

Questionnaire: Disposal of surplus small arms in the OSCE countries

The following questions serve as a basis for our international study on the management and disposal of surplus stocks of small arms and light weapons (SALW). The study attempts to analyse past, present and future policies and practices.

1. Past and present policies and practices

Please try to answer each question with respect to two different time periods:

- Before the adoption of the OSCE SALW Document: 1996–2000
- Around the time of the adoption/Current Practices: End of 2000–2002

Stocks and determination of surplus

- Which government agencies in your country hold SALW?
- How many SALW and how many rounds of SALW ammunition are held by government agencies?
- Is it possible in your country for private people and organizations to legally hold SALW as defined by the OSCE? If so, how many weapons are held legally?
- Which government agency is authorized to define and identify surplus stocks of SALW?
- How are surplus stocks of SALW defined? For instance, does your government use formulas by which to calculate the military need for SALW and ammunition and hold stocks to meet that need?
- How many SALW and how many rounds of ammunition have been categorized as surplus stocks?
- Does the government distinguish between weapons in active service, weapons in reserve, and surplus weapons?
- How does/did surplus in SALW and ammunition arise (eg technological change, changing missions, military reductions)?

Structures and practices

- Who is in charge of the disposal of surplus weapons held by various government agencies?
- Who is in charge of the disposal of collected and confiscated SALW and ammunition?
- Is the destruction of surplus executed by state-owned agencies or private contractors?
- How many SALW and how many rounds of ammunition from surplus stocks have been stored?
- How many SALW and how many rounds of ammunition from surplus stocks have been destroyed?
- How many SALW and how many rounds of ammunition from surplus stocks have been transferred (exported or sold to commercial dealers within the country)?
- How are revenues from such sales distributed?
- How many SALW and rounds of ammunition have been retrieved from the civilian population?
- How many of these have been stored, destroyed and transferred?
- Does the government regularly review the surplus holdings?
- Is the government involved in international assistance with regard to the elimination of surplus weapons (as a donor or a recipient)?

Policies

- Which rules and laws apply to the export of SALW and ammunition?
- Which rules and laws apply to the destruction of SALW and ammunition?
- Which rules apply to the storing, registration, transport and management of government stockpiles of SALW and ammunition?

2. Reforms and future policies

These questions explicitly refer to the further adoption of the OSCE Document on SALW. Please indicate what measures have been and will be taken to implement the principles (with regard to the disposal of surplus stocks) outlined in the document.

- Has the government undertaken any reforms to implement the OSCE Document on SALW? If so, which?
- Which changes in policy, if any, are underway in the management and disposal of surplus stocks of SALW?
- Will the government in the future be engaged in international co-operation and assistance programmes with regard to the elimination of SALW?

OSCE Document on Small Arms and Light Weapons, 24 November 2000 (extracts)

Section IV: management of stockpiles, reduction of surpluses and destruction

Introduction

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

(A) Indicators of a surplus

1. It is for each participating State to assess in accordance with its legitimate security needs whether its holdings of small arms include a surplus.
2. When assessing whether it has a surplus of small arms, each participating State could take into account the following indicators:
 - (i) The size, structure and operational concept of the military and security forces;
 - (ii) The geopolitical and geostrategic context including the size of the State’s territory and population;
 - (iii) The internal or external security situation;
 - (iv) International commitments including international peacekeeping operations;
 - (v) Small arms no longer used for military purposes in accordance with national regulations and practices.
3. The participating States should carry out regular reviews and in particular in connection with:
 - (i) Changes of national defence policies;
 - (ii) The reduction or re-structuring of military and security forces;
 - (iii) The modernization of small arms stocks or the acquisition of additional small arms.

(B) Improving national stockpile management and security

1. The participating States recognize that proper national control over their stockpiles of small arms (including any stockpiles of decommissioned or deactivated weapons) is essential in order to prevent loss through theft, corruption and neglect. To that end, they agree to ensure that their own stockpiles are subject to proper national inventory accounting and control procedures and measures. These procedures and measures, the selection of which is at the discretion of each participating State, could include:
 - (i) The appropriate characteristics for stockpile locations;
 - (ii) Access control measures;
 - (iii) The measures needed to provide adequate protection in emergency situations;
 - (iv) Lock-and-key and other physical security measures;
 - (v) Inventory management and accounting control procedures;
 - (vi) The sanctions to be applied in the event of loss or theft;
 - (vii) The procedures for the immediate reporting of any loss;
 - (viii) The procedures to maximize the security of small arms transport;
 - (ix) The security training of stockpile staff.

(C) Destruction and deactivation

1. The participating States agree that the preferred method for the disposal of small arms is destruction. Destruction should render the weapon both permanently disabled and physically damaged. Any small arms identified as surplus to a national requirement should, by preference, be destroyed. However, if their disposal is to be effected by export from the territory of a participating State, such an export will only take place in accordance with the export criteria set out in Section IIIA, paragraphs 1 and 2 of this document.
2. Destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete.
3. The participating States agree that the deactivation of small arms will be carried out only in such a way as to render all essential parts of the weapon permanently inoperable and therefore incapable of being removed, replaced or modified in a way that might permit the weapon to be reactivated.

(D) Financial and technical assistance

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

(E) Transparency measures

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

Section III: common export criteria (paragraphs 1–2)**(A) Common export criteria**

1. The participating States agree to the following criteria to govern exports of small arms and technology related to their design, production, testing and upgrading, which are based on the OSCE document on “Principles Governing Conventional Arms Transfers”.
 - 2.(a) Each participating State will, in considering proposed exports of small arms, take into account:
 - (i) The respect for human rights and fundamental freedoms in the recipient country;
 - (ii) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;
 - (iii) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;
 - (iv) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;
 - (v) The requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;
 - (vi) The question of whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
 - (vii) The legitimate domestic security needs of the recipient country;
 - (viii) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations or the OSCE.
 - (b) Each participating State will avoid issuing licences for exports where it deems that there is a clear risk that the small arms in question might:
 - (i) Be used for the violation or suppression of human rights and fundamental freedoms;
 - (ii) Threaten the national security of other States;
 - (iii) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;
 - (iv) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;

- (v) Prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;
- (vi) Endanger peace, create an excessive and destabilizing accumulation of small arms, or otherwise contribute to regional instability;
- (vii) Be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to the aims of this document;
- (viii) Be used for the purpose of repression;
- (ix) Support or encourage terrorism;
- (x) Facilitate organized crime;
- (xi) Be used other than for the legitimate defence and security needs of the recipient country.

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

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

4. Further, each participating State will:

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

OSCE Handbook of Best Practices on Small Arms and Light Weapons

Chapter 6: definition and indicators of a surplus of small arms and light weapons

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I. Methods for identification of surpluses

A. Aim

1. It is for each participating State to assess its own security situation in accordance with its legitimate security needs and to decide on the size and structure of *military and security forces*¹ in order to achieve its constitutional tasks, and how these forces should be equipped.
2. Given that the assessment of the national security situation remains a national responsibility, secondary sources concerning the definition of a surplus are not openly available. Although the concept of surplus is mentioned in various documents (see paragraphs II:2 and II:3 below), the point at which weapons stocks exceed the threshold of necessity and become surplus is not always easy to recognize. Indicators of surplus, criteria for military and security forces planning and parameters for equipping these forces are, therefore, described in this chapter with the aim of filling this gap.

B. Scope

3. The term military and security forces used throughout this chapter comprises the entire range of forces, at all levels, that are serving under the control of each participating State. These forces provide the means for exercising the State's monopoly of force in accordance with the State's constitutional requirements.
4. This chapter applies to the categories of small arms and light weapons (SALW) agreed by participating States in the OSCE Document on Small Arms and Light Weapons;² it does not apply to non-military grade weapons and ammunition not covered by the OSCE Document. Certain recommendations contained in the present chapter can, however, be applied to non-military grade weapons and ammunition by States, on their own initiative, with a view to integrating them in the assessment and planning process.
5. For the purposes of this guide, it is assumed that governments are the only surplus-defining authorities.³

C. Methodology

6. Throughout this chapter, recent processes and programs to restructure the Armed Forces of participating States have been examined. The introduction of new organizational principles certainly necessitates the identification of surplus SALW, but at the same time, it renders the quantification of surplus SALW more complex. Such an undertaking entails that the planning of security forces must also be taken into account as part of participating State's determination of the quantity of SALW needed.
7. Data provided by participating States for the information exchange mandated by the OSCE Document on SALW have been duly evaluated.

D. Terminology

8. (a) Depending on their state of readiness, categories of military forces are hereinafter referred to as *active units* and *reserve units*. Both types of units are fully equipped with SALW needed for wartime. Reserve units may only have very limited personnel strength, and in some cases they have no standing personnel at all.
- (b) The term reserve stock describes the quantity of SALW stockpiled to cover additional replacement or repair needs, including weapons which are in transit to or from manufacturers or are under civilian maintenance, but not comprising those weapons which are stored awaiting issue to reserve unit personnel.⁴ In peacetime, the reserve stock is only used in order to replace SALW of

1 Terms first referred to in italics are further defined in the Glossary.

2 See the footnote to preambulatory paragraph 3 of the OSCE Document on Small Arms and Light Weapons, adopted on November 24, 2000, at the 308th Plenary Meeting of the OSCE forum for Security Co-operation and numbered FSC.DOC/1/00.

3 Kopte, S, Wilke, P, 'Coping with Surplus Weapons,' (Bonn International Center for Conversion Brief 3) <<http://www.bicc.de/weapons/brief3/chap2>>

4 The reserve stock can include on the basis of an initial analysis a number of weapons to cover the results of an later operational re-evaluation avoiding future acquisitions.

active units or reserve units that are in need of repair are confirmed to have been lost, or have been taken out of service due to an irreparable damage. If a weapon not stockpiled in temporary surplus stocks becomes permanently unavailable, a replacement weapon must be procured, in order to ensure that the reserve stock remains constant at the level required by the military or security forces. In wartime or during a period of crisis, the reserve stock serves to replace SALW destroyed or lost in combat.

(c) For the purposes of this chapter, these three quantities of SALW – those belonging to active units, those belonging to reserve units and the reserve stock – are known combined as the *defence stockpile*. This *defence stockpile* is therefore the sum of all SALW assessed as needed for all defence and security needs of the state's military and security forces following a national risk assessment and planning process.

9. Throughout this chapter, *surplus* is defined as the quantity of SALW exceeding the defence stockpile, ie the total number of (a) SALW assessed nationally as needed by active and reserve units of all military and security forces, and of (b) SALW in the reserve stock.

10. The *defence stockpile* and the *surplus* combined form the state-owned SALW armament.

11. This surplus or excess quantity should:

- (a) Officially be declared surplus to defined requirements;
- (b) Taken out of service;
- (c) Stored separately; and
- (d) Preferably be destroyed.

II. International commitments and references

1. A number of international commitments and references are relevant for some, if not all, OSCE participating States.

2. In the OSCE Document on SALW agreed in November 2000, OSCE participating States recognized that the excessive and destabilizing accumulation and uncontrolled spread of small arms are problems that have contributed to the intensity and duration of the majority of recent armed conflicts. In this context, participating States committed themselves to a set of specific norms, principles and measures, including those on surplus listed in Section IV of the Document. The indicators of the existence of a surplus enumerated in this section representative the most comprehensive criteria agreed so far in any international document.

3. In section II, paragraph 18 of the United Nations Program of Action on SALW,⁵ agreed upon at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001, States undertook the following:

“[t]o regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by Armed Forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programs for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.”

The UN Program of Action does not, however, include a definition of, or indicators to identify a surplus of SALW.

4. Efforts undertaken within the European Union have also been aimed at combating and eradicating the destabilizing accumulation and spread of SALW, in particular by reducing existing accumulations of these weapons and their ammunition to levels consistent with countries' legitimate security needs. Article 4 of Council Joint Action 2002/589/CFSP,⁶ commits EU member states to building consensus in relevant international fora, and in a regional context as appropriate, on the following surplus-related principles and measures:

- (a) Assistance as appropriate to countries requesting support for controlling or eliminating surplus small arms and their ammunition on their territory, in particular where this may help to prevent armed conflict or in post-conflict situations;
- (b) The promotion of confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms and their ammunition, such measures to include compliance with peace and arms control agreements under combined or third party supervision;
- (c) The effective removal of surplus small arms encompassing safe storage as well as quick and effective destruction of these weapons and their ammunition, preferably under international supervision.

However, definitions or indicators to identify surplus are lacking in the European Council Joint Action.

⁵ UN Program 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).

⁶ Council Joint Action 2002/589/CFSP of July 12, 2002 on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP; OJ 2002 L 191/1.

5. Recent G8 Summits have recognized the seriousness of problems resulting from uncontrolled SALW and integrated this issue in its concept to fight international terrorism.

III. Legislation

1. International law does not offer a definition of surplus. In municipal arms procurement law⁷, indirect regulation of surplus may be found in stipulations requiring arms procurement authorities to balance their orders against existing stocks.

2. In this respect, Parliaments play an important role in defining size, structure and equipment of military and security forces and, thus, in dealing with the issue of surplus. One effective tool is budgetary control of decisions concerning the procurement of new equipment of military and security forces. If necessary, this control function can be utilized by all parliamentary bodies that take decisions concerning the equipment of military and security forces.

3. Countries could empower specifically established or existing national bodies in order to annually review the state-owned SALW armament to ascertain possible surpluses

IV. Surplus indicators and procedures

A. Criteria for military and security forces planning

1. Regularly updated national security and defence policy documents are a prerequisite at the beginning of the planning process. These documents should provide basic assessments on the current and future external and internal security situation based on each State's strategic and geopolitical context. They should also contain all relevant rules of national and international law, all international commitments of military and security forces and integrate all international obligations.

2. In post-conflict situations, a significantly updated assessment of the current and future external and internal security situation may be required.

3. Planning processes should provide enough time to execute the planning and implementation phases of any possible adjustments of the military and security forces to new situations. Rapidly changing situations could also result in new planning processes as well as in adjustments of this process in any time.

4. Once the planning process for military and security forces has been completed, the operational concept of military and security forces should determine the size, structure and equipment of these forces in order to achieve their constitutional goals.

B. Parameters for equipping military and security forces

1. Personnel and financial resources may have an important impact on the necessary quantity of all kinds of SALW.

2. The capability status of the military and security forces should be used to determine whether a weapon or a weapon system ought to be integrated in or taken out of service.

3. A comprehensive approach towards the modernization of SALW, or the acquisition of additional types of SALW, should foresee the final disposal of the weapons that are no longer needed. Significant reductions of surplus can be achieved more expeditiously if obsolete weapons are removed from military or security service as quickly as possible.

4. SALW that are replaced by more modern weaponry for use by forces in a high state of readiness may be transferred by way of "cascading" to active units of lower readiness or to reserve units. In this way, these weapons can be used to replace SALW in service in these latter units. Properly administered, cascading is an effective means of reducing surplus.

5. Changes in the prevalent security analysis may affect other parameters, including personnel or financial resources, capability status or modernization processes. Such alterations to the security analysis may be undertaken in response to new threats, changes in national defence policies, reductions or restructuring of military and security forces, innovations in the art of war, new types of missions or technological progress.⁸

C. Elements of calculation requirements

1. Each individual national service, branch or element of military and security forces should define what constitutes adequate equipment from the level of command down to the individual level.

⁷ The term "municipal arms procurement law" designates the body of legal norms applicable in participating States' processes of procuring arms. In a number of participating States, this is equivalent to national arms procurement law. Other participating States, however, might in the framework of their procurement decision-making be obliged to abide by both national and supranational provisions or court practice as to procedural or material aspects.

⁸ In this respect the impact of modernization of portable anti-aircraft guns may serve as an example: A modernized anti-aircraft gun with a hit probability of 100 percent may lead to a corresponding reduction of anti-aircraft guns, if the replaced guns had a hit probability of 50 percent only.

2. As a basic rule, every member of military and security forces should be issued a specific personal weapon, related to his or her duties.
3. When serving in a crew operating a light weapon, it may be necessary to assign an additional personal weapon to each crew member for the purposes of self-defence or other crew-related tasks. This applies equally to active as well as reserve personnel.
4. In addition to assigned personal weapons, reserve stocks will most probably be needed within both active units and reserve units. The number of weapons needed may be calculated by combining an assessment of the specific security situation with the State's concept of how to meet its legitimate security needs. The data gained should allow for additional needs due to maintenance, repair, loss in combat or other eventualities.
5. The timely build-up of necessary industrial capacities in case of a crisis could contribute to low reserve stocks. Time for early warning and preparation – although less apt to calculatory models – has a recognizable bearing on reserve stocks.
6. Reserve units would require the same quantity of SALW as their corresponding active units, if both were organized in a comparable manner. Reserve units fulfilling missions that are not in all aspects reflected in active units may, however, have specific SALW equipment in order to meet their specific tasks.
7. Specialized units might, in order to meet their specific tasks such as evacuation operations or peace support operations, require add-ons. These may be needed at the level of both the unit and the individual. The quantity of weapons within these units will thus be in line with these special requirements and should dealt with as requirement adjustment data.

V. Generic example

1. A generic example is provided in order to set the calculations and considerations outlined above within the context of a practical and realistic setting. This example takes into account SALW requirements of military and security forces in an area of prolonged stability. Further, it is assumed that these forces are mandated by the constitution and parliamentary decision-making process to:
 - (a) defend national territory as well as to participate in collective self-defence;
 - (b) assist in national civil emergency tasks, as for instance in national disasters or rescue operations;
 - (c) participate in conflict prevention and crisis management operations;
 - (d) participate in trans-boundary partnership and co-operation exercises;
 - (e) extend humanitarian aid.
2. The strength of the Armed Forces is composed of active personnel during peacetime and reserve personnel.
3. The requirement for a specific number of SALW is determined by the structure of the Armed Forces. Every soldier is issued his or her individual weapon for the performance of duties. On the basis of this minimum requirement for all different types of units, the consolidated requirements of the entire Armed Forces can be calculated. This is known as the *armament requirement*. In addition to this data, a reserve supply (depending on the organizational structure of the Armed Forces and the type of weapon) will be held as reserve stock, to cover all additional needs due to replacement and repair. The sum of the armament requirement and the reserve stock equals the defence stockpile, ie the total number of SALW required.
4. Due to the changing nature of, and different requirements for, the defence stockpile as well as to the ongoing modernization of SALW in use by the Armed Forces, the level of surplus SALW is never a constant. Instead, it has a value that fluctuates in relation to these processes.

VI. Annex

A. Bibliography

- Commentary by the Ministry of Defence of the French Republic dated November 12, 2002, on "A.L.P.C. – Guide des meilleures pratiques: Définition et indicateurs de surplus" (author: Navy Commander Arnaud d'Aboville)
- Comments provided by Spain dated March 26, 2003 (author: Defence Counsellor Emilio S. Rojas)
- Comments provided by Switzerland dated March 27, 2003 (author: Colonel [GS] Hans Eberhart)
- "Coping with Surplus Weapons," Susanne Kopte and Peter Wilke, Bonn International Center for Conversion Brief 3
- Council Joint Action 2002/589/CFSP of July 12, 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP; OJ 2002 L 191/1
- OSCE Document on Small Arms and Light Weapons, Vienna, November 24, 2000, FSC.DOC/1/00
- UN Program 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)

This chapter is part of a wider research study entitled *Disposal of surplus small arms* which examines the policies and practices of ten Organization for Security and Cooperation in Europe (OSCE) countries concerning surplus small arms. The report's ten case studies focus on stocks and determination of surpluses, as well as policies on exports, stockpile management and destruction. The report was initiated and co-ordinated by the Bonn International Center for Conversion (BICC) and carried out in close co-operation with the British American Security Information Council (BASIC), Saferworld and the Small Arms Survey.

To obtain a copy of the complete report contact bicc@bicc.de, basicuk@basicint.org, general@saferworld.org.uk or smallarm@hei.unige.ch