous Goods of the UN Economic and Social Council, "Recommendations on the Transport of Dangerous Goods," UN Model Regulation ref. ST/SG/AC10/1/rev. 12, 15th revised version, October 2007, Geneva and New York.

Delivery verification process



1. The exporter's national authority issues the exporter with an export licence, with the condition that the delivery is to be verified.
2. The exporter ships the goods to the importer.
3. The importer proceeds with importation.
4. The importer provides the customs documents to the importer's national authority.
5. The importer's national authority issues the DVC to the importer.



6. The importer sends the DVC to the exporter.
7. The importer's national authority sends a copy of the DVC to the exporter's national authority.
8. The exporter sends the DVC to the exporter's national authority.
9. The exporter's national authority compares the two documents.

can still be diverted after reaching their authorised destination.

Such a check ought to be an indispensable element of arms transfer control regimes. Not only does it enable discovery of any diversion that takes place after delivery, it also makes it possible to raise the alert by identifying countries at risk and informing other States. Moreover, when end-use controls are made a prior condition of an export licence, this measure can have a powerful dissuasive effect on potential transgressors. They will be less tempted to breach restrictions if the probability of getting caught is strong – or at least present.

Currently, only a small number of European States provide for end-use controls. Among them are **Sweden** and the **United Kingdom**. The Swedish authorities responsible for exports can require the inclusion of a clause in EUCs, committing the consignee of the equipment to permit on-site inspections by the Swedish authorities in order to verify that the end-use of the equipment complies with the commitments given in the EUC. However, these controls are not systematic, notably due to a lack of capacity and resources. The United Kingdom also conducts checks on exported material after delivery, but on a case-by-case basis, where it is judged that this will have added value.[80] The British Government nevertheless takes the view that it is neither useful nor practical to run checks on the end-use of all the strategic goods exported from the United Kingdom throughout their lifespan.

Belgium, for its part, does not conduct any checks on use in order to see if it complies with the EUC after delivery of the arms. There is no Belgian policy on this.

Many States point to the costs that would be caused by such controls. However, the aim of such a measure should not be to check on the end-use of all arms exports, but rather to provide for the possibility of **periodic checks on certain exports, using a selective approach.** Particular attention should be paid to cases where there is a serious risk of diversion. To identify such cases, common criteria or risk factors could be defined so as to develop, as a minimum, a common policy on controlling the end-use of sensitive materials or sensitive exports. EU Member States could draw inspiration from the American model for defining these criteria[81]. The independent verification bodies mentioned above could also be employed to monitor arms use. In any case, Member States should develop an information-sharing mechanism that includes the United States and the NATO countries.

Government controls

Currently, a few States have made arrangements to run their own checks on end-use. One of the control bodies in this field is the "Defense Threat Reduction Agency"[82] which works for the US Department of Defense (DoD), holding on-site inspections aimed at reducing the risk of the proliferation of weapons of mass destruction and certain high-yield munitions and explosives such as missiles. The organisation's inspectors make unannounced visits to check that the weapons really are in the end-user's stockpiles.

3.2.3. Controls on production capacity transfers

An important problem is the control of transfers of manufacturing capacity for military weapons. The destinations for plant of this type are generally countries that do not have control mechanisms capable of ensuring effective follow-up on military equipment, as there is no adequate recording and management of stock and the verification measures are insufficient. The EU Code of Conduct does not set specific criteria on military technology transfers, which are treated like classic exports of weapons as finished products.

The acquisition of plant, whether under licence or through direct purchase, equips a State for the potentially unlimited manufacture of arms and ammunition for decades at a time. Over this long period, in most third countries, the risk of contact with a conflict zone is high, and there is no possibility of checking on the export and resale of the output, nor on its use. The risk that the material produced will be used in a context of human rights violations or conflicts is relatively high, even if at the time of export the situation in the receiver country is such as to make the sale of finished, ready-to-use products permissible.

80. "UK implementation and support for the UN Programme of action on SALW," 2008, p. 16.

81. See the following section.

82. See the DTRA site at: http://www.dtra.mil/index.cfm

Some examples of sales of manufacturing capacity

Indeed, it is infinitely less risky to sell a set quantity of ammunition than to provide the capacity for manufacturing the same quantity over several decades. The considerations applying in the two cases are not the same. So additional criteria would be needed for long-term production, as opposed to the sale of material for short-term use. At present, however, the Common Position (Code of Conduct) criteria for arms transfers make no explicit provision for this difference. The example of the Walloon Region's sale of ammunition-making machines to Tanzania in 2004-2005, a deal that was cancelled, speaks volumes.[83] The Walloon government, after first authorising the sale, finally withdrew the licence after the expert on-the-spot assessment showed that the security conditions for the ammunition that would be produced were not sufficient to prevent diversion. What is more, the permeability of the frontiers, in a country that is in direct contact with conflict zones, did not make it possible to ensure compliance with the end-use conditions.

Belgium has also experienced an instance of the impossibility of controlling production under licence. This was the setting up of an ammunition factory at Eldoret, Kenya, in the mid-1990s. It was authorised on the basis of a personal guarantee by the then President Daniel Arap Moi that the end-use conditions would be respected – notably the non-export of the factory's output. But the Belgian authorities were never able to visit the Eldoret factory, despite a request made via their military attaché in Nairobi. The Kenyan government also opposed a visit to its factory by UN experts who, within the framework of the UN Rwanda Commission, were investigating transfers of military material to Rwandan insurgents. To this day, despite numerous allegations of exports to the theatres of conflict in the Great Lakes region, this factory's production, and the use to which it is put, remains a mystery.

At a press conference on 24 February 2009, Jorammo (the Jordan Ammunition Manufacturing Services Company) announced a USD 43 million contract with the Jordanian armed forces.[84] Jorammo was established in 2008 as a joint venture between MECAR (Belgium), DMV Holdings (USA) and the King Abdullah II Design and Development Bureau (KADDB).[85] It intends to become one of the biggest manufacturers of military and civil ammunition for SALW in the Middle East and Africa. However, the go-ahead for the transfer of technology from Belgium to Jordan has not yet been given. It seems obvious that this factory's output would not fit into the framework of clauses stipulating the non-reexport of technology supplied by Europe and the United States. Even if the current criteria in the Code of Conduct did permit the establishment of such a plant in Jordan, the lack of specific criteria embodying long-term considerations played a role in the policy decision.

It remains to be verified, over time, whether any future authorisation of such long-term production capacity, in a region that lies at the heart of conflicts and gives access to explosive Asian destinations, is in line with the present and future policy of the EU and Belgium. Be that as it may, no comfort can be drawn from the experience described above of the re-export, to European gunsmiths, of P90s that were originally intended for King Abdullah's household guard.

Recommendations

What could be the acceptable solutions for the exporting countries? For example, Germany has for a number of years now stopped exporting production capacity to third countries and restricts the shipment of military production equipment exclusively to the NATO countries and equivalent countries.[86]

This shows the necessity of bringing in new criteria for technology transfer and the importance of exchanging information with the other member countries before taking such decisions. Even though paragraph 3.3.3. of the User's Guide recommends

83. See GRIP Analysis Note, Holger Anders, "Export controls on production capacities for military equipment: strengthening the EU approach," July 2005. http://www.grip.org/bdg/g4580.html

84. "JORAMMO announces its awarding of a $43m contract by Jordan armed force," AME Info – ME Company Newswire, 24 February 2009.

85. "Jordan establishes ammunition capability," Jane's Information Group, 24 February 2009.

86. See GRIP Analysis Note, Holger Anders, "*L'exportation de matériel de production des munitions: les pratiques de la Belgique, de la France et de l'Allemagne*," 26 May 2005. http://www.grip.org/fr/siteweb/dev.asp?N=simple&O=430&titre_page=NA_2005-05-26_FR_H-ANDERS

asking a number of questions that would lead towards a strict interpretation, in practice and at the political level various inadequacies can be noted. Harmonisation of practices at the EU level, with an obligation to consult Member States, therefore proves to be indispensable.

Also, Member States could try to introduce new criteria into the Common Position on arms exports, in order to prevent the export of military production equipment to destinations that cause concern. In any case, given the difficulty of checking on the fate of the production in the receiving country, strict conditions must be defined for a follow-up that would enable the State of origin to keep track of what is happening.

3.3. Implications of the European Directive on simplifying terms and conditions of transfers of defence-related products within the Community

As we have just seen, each Member State currently assesses its licence applications individually, generally taking account of the nature of the product, the country of destination, the country of final destination and the end-use, and assessing the risks linked to exports, in the light of several criteria defined by the EU Common Position on arms exports. We also saw that intra-Community transfers and extra-Community exports of arms were subject to the same licensing procedures even though, in practice, the EU Member States have recourse to privileged procedures for transfers to the countries of the EU and of NATO.[87]

The European Commission, which regards this system as too fragmented, now wishes to harmonise and simplify the licensing conditions for intra-Community transfers of defence-related products. Among a series of proposals[88] introduced in 2007 with the aim of alleviating obstacles to the competitiveness of the European armaments industries, it notably submitted a proposed Directive to help simplify the conditions for the transfer of defence-related products within the Community.[89]

In the licensing system envisaged by the European Commission, the present regime of individual licences would be replaced by a system consisting of 3 types of licence: general licences, global licences and individual licences. The individual ones would become the exception rather than the rule (Art. 5-7). Otherwise, the Directive leaves it up to the Member States to determine all the conditions of the transfer licences, including any restrictions concerning the export of defence-related products to consignees in third countries, notably taking account of the risks that the transfer creates for the preservation of human rights, peace, security and stability (Art 4.6). The text also specifies that the Member States have the possibility of requesting end-use assurances, including end-user certificates (Art. 4.6).[90] The suppliers of defence-related products would be given the task of informing the recipients of the conditions attached to the transfer licences as regards export (Art. 8). A procedure for the certification of companies is also provided for in the Directive, in order to promote confidence among Member States (Art. 9).

The current system for the control of arms transfers is far from perfect. Nevertheless, this proposed Directive could have negative consequences for the present arms transfer control regime within the EU.

Firstly, most of the defence-related products will be transferred under general or global licences, as the aim of the European Directive is to establish confidence among States and facilitate the transfer process while reducing the costs represented by the present licensing systems. But, by having recourse to this type of licence, the Member States will no longer have the possibility of controlling the individual destinations of defence-related products.[91]

87. See the section on the international import certificate.

88. On 5 December 2007, the European Commission presented a "defence package", consisting of a framework communication setting out a strategy for the European armaments industry and two proposed directives: one on the simplification of intra-EU arms transfers, the other on public defence procurement. The process for the adoption of these directives is underway. The European Parliament adopted the first of the draft directives on 16 December 2008 and the second on 14 January 2009.

89. See the text as adopted in the Position of the European Parliament adopted at first reading on 16 December 2008 with a view to the adoption of Directive 2009/.../EC of the European Parliament and of the Council on simplifying terms and conditions of transfers of defence-related products within the Community. Available at http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0603&language=EN#BKMD-29

90. This clause was added following the opinions given by the Committee on Foreign Affairs and the Committee on Industry, Research and Energy.

91. Intra-Community transfers will no longer be individually traceable. Up to now, there was a well-defined IIC corresponding to each transfer.

And even if the possibility of including EUCs is still left to the Member States, it is difficult to imagine how they could be used within the framework of these types of licence. So the outcome would be a weakening of the controls on final destination and end-use. It should also be noted that the Directive does not make any provision for the verification of end-use after delivery.

Secondly, while the Directive does provide for the possibility of including conditions relating to later re-export to third countries, such as an outright ban on later re-export to a specified country, many observers fear that the Member State in which the transfer originates will prefer to cede "the possibility of controlling re-export" to "the exporting Member State at the end of the chain".[92] Furthermore, the principle of global or general licences gives rise to the fear that an unscrupulous company, feeling that its own government's interpretation of the Common Position is too restrictive, might take advantage of the system by first shipping the material to a subsidiary (or intermediary) in a more conciliatory Member State. The subsidiary would then subsequently handle the exporting to the third country.

And finally, transparency and the possibility of public and parliamentary controls on the arms trade are still uncertain quantities. Indeed, under the draft Directive, it is the companies, and not the licensing authorities, which have a duty to keep detailed records of their transfers for a period at least equal to that provided for in the national legislation in force in the Member State concerned (Article 8.4). The licensing authorities are to ensure and regularly check that the suppliers do keep these records (Art. 8.3). The licensing authorities can ask to consult the records, but the Directive does not make this an obligation. Nor does it contain an obligation to centralise the data in these records at least once a year. Consequently, there is a risk that these intra-Community transfers will lose all visibility and will escape parliamentary control. Moreover, the Directive also does not say if the data on intra-Community transactions will continue to be made public in the annual reports of COARM, as currently happens.

Nonetheless, it should be added that the text as adopted on 16 December 2008 does provide that Member States will set rules concerning the sanctions applicable in the case of non-respect of the provisions in the Directive. The sanctions should be effective, proportionate and dissuasive.[93] This provision was added following the report on the proposed Directive.

In conclusion, this Directive leaves the Member States too much scope for interpreting the policy to be pursued. But the European countries are not yet applying a real common policy on the control of arms exports, despite the recent adoption of the Common Position. The interpretation of the criteria varies from one country to another, with some giving them a stricter reading than others. Moreover, there is still some fudging around the practices to be adopted on re-exports and delivery verification certificates, which are two essential elements of the arms export control regime. The risk is that the new Directive will reduce the current controls to their lowest common denominator.

92. Mampaey Luc, "*L'impact de la proposition de directive simplifiant les conditions des transferts intracommunautaires d'armements*,» GRIP Analysis Note, 2 June 2008. Available at http://www.grip.org/fr/siteweb/images/NOTES_ANALYSE/2008/NA_2008-06-02_FR_L-MAMPAEY.pdf

93. This provision was added following the Report on the proposal for a directive of the European Parliament and of the Council on simplifying terms and conditions of transfers of defence-related products within the Community, A6-0410/2008, 15 October 2008.

4. Strengthening controls – good practice

4.1. End-use controls: the US Blue Lantern programme

The American legislation requires the US Government not only to approve arms sales but also to be responsible for controlling the end-use of exported arms. So the United States has developed several end-use control programmes involving different Departments of the American Government. Among these, the **"Blue Lantern" programme**, run by the US Department of State, constitutes a very complete end-use control system.

The Blue Lantern programme is about monitoring the end-use of commercially exported defence-related goods and services, and the technical data subjected to a licensing procedure or other authorisations under Section 38 of the Arms Export Control Act. This programme is managed by the Directorate of Defense Trade Controls[94] within the US Department of State.

The Blue Lantern end-use controls involve verification before and after export. Their aim is to verify the legitimacy of a transaction and subsequently to provide an assurance that the consignee fulfils the obligations imposed by the American Government concerning use, transfer and security, and that the exported material really is used for the purposes for which it was supplied. These controls can range from a simple oral or written contact to check the bona fides of a transaction to a physical inspection on site. Different levels of complexity and priority are assigned to each type of end-use control, with the level determining what controls will be applied.

The verifications are not random. Rather, they result from a selection process aimed at identifying those transactions that could lead to diversion or improper use.[95] The American Government has developed criteria for this purpose, and officials have to refer to them when assessing licence applications. Elements to which they must pay attention include:

- unfamiliar participants
- unusual routes
- destinations known to have a history of illegal activity or weak export or customs controls
- items not known to be in the inventory of the armed forces of the receiving country

The controls involve not only the officials of the Defence Trade Controls service within the United States but also the staff of American embassies or consulates abroad. The applications are sent to them by cable. Within these diplomatic posts, "Blue Lantern Officers" are designated to carry out the requested checks. They may be the economic, political or commercial attachés. It varies from one diplomatic post to another. Cooperation with the US Customs is also possible. Furthermore, the staff in charge of Blue Lantern enquiries work with foreign governments.

The results for the financial year 2007 show that the Blue Lantern programme initiated 705 end-use checks, which was 15% more than in 2006 (613). Of the 634 cases closed in 2007, 143 (23%) were deemed to be "unfavourable". There were various reasons for this "unfavourable" determination:

- Foreign party not listed on licence application: 19%
- Party violated terms of licence or agreement: 18%
- Unreliable party/derogatory information: 13%
- Stockpiling: 10%
- End-user did not order items on licence: 8%
- Evidence of diversion or unauthorised re-export: 7%
- Unable to confirm receipt or order by end-user: 6%
- Refusal to cooperate: 6%
- Unauthorised brokering: 5%
- Different end-use from one listed on licence: 3%
- Unable to contact or locate party on licence: 2%
- Exported from US without authorisation: 2%.[96]

As may be seen, these controls make it possible to combat the use of fraudulent export documents, uncover illegal procurement networks, and verify that the goods really have reached their final desti-

94. See *op. cit:* http://www.dtra.mil/index.cfm

95. US Department of State, "End-use monitoring of defense articles and defense services – Commercial exports FY 2007," 9 February 2009.

96. *ibid,* p. 7

nation or that they are being used in line with the purpose declared when the licence was applied for. These information items also provide an insight into the reliability of companies and individuals involved in the procurement of defence-related products.

The American Government believes that the Blue Lantern programme, initiated in 1990, has strengthened the effectiveness of American export controls. The programme has proved to be a useful instrument in its efforts to discourage diversion, facilitate the uncovering of illegal procurement networks and help the State Department to take decisions on licence applications and ensure compliance with the American legal requirements.[97]

End-use controls are key elements in the American efforts to prevent illegal exports of defence-related products and unauthorised technology transfers.

4.2. Post-delivery verification: inspections under the Treaty on Conventional Armed Forces in Europe

The Treaty on Conventional Armed Forces in Europe (CFE), adopted in 1990 and adapted to Europe's geostrategic situation in 1999, is a disarmament agreement aimed at achieving a balance of conventional forces in Europe by limiting the quantity of certain types of conventional armament which a country can possess and deploy.[98] To that end, it provides for the destruction, or the withdrawal from the continent of Europe, of several tens of thousands of heavy weapons systems.

This Treaty is regarded as one of the most highly elaborated conventional arms control regimes in the world. That is why we wish to highlight in this report one of its significant contributions – the innovative verification system that it has put in place.

In its Article XIV, the CFE Treaty stipulates that each State Party has the right to conduct, and the obligation to accept, within the area of application, inspections to verify respect for the Treaty's provisions (to verify compliance with the numerical limitations set by the Treaty, monitor the equipment reduction process, and monitor the certification and reclassification of the helicopters and aircrafts covered by the Treaty).

Inspections

A Protocol on inspection, attached to the Treaty, sets out the procedures governing the conduct of the inspections. Thus, under this mechanism, the number of inspections is determined and each State Party is allotted inspection quotas (Section II, para. 10). The inspections are conducted by teams made up of 9 inspectors and are accompanied on site by an escort team from the inspected State Party to the Treaty. In principle, it is the inspecting State Party which decides the length and location of the inspection (para. 8). However, the period spent by an inspection team inside the inspected country is not to exceed 10 days in total and the length of an inspection cannot exceed 48 hours for a declared site or 24 hours for a specified area[99] (para. 17 and 18). Each State Party is required to facilitate the conduct of inspections made under the Protocol, and must not use concealment measures to impede verification (Art. XV). Also, each State Party has the right to conduct, and the obligation to accept, an agreed number of aerial inspections in an area of application (Art. XV para 3).

This verification and inspection mechanism is complemented by provisions on notification and regular exchanges of information, in writing, through diplomatic channels or other official channels established by the States Parties, including in particular the communications network of the OSCE (Art. XVII).

This Treaty shows it is possible to put in place inspection teams for military equipment if the political will exists. In 1990, 30 States did indeed agree to reduce their conventional arsenals and

97. *ibid,* p. 2

98. Signed in Paris on 19 November 1990 by 22 Member States of NATO and the Warsaw Pact, the CFE achieved a total membership of 30 States in 1992 upon the accession of the 8 Republics of the former USSR that had territory within the treaty's area of application. The treaty was subsequently adapted in 1999, at the OSCE summit in Istanbul, abandoning the original bipolar concept and opening the CFE regime up to the other European countries. An Agreement on the adaptation of the CFE treaty was signed, to which political commitments were attached. Nonetheless, given the geostrategic changes in Europe and the fact that only four countries ratified the adapted CFE (Russia, Belarus, Kazakhstan and Ukraine), Russia unilaterally suspended the implementation of the treaty on 12 December 2007.

99. A declared site is an installation or precisely defined geographical location which contains one or more objects of verification; a specified area is an area located anywhere on the territory of a State Party, within the area of application, not corresponding to a site liable to inspection, and in which a challenge inspection is conducted.

also agreed that inspections should be conducted on their territories, thus giving up part of their national sovereignty in the sensitive field of defence. At the time, the security and stability of Europe were at stake, and through verifiable reductions in key categories of conventional equipment, the Treaty sought to eliminate both sides' ability to launch a surprise attack or embark on large-scale offensive action.

End-use controls on exported goods do, in reality, correspond to the same objectives as those cited above – verifying on site the commitments made, no longer in terms of reductions in the quantity of arms, but instead in terms of the use to which the exported goods will be put and their "safe arrival" at destination, in line with what was declared at the time when the export was authorised. The objective would still be the same: to guarantee security and stability, but in this case on a world scale by preventing the diversion of arms and uncovering illegal procurement networks.

The inspection procedures established by the CFE Treaty could form the basis of the inspections to be conducted within the framework of end-use controls, providing that the political will existed.

5. Conclusions and recommendations

Even though the pre-licensing assessment stage is an important phase in arms transfers, the EU Member States place far too much confidence in it compared to the two other stages, namely the physical transfer and use of the arms, and hence a possible retransfer of the arms. These two stages are very important, as the risks of diversion to non-authorised recipients can arise only on the ground, after the equipment has been physically exported.

The granting of licences must not give those involved carte blanche for what happens after the transfers, and the responsibility of the exporting States cannot be reduced to commercial responsibility alone (i.e. for the correct functioning of the equipment). States have a responsibility to ensure effective control of what they put on the world market through their arms transfers, up to and including their end-use, as is traditionally the case with civil responsibility within society.

This responsibility should be a shared one, between the exporting State and the importing and using State, within a complete arms transfer cycle incorporating the three abovementioned stages. To round off the whole structure, all States, via the regional (EU) and global (UN) institutions, should fulfil their part of the shared responsibility as observers and point to where things go wrong, so that together they can ensure the security of the arms transfers and use.

And indeed, the preambles to some international instruments do emphasise that it is first and foremost States that have the responsibility for controlling arms transfers and that they must take all appropriate steps to that end, including international cooperation activities.

Without compromising the current procedures, governments can reduce the risks of diversion and undesirable use by recognising that post-delivery controls and controls on use are a fully fledged part of the transfer control process and hence of the authorisation/licensing process. So they should elaborate verification mechanisms enabling the harmonisation, at the regional and global levels, of the entire transfer control regime.

Recommendations

To cover all stages for all types of arms transfer, States could decide:

- That every transfer must be accompanied by an EUC
- That there must be a clause specifying "no re-export without consulting the State of origin" (in the case of a transfer to a third country, even if the transfer is originally made with an IIC)
- To require a DVC including the details of the points of transit and trans-shipment, and where applicable to cross-check the information at the points of export, import and transit
- To ensure the authentication of the EUCs and DVCs
- To ensure that the transport is undertaken by recognised, reliable agents
- To establish post-delivery verification procedures
- To carry out controls on use, in case of need and where the destinations are recognised as "sensitive"[100] in some regions, in order to ensure compliance with end-use conditions
- To insert into sales contracts for certain destinations the right to monitor use
- To establish harmonised sanctions procedures and ensure their application, namely by all States at the world level or, at the least, within the same region, and without exception at the national level (refusing licences for the same destination and/or the same exporter until all conditions have been met)
- To establish supplementary criteria for transfers of production capacity and refrain from transferring such equipment to certain regions for as long as those regions are recognised as "sensitive for such production capacities", even

100. For example, Iraq. Currently, the United States is preparing to sell more than 100,000 SALW to the Iraqi army (see GRIP Analysis Note, Bernard Adam, "*Les exportations d'armes de la Wallonie dans le contexte belge, européen, mondial*," p. 7 appendix, January 2009. http://www.grip.org/fr/siteweb/images/NOTES_ANALYSE/2009/NA_2009-01-15_FR_B-ADAM.pdf . It would be appropriate to require, in advance, a guarantee of proper use and international recording of all these arms. Indeed, several reports by the Government Accountability Office (GAO) have pointed to errors committed by the US army in relation to a lack of control of the arms supplied to Iraq and the ammunition stockpiled there, emphasising that hundreds of thousands of weapons and munitions are scattered right across the region. See http://ww.gao.gov/new.items/d07711.pdf and http://www.gao.gov/new.items/d07444.pdf

if the same does not apply to finished, ready-to-use products

- To systematically exchange information on any problem arising during transfers and hold consultations before granting authorisations for destinations recognised as "sensitive"
- To consider using verification and inspection bodies such as SGS and COTECNA in cases where diplomatic staff are not specialised in this field or are lacking
- To reassess the intra-Community transfer process within the EU following the new Directive simplifying these transfers, so as to ensure effective control with the participation of the State of origin in the case of retransfer to a destination outside Europe.

Appendix I. List of countries for which an IIC is required

RÉGION WALLONNE

ANNEXE

DOCUMENT A PRODUIRE

(Les dispositions ci-dessous ne s'appliquent pas aux exportations vers le Grand-duché de Luxembourg et les Pays-Bas).

Destination	**A** lors de la demande de licence	**B** après exportation
Autriche Allemagne Chypre Danemark Espagne Estonie Finlande France Grèce Hongrie Irlande Italie Lettonie Lituanie Malte Pologne Portugal Royaume-Uni Slovaquie Slovénie Suède Tchéquie	CERTIFICAT INTERNATIONAL D'IMPORTATION OU NON TRANSFER CERTIFICATE OU COPIE D'UN CONTRAT POUR UNE DEMANDE ETATIQUE.	NEANT
Australie Andorre Canada Corée du Sud Hong Kong Japon Malaisie Norvège N. Zélande Singapour Turquie U.S.A.	CERTIFICAT INTERNATIONAL D'IMPORTATION OU NON TRANSFER CERTIFICATE OU COPIE D'UN CONTRAT POUR UNE DEMANDE ETATIQUE.	CERTIFICAT DE VERIFICATION DE LIVRAISONS
Afrique du Sud Bosnie Croatie Islande Liechtenstein Macédoine Serbie Suisse	CERTIFICAT D'IMPORTATION	PHOTOCOPIE DU DOCUMENT DOUANIER D'IMPORTATION DU PAYS DE DESTINATION.
Autres pays	Attestation du destinataire établissant un lien entre celui-ci et son fournisseur, précisant les biens et/ou technologies concernés par la transaction (dénomination, quantité, valeur) et l'usage final qui en sera fait, dans laquelle celui-ci s'engage à communiquer à son fournisseur la preuve d'importation desdits biens et/ou technologies.	PHOTOCOPIE DU DOCUMENT DOUANIER D'IMPORTATION DU PAYS DE DESTINATION

Appendix II. Examples of Delivery Verification Certificates

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada

1. PAGE ____ of / de ____

2. EXCOL Reference ID No. / N° d'identification EXCOL

APPLICATION FOR DELIVERY VERIFICATION CERTIFICATE
(PLEASE PRINT OR TYPE DO NOT USE SHADED AREAS)

DEMANDE DE CERTIFICAT DE VÉRIFICATION DES LIVRAISONS
(VEUILLEZ ÉCRIRE EN MAJUSCULES OU DACTYLOGRAPHIER NE RIEN ÉCRIRE DANS LES CASES OMBRAGÉES)

APPLICANT / DEMANDEUR			EXPORTER (if different from applicant) / EXPORTATEUR (si différent du demandeur)		
3. EICB File No./ N° de dossier DGCEI	4. GST No. / N° TPS				
5. Client Name / Nom du client			17. Client Name / Nom du client		
6. Address / Adresse			18. Address / Adresse		
7. City / Ville	8. Province	9. Country / Pays CANADA	19. City / Ville	20. Province/State / Province/état	21. Country / Pays
10. Postal Code / Code postal	11. Telephone No. / N° de téléphone ( )	12. Facsimile / Télécopieur ( )	22. Postal Code / Code postal	23. Telephone No. / N° de téléphone ( )	24. Facsimile / Télécopieur ( )
13. Contact Last Name / Nom de famille de la personne-ressource			25. Contact Last Name / Nom de famille de la personne-ressource		
14. Contact First Name / Prénom de la personne-ressource			26. Contact First Name / Prénom de la personne-ressource		
15. Contact Telephone No. / N° de téléphone de la personne-ressource ( )	16. Contact E-Mail Address / Courriel de la personne-ressource		27. Contact Telephone No. / N° de téléphone de la personne-ressource ( )	28. Contact E-Mail Address / Courriel de la personne-ressource	

IMPORTER (if other than applicant) / IMPORTATEUR (si différent du demandeur)			INTERNATIONAL IMPORT CERTIFICATE NO. / N° DE CERTIFICAT INTERNATIONAL D'IMPORTATION
29. EICB File No./ N° de dossier DGCEI	30. GST No. / N° TPS		43. Corresponding International Import Certificate No. (if applicable) / N° de Certificat international d'importation correspondant (le cas écéant)
31. Name / Nom			
32. Address / Adresse			44. Currency (select one) / Devise (cocher une option) ☐ CAD ☐ USD ☐ EUR ☐ GBP ☐ YEN
33. City / Ville	34. Province/State / Province/état	35. Country / Pays	
36. Postal/Zip Code / Code postal/Zip	37. Telephone No. / N° de téléphone ( )	38. Facsimile / Télécopieur ( )	45. ADDITIONAL INFORMATION ATTACHED / RENSEIGNEMENTS SUPPLÉMENTAIRES EN PIÈCE JOINTE ☐ Yes / Oui ☐ No / Non Description of information / Description des renseignements
39. Contact Last Name / Nom de famille de la personne-ressource			
40. Contact First Name / Prénom de la personne-ressource			
41. Contact Telephone No. / N° de téléphone de la personne-ressource ( )	42. Contact E-Mail Address / Courriel de la personne-ressource		

46(i). Item 1 Description / Description du premier article	47(i). Quantity / Quantité	48(i). Total Value / Valeur totale
46(ii). Item 2 Description / Description du deuxième article	47(ii) Quantity / Quantité	48(ii) Total Value / Valeur totale

49. DELIVERY VERIFICATION CERTIFICATE TO BE SENT TO / DEMANDE DE CERTIFICAT DE VÉRIFICATION DES LIVRAISONS À ENVOYER → ☐ Applicant / au demandeur ☐ Exporter / à l'exportateur

By / Par →
☐ Hold for Pickup / Conservation pour le destinataire ☐ Mail / Poste ☐ Facsimile Number / Numéro de télécopieur ( )
☐ DHL ☐ Fed-Ex ☐ Purolator ☐ UPS Express ☐ X-Press Post → Account No. / N° de compte

50. CERTIFICATION - The undersigned hereby declares that:
1. All information given in this form is true and correct to the best of my knowledge.
2. The applicant is a resident of Canada.

CERTIFICATION - Je, soussigné, certifie que :
1. Tous les renseignements donnés dans cette formule sont exacts.
2. Le demandeur est un résident du Canada.

Name **(Please print)** / Nom **(En majuscules)** _____ Signature _____ Date (yyyy-mm-dd) / (aaaa-mm-jj) _____

EXT 1046 (2007-06-25)

Canada

Annex C

THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION
Import and Export Ordinance, (Cap. 60)
Import and Export (Strategic Commodities) Regulations

DELIVERY VERIFICATION CERTIFICATE (DVC)

Application Receipt No. : 04D98746	**Date of Issue :** 25-MAR-2004
DVC No. : 123456	

The Director-General of Trade and Industry hereby certifies that the importer in Part (C) below has produced evidence that the commodities specified in Part (F) below have been imported into Hong Kong under the Import and Export Ordinance, Chapter 60 of the Laws of Hong Kong.

(A) HONG KONG IMPORT LICENCE NO(S).	(B) FOREIGN EXPORTING COUNTRY (PLACE)
IL87654321	UNITED STATES
(C) IMPORTER	**(D) FOREIGN EXPORTER**
Name and Address : BCD CO LTD ROOM 901, 267-275 DES VOEUX ROAD HONG KONG ISLAND, HONG KONG SPECIAL ADMINISTRATIVE REGION	**Name and Address :** XYZ CO LTD 1230 8TH STREET, WASHINGTON DC20036, UNITED STATES

(E) ARRIVAL DETAILS OF COMMODITIES

Arrival Date :	15-MAR-2004
Bill of Lading/Airway Bill No. :	AWB12345678
Vessel/Flight/Vehicle No. :	BY AIR WT383

(F) COMMODITIES

Description	Quantity
1 XYZ A1234A XYZA PROCESSOR BOARD	1 set(s)
2 XYZ A2348 XYZA INTEGRATED CIRCUITS	1 set(s)

(G) CONDITIONS OF CERTIFICATE

(1) This Delivery Verification Certificate is granted in reliance on the information provided and declared by the importer on the application under the stated Application Reference No. Provision of false information or making false declaration in the said application shall render this Certificate null and void. Heavy penalties are provided for false declaration and information, unauthorised alterations of the Certificate and use of forged or altered Certificate.

(2) A breach of any of the Conditions of Certificate imposed by the Director-General of Trade and Industry may render the Delivery Verification Certificate to be cancelled, revoked or suspended in addition to other appropriate legal and/or administrative actions to be taken against the entities concerned.

(3) All or any of the information provided in the Delivery Verification Certificate may be disclosed by Trade and Industry Department to third parties either in Hong Kong or elsewhere, provided that such disclosure is in the public interest.

(4) The Director-General of Trade and Industry reserves the right to impose additional conditions of Certificate as he sees fit in the [illegible] such additional conditions may be promulgated in circulars and notices issued by Trade and Industry Department.

Issued by :

X Y CHAN

(X Y CHAN)
for Director-General of Trade and Industry

SAMPLE

Trade and Industry Department

********** End of Certificate **********

Form Approved: OMB No. 0694-0016, 0694-0093

FORM BIS-647-P
(REV.4/03)

U.S. DEPARTMENT OF COMMERCE
Bureau of Industry and Security

DELIVERY VERIFICATION CERTIFICATE

Public reporting burden for this collection of information is estimated to average 15 minutes per response,, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Director of Administration, room-3889, Bureau of Industry and Security, U.S. Department of Commerce, Washington, D.C. 20230; and to the Office of Management and Budget Paperwork Reduction Project (0694-0016, 0694-0093) Washington, DC 20503.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

Instructions- When required to obtain a delivery verification, the U.S. Importer shall submit this form in duplicate, to the Customs Office. U.S. importer is required to complete all items on this form except the portion to be completed by the U.S. Customs Service. The Customs Office will certify a Delivery Verification Certificate only after the import has been delivered to the U.S. importer. The duly certified form shall then be dispatched by the U.S. importer to the foreign exporter or otherwise disposed of in accordance with instructions of the exporting country.

No delivery verification may be obtained unless a completed application form has been received. (50 U.S.C App § 2401 et seq.,15 C.F.R. §748)

EXPORTER *(Name and Address)*

Name

Address

City *State/Country* *Zip/ Postal Code*

This certification applied to the goods described below, shown on U.S. Department of Commerce International Import Certificate No._____

ARRIVED *(Name of Port)*	**DATE OF ARRIVAL** *(mm/dd/yyyy)*

IMPORTER *(Name and Address)*

Name

Address

City *State/Country* *Zip/ Postal Code*

NAME OF SHIP, AIRCRAFT, OR CARRIER *(Include numbers on bills of lading, airways bills, etc.)*

DESCRIPTION OF GOODS	**QUANTITY**	**VALUE** *(FOB, CIR, etc)*

TO BE COMPLETED BY U.S. CUSTOMS SERVICE | **REGION NO.**

(Custom's Seal)

CERTIFICATION-It is hereby certified that the importer has produced evidence that the goods specified above have been delivered and brought under the Export Administration Regulations of the United States.

Signature Date

ENTRY	☐ WAREHOUSE ☐ CONSUMPTION	NUMBER	DATE

Demande/Application			
CERTIFICAT DE VERIFICATION DES LIVRAISONS **DELIVERY VERIFICATION CERTIFICATE**	Exportateur/Exporter		
Direction Générale de l'Economie et de l'Emploi. RÉGION WALLONNE Service Licences Chaussée de Louvain, 14 5000 NAMUR Tel : 081/649.752 Fax : 081/649.760 Mail : a.mahiat@mrw.wallonie.be	Importateur/Importer		
	C.I.I. correspondant / corresponding I.I.C. N°		
Désignation de la marchandise/Description of goods		Quantité/Quantity	Valeur/Value
Il est certifié que l'importateur a prouvé que les marchandises précitées ont été livrées et soumises à la réglementation belge du commerce extérieur. It's hereby certified that the importer has produced evidence that the goods specified above have been delivered and brought under the belgian foreign trade regulations..			
Le présent document est seulement valable s'il est dûment autorisé par la Direction Générale de l'Economie et de l'Emploi. This document is valid only when duly authorized by the Directorate-general Economy & Employment.			

GRIP
GROUPE DE RECHERCHE
ET D'INFORMATION
SUR LA PAIX ET LA SÉCURITÉ

Fondé en 1979 à Bruxelles, le GRIP est un institut de recherche indépendant qui étudie les questions de défense, de sécurité et de désarmement. Par ses travaux, le GRIP veut contribuer à une meilleure compréhension de ces problématiques dans la perspective d'une amélioration de la sécurité internationale en Europe et dans le monde.

Adresse : rue de la Consolation, 70
B -1030 Bruxelles
Tél.: (32.2) 241.84.20
Fax: (32.2) 245.19.33
Courriel: admi@grip.org
Site web: http://www.grip.org
(bureaux ouverts du lundi au vendredi de 8h30 à 13h et de 13h30 à 17h)

LES PUBLICATIONS DU GRIP

Depuis sa fondation, le GRIP est surtout connu pour son travail d'édition. Au fil du temps, les publications ont changé, tant au niveau du contenu, de la présentation que de la périodicité. Depuis l'automne 1997, elles se présentent sous trois formes :

1. Les Nouvelles du GRIP

Une lettre d'information trimestrielle de 8 pages : regard sur les grands dossiers du moment, nouvelles insolites, aperçu des activités du centre, etc.

Cette lettre est envoyée d'office à tous les **membres du GRIP** en règle de **cotisation** de même qu'aux abonnés aux « Livres du GRIP ».

2. Les Livres du GRIP

Chaque année, le GRIP publie 5 ouvrages en collaboration avec les éditions Complexe, abordant les questions internationales dans les domaines de la géostratégie, de la défense et de la sécurité internationale.

Ces 5 ouvrages font partie de l'abonnement aux « Livres du GRIP » ; ils sont également disponibles en librairie et au GRIP.

3. Les Rapports du GRIP

Cette nouvelle collection (format A4, sans périodicité) valorise des travaux de recherche réalisés pour la plupart au GRIP.

Ces rapports sont envoyés d'office à tous ceux qui souscrivent un abonnement de soutien ; ils peuvent aussi être commandés au GRIP.

Tarifs 2009

	Belgique	Autres Europe	Autres Monde
1. Cotisation *Abonnement aux «Nouvelles du GRIP»*	15 euros	16 euros	18 euros
2. Les Livres du GRIP *Abonnement annuel aux 5 livres[1] et aux «Nouvelles du GRIP»*	80 euros	90 euros	95 euros
3. Abonnement complet[2] *Abonnement à toutes les publications (Rapports inclus)*	135 euros	150 euros	160 euros
4. Abonnement de soutien	250 euros	250 euros	250 euros

1. L'abonnement couvre 5 livres (équivalant à 10 numéros), plus le trimestriel «Les Nouvelles du GRIP».

2. L'abonnement annuel complet inclut la collection des Rapports (non périodiques), avec en moyenne six parutions par année.

Vous souhaitez vous abonner ?

Vous pouvez le faire par téléphone (02/241.84.20), par fax (02/245.19.33), par courriel (publications@grip.org) ou en nous envoyant votre demande d'abonnement, accompagnée de votre paiement, au GRIP, rue de la Consolation, 70 B -1030 Bruxelles.

Modes de paiement : **Belgique** (virement au compte 001-1711459-67 du GRIP à Bruxelles; virement au CCP 000-1591282-94 du GRIP à Bruxelles; bulletin de virement) / **France** (chèque barré; mandat postal international) / **Luxembourg** (soit verser au CCP 86464-37 du GRIP à Luxembourg; soit envoi d'un chèque au GRIP / **Autres pays** (virement au CCP 000-1591282-94 du GRIP à Bruxelles; mandat postal international / **Autre moyen de paiement** (carte de crédit - VISA, Eurocard, Mastercard - Précisez votre n° de carte et la date d'expiration.

LES RAPPORTS DU GRIP

1/03 **Les relations arméno-turques - La porte close de l'Orient**, Burcu Gültekin et Nicolas Tavitian, 32p., 7 euros.

2/03 **La crise ivoirienne - De la tentative du coup d'Etat à la nomination du gouvernement de réconciliation nationale**, Claudio Gramizzi et Matthieu Damian, 45p., 9 euros.

3/03 **Enfants soldats, armes légères et conflits en Afrique - Les actions de la coopération au développement de l'Union européenne et de la Belgique**, Claudio Gramizzi, Félix Nkundabagenzi, Sophie Nolet et Federico Santopinto, 44p.

4/03 **Questions juridiques sur la régionalisation des licences d'armes**, Nicolas Crutzen, 28p., 7 euros.

1/04 **Le contrôle du courtage des armes - Prochaines étapes pour les Etats membres de l'UE**, Holger Anders, 34p., 7 euros.

2/04 **Bilan d'un an de guerre en Irak - Analyse des coûts et des éléments déclenchants**, Caroline Pailhe avec la collaboration de Valérie Peclow et Federico Santopinto, 52p., 9 euros.

3/04 **L'Union européenne et le renseignement - Perspectives de coopération entre les Etats membres**, Thierry Coosemans, 52p., 9 euros.

4/04 **Marquage, enregistrement, traçage des armes légères et de petit calibre: projet de convention**, Ilhan Berkol, 44p., 8,5 euros.

5/04 **Qui arme les Maï-Maï?** - **Enquête sur une situation originale**, Charles Nasibu Bilali, 26p., 7 euros.

1/05 **RDC - Ressources naturelles et transferts d'armes**, Anne Renauld, 33p., 7euros.

2/05 **Iran - Regard vers l'Est : la politique asiatique de la république islamique**, Mohammad-Reza Djalili et Thierry Kellner, 35p., 7 euros.

3/05 **Burundi - Armes légères et violence armée: quel impact sur les femmes**, Edward B. Rackley, 27p., 7 euros.

4/05 **Afrique de l'Ouest: Vers une Convention sur les armes légères**, Albert Chaïbou et Sadou Yattara, 20p., 6 euros.

5/05 **Afrique de l'Ouest: L'harmonisation des législations nationales sur les armes légères**, Hélène N.V. Cissé, 22p., 6 euros.

6/05 **Afrique centrale : l'harmonisation des législations nationales sur les armes légères**, Pierre Huybrechts et Ilhan Berkol, 105p., 15 euros.

7/05 **Guerres et déficits - Les deux piliers de l'économie des Etats-Unis**, Luc Mampaey, 31p., 7 euros.

8/05 **Le régime nucléaire - Les efforts de la communauté internationale en matière de désarmement et de non-prolifération**, Céline Francis, 40p., 8 euros.

1/06 **Trafics d'armes - Enquête dans la plaine de la Ruzizi (RDC-Burundi)**, Jacques Ntibarikure, avec la collaboration de Charles Nasibu Bilali, Nicolas Florquin et Georges Berghezan, 32 p., 7 euros.

2/06 **La Conférence internationale sur l'Afrique des Grands Lacs - Enjeux et impact sur la paix et le développement en RDC**, Pamphile Sebahara, 28 p., 7 euros.

3/06 **RD Congo - Acquis et défis du processus électoral**, Pamphile Sebahara, 21 p., 6 euros.

4/06 **Trafics d'armes - Enquête de terrain au Kivu (RDC)**, coordination Georges Berghezan, 46 p., 8,50 euros.

5/06 **Dépenses militaires et transferts d'armements conventionnels - Compendium 2006**, Luc Mampaey, 33p., 7,50 euros.

1/07 **Agenda humanitaire à l'horizon 2015 - Principes, pouvoir et perceptions**, collectif, 54p., 9 euros.

2/07 **La Convention de la CEDEAO sur les armes légères et de petit calibre - Analyse et recommandations pour un plan d'action**, Ilhan Berkol, 55p., 9 euros.

3/07 **Afrique de l'Ouest - L'harmonisation des législations nationales sur les armes légères - Burkina Faso**, Luz Marius Ibriga et Salamane Yameogo, 24p., 6 euros.

4/07 **Radiographie de l'industrie d'armements en Belgique**, Clément Dumas et Luc Mampaey, 44p., 8 euros.

5/07 **Le traité de Lisbonne et l'action extérieure de l'Union européenne**, Federico Santopinto, 25p., 6 euros.

6/07 **La gestion administrative des armes en Belgique – Les documents concernant l'exportation**, l'importation, le transit et la détention, Pierre Martinot, 32 p., 8 €

7/07 **Dépenses militaires et transferts d'armements conventionnels**. Compendium 2008, Luc Mampaey, 38 p., 8 €

8/07 **La législation américaine sur les transferts d'armes – Quels contrôles pour le premier exportateur mondial ?**, Caroline Pailhe, 24 p., 6 €

1/08 **La décentralisation en RDC : enjeux et défis**, Michel Liégeois, 20 p., 6 €

2/08 **Côte d'Ivoire – La paix malgré l'ONU ?**, Xavier Zeebroek, 38 p., 8 €

3/08 **Les munitions au cœur des conflits – Etat des lieux et perspectives**, Pierre Martinot, collab. I. Berkol et V. Moreau, 36 p., 7€

4/08 **La problématique destination et utilisation finales dans les exportations d'armement**, Damien Callamand, 30 p., 7€

5/08 **La mission des Nations unies au Congo – Le laboratoire de la paix introuvable**, Xavier Zeebroek, 30 p., 6 €

6/08 **Sécurité collective et environnement – Changements climatiques et dégradation de l'environnement, nouveaux enjeux des relations internationales**, Patrice Bouveret et Luc Mampaey (éd.), 50 p., 8,50 €

7/08 **Le commerce extérieur des armes dans le fédéralisme belge**, Romain Leloup, 38 p., 7 €

8/08 **Dépenses militaires, production et transferts d'armes – Compendium 2009**, Luc Mampaey, 32 p., 7 €

9/08 **La traçabilité des munitions**, Pierre Martinot et Ilhan Berkol, 26 p., 6 €

1/09 **Les armes nucléaires de l'OTAN – Fin de partie ou redéploiement ?**, Jean-Marie Collin, 20 p., 6 €

La liste complète des Rapports est disponible sur www.grip.org