Who's Buying?

END-USER CERTIFICATION

For as little as USD 200, an arms trafficker can buy a blank end-user certificate (EUC) from the right (corrupt) government official. After filling in the date, supplier name, and item description, the trafficker can use this document to procure and transport war material to the destination of his choice. The blank EUC has the necessary signatures and stamps. If no one checks its authenticity—often the case—he can ship his wares to the world's hot spots with minimal risk, for maximum profit.

EUCs and other kinds of end-user documentation constitute a key line of defence against the diversion of authorized small arms transfers to unauthorized—often illicit—end-users and end uses. These documents, however, are effective only in the context of a broader system that includes a thorough consideration of diversion risks at the transfer licensing stage, the verification of end-user documentation, and complementary post-shipment controls.

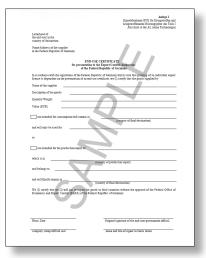
The 2007 edition of the *Small Arms Survey* focuses on the criteria states need to consider when authorizing transfers of small arms and light weapons in a responsible manner. These criteria, typically rooted in international law, include respect for international humanitarian and human rights law in the recipient state (Small Arms Survey, 2007, ch. 4). Yet this is only half of the story. At the time of licensing and beyond, it is also important that states ensure that weapons and ammunition, once transferred outside their territory, are not diverted to unauthorized end-users and end uses.

This chapter reviews national practices in the world's leading exporting states with a view to determining how well these countries meet their commitments, notably under the *UNProgramme of Action*, to exert 'effective control' over small arms transfers (UNGA, 2001, para. II.12). The chapter begins by reviewing some of the techniques illicit traffickers use to manipulate end-user documentation. While some EUCs are pure forgeries, many others are government-issued—acquired from corrupt government officials with or without provision for subsequent authentification by those officials.

Illicit traffickers use false or falsified documentation to obtain an export licence.

The chapter's subsequent sections outline the main features of systems designed to prevent the diversion of authorized arms transfers, review relevant international standards and best practices, and analyse national practices among leading exporting states. The policy implications of this discussion are elaborated in the chapter's final section and in its conclusion. The chapter concentrates throughout on end-user documentation and other elements of end-user systems. As such, it complements the broader discussion of transfers diversion and diversion prevention found in Chapter 4 (TRANSFER DIVERSION).









A SWAT team provides back-up for police officers arresting a suspected illegal arms trafficker, near Yabucoa, Puerto Rico, September 2007. © Brennan Linsley/AP Photo

The best time to prevent the diversion of small arms and light weapons is obviously in advance of export, at the time of licensing. At this stage, diversion risks can be thoroughly assessed and end-users carefully vetted. Licensing alone, however, is insufficient. Post-shipment controls, including delivery verification and end-use monitoring, help detect (and deter) actual cases of diversion and ultimately reinforce and improve pre-shipment risk assessment.

The challenges are clear, the extent to which states are meeting them much less so. The basic components of effective transfer control (diversion prevention) systems appear to be in place in the principal exporting countries; yet these systems leave much to the discretion of individual licensing officials, allowing them to decide when to increase or decrease the level of scrutiny required for a particular transaction. It is unclear, in particular, how thoroughly diversion risks are being assessed at the licensing stage, or how systematically end-user documentation is being verified in advance of export. Most governments provide very little information on their policies and practices in assessing diversion risks at the time of licensing.

It is quite clear, however, that post-shipment controls are being neglected. Many governments require that the delivery of weapons at destination be verified, but this is not uniform practice. Equally important, verification tends to stop at the time of delivery. As a rule, governments do not monitor the end-use of exported weapons, not even selectively. They do not know, in other words, whether their decision to export weapons to a specific end-user was wise.

Exporting states rarely conduct any checks beyond the point of delivery.

Rigorous licensing and end-user certification, coupled with targeted post-shipment controls, clearly are not the end of the story. These measures cannot eliminate diversion; yet, in concert with other policy instruments—such as the control of brokering and transport, plus systematic tracing—they would make it vastly more difficult. States, however, have yet to demonstrate they are doing what is needed. It remains unclear whether they are fulfilling their commitment under the *UN Programme of Action* 'to ensure the effective control' of small arms transfers (UNGA, 2001b, para. II.12).