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## Switzerland

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### Introduction

**THE DATA OBTAINED FROM THE SWISS GOVERNMENT** for this case study was subject to restrictions for reasons related to national security and also (particularly in the area of ammunition) where information requested fell outwith the definition of SALW in the OSCE Document. The collection of information was also complicated by a reform process in the Swiss Armed Forces, named 'Army XXI'. This will have a direct impact on the ways weapons and ammunition are defined as surplus. Pending its completion, some kinds of data sought could not be provided.

To have a full grasp of the Swiss policies and practices concerning the management and disposal of surplus SALW, it is necessary to keep in mind two peculiarities of its military and political systems.

At the military level, one needs to understand that the Swiss Armed Forces fit neither the definition of a standing army nor that of a reservist army. They operate instead according to what the Swiss Government calls a militia system, which will be described in detail below, resting mostly on non-active units that are activated for periods of training. This feature of the Swiss military forces is fundamental to understanding how the total number of men and women that need to be armed is established, and how the weapons set aside for their use are stored.

At the political level, it should be noted that Switzerland has a complex allocation of responsibilities at the central or federal level, and at the local, mostly cantonal, level. When it comes to surplus weapons management and disposal, these two levels sometimes function separately and at other times work together, because their responsibilities for such matters are either assigned to federal or to cantonal bodies, or to both.

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### Stocks and determination of surplus

#### Government agencies holding SALW

The Swiss Armed Forces (Air Forces and Land Forces) hold SALW. Other agencies entitled to their possession and use are the police forces (subject mainly to the authority of the Cantons), airport security forces, and the Border Guard. The following information, however, only refers to SALW held by the Armed Forces.

As mentioned in the introduction, the particular structure of the Swiss Armed Forces must be described in order to give a full assessment of the practices relating to the management and disposal of surplus SALW in the country. The Swiss Armed Forces are based on a militia system by which every male citizen fit for service serves his duty

from the age of 20 to the age of 42, for a maximum period of 22 years. They are composed of units that are temporarily activated for training every two years.

As of mid-2001, these forces counted 350,000 men and women. To these, two more categories must be added: professionals, who are mainly active in training, numbering 3,600, and recruits, numbering 20,000, of which two classes go through basic training each year. The Swiss Government, therefore, arms 373,600 male and female soldiers.

In order to allow for a quick reaction in case of conflict, the reservists hold their military equipment, including weapons, at home; each of them receives specific instructions and training concerning storage and safety measures.

### Quantities of SALW and ammunition held by Government agencies

As of 1 January 2002, the Swiss Armed Forces possessed 625,000 assault rifles and 70,000 pistols. Disaggregated, these numbers comprise:

- 450,000 SIG 5,6mm Stgw 90 and about 175,000 SIG 7,5mm Stgw 57;
- 20,000 9mm Pist 49 and about 50,000 9mm Pist 75.

It is important to note that these numbers represent the total holdings of small arms, comprising both small arms in use during exercises and held by the troops, and those that are stored for the reserve. Numbers on ammunition were not provided for the reason mentioned above.

### Civilian possession of SALW

Private people are allowed to hold SALW in Switzerland. However, the Swiss Government is not responsible for them; hence, it does not keep either records or statistics of privately-held SALW, with one notable exception. When leaving service, retiring soldiers are allowed to keep their weapons, provided they are permanently modified to fire single shots only.<sup>1</sup> The Army records to whom the weapons have been given, and keeps the record for ten years. A copy is also provided to the local police. Responsibility for these weapons, however, belongs to the Federal Department of Justice and Police under the provisions of the Arms Act.<sup>2</sup>

The Arms Act which entered into force on 1 January 1999 establishes that any person acquiring weapons or relevant parts of them must possess a permit. Permits are issued by the relevant Canton authorities. Necessary requirements for the acquisition of a permit are that the holder must be 18 years of age with no previous convictions for violent crimes or misdemeanors and there must be no apparent risk to the buyer or third persons.<sup>3</sup> Also, the following weapons cannot be purchased by private individuals: automatic firearms, automatic firearms turned into shoulder-fired weapons or into semi-automatic handguns, as well as their component parts.<sup>4</sup>

It should also be noted that the Swiss Army lends weapons to Army personnel and participants in sports shooting events. This practice is regulated by the 'Decree of the DDPS governing the use of small arms outside the sphere of military service' (15 March 1996). The lending of personal service weapons (assault rifles only) to members of recognised shooting clubs, and to young riflemen for the purpose of participating in shooting exercises outside the sphere of military service and in military competitions, is permitted as long as the borrower is able to guarantee that the weapon will be handled, maintained and kept in a safe place in accordance with the relevant regulations.<sup>5</sup>

<sup>1</sup> The weapons held by retiring personnel are distinct from those held by the Swiss Army reservists in active service. Their number, therefore, is not included in the total of 625,000 assault rifles given above.

<sup>2</sup> The provisions contained in the Arms Act do not apply to the Armed Forces, the Military Administrations, Border Guards and Police Forces (Arms Act, 20 June 1997, art 2).

<sup>3</sup> *lvi*, art 8.

<sup>4</sup> *lvi*, art 5.

<sup>5</sup> Brevier 95 (part of Service Regulations 95), para. 2.3 (1 January 1995).

## Defining SALW surplus stocks

In Switzerland, the definition of SALW follows the one contained in the OSCE Document. Surplus stocks are identified by the Swiss General Staff (Planning Directorate). The definition of weapons as surplus, however, does not follow precise formulae. The Government does distinguish between weapons in active service and weapons in reserve. Estimates concerning surplus weapons are not available at the moment. The Swiss Armed Forces are in fact going through a reform process that will also affect the way both weapons and ammunition are identified as surplus. It is expected, however, that technological change and military reduction might be the factors most likely to produce weapons surplus.

## Policies

### Export of SALW and ammunition

In Switzerland, exports of SALW and ammunition are regulated by the Federal Law on War Materiel (*Kriegsmaterialgesetz*, FLWM) of 13 December 1996, and the Ordinance on War Materiel (*Kriegsmaterialverordnung*, OWM) of 25 February 1998.

Their general, underlying principle is that all activity referring to the manufacture and transfer of war materiel and related technology should be consistent with international law and international obligations binding Switzerland.<sup>6</sup> In more specific terms, the Ordinance of 1998 establishes that authorisations concerning the transfer of war materiel must consider:

- Peacekeeping, international security, and regional stability;
- The situation in the country of destination, especially with respect to human rights;
- Swiss efforts in the area of co-operation and development;
- The attitude of the country of destination towards the international community, especially regarding the respect of public international law;
- The conduct of countries who are members of international regimes on export controls.<sup>7</sup>

Other than the OSCE criteria on conventional arms exports, Switzerland follows those established by the Wassenaar Arrangement, the Missile Technology Control Regime and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Landmines and on their Destruction. Although there is no list of specific proscribed destinations, Switzerland undertakes to respect UN arms embargoes.<sup>8</sup>

### Licences

Each activity connected with war materiel is subject to Government authorisation. Persons willing to engage in the manufacture, trade, or brokering of war materiel must, first of all, obtain an initial authorisation (permit). Specific authorisations (licences) are also necessary for the manufacture, brokering, import, export, transit and transfer of intellectual property.<sup>9</sup> Import, export and transit licences last for 12 months and can be extended by six months.<sup>10</sup> They can be suspended or revoked due to exceptional circumstances.<sup>11</sup> The authorisation regime establishes two exceptions:

- Provisions concerning initial authorisation and authorisation to manufacture do not apply to armament companies of the Confederation; nor do provisions on brokering, import, export, and transfer of intellectual property if the operation concerns armaments destined for the Swiss Army.<sup>12</sup>

<sup>6</sup> FLWM, art 1, 22.

<sup>7</sup> OWM, art 5.

<sup>8</sup> FLWM, art 25.

<sup>9</sup> *lvi*, art 12.

<sup>10</sup> OWM, art 15.

<sup>11</sup> FLWM, art 19.

<sup>12</sup> *lvi*, art 4.

- No authorisation is required for the temporary import or export of arms by Swiss or foreigners participating in shooting competitions or training.<sup>13</sup>

In all cases, the competent authority regarding authorisations is the Swiss Federal Office for Foreign Economic Affairs (OFAEE).<sup>14</sup>

### **End-user certificates**

In general, export authorisations can only be granted if the receiving party, a government or an agency working for a government, declares that the material will not be re-exported. Exemptions to this rule might be transfers of separate parts or assembly parts if they are to be integrated into a product abroad and not re-exported as such.<sup>15</sup>

### **Penalties**

Penalties for infringement of these disposals are imposed by article 33 of the FLWM. Depending on the type of violation and the degree of intentionality, they might include imprisonment, fines, or both (the maximum penalties are 10 years of imprisonment and/or 5 million Swiss francs).

## **Storage and destruction of SALW and ammunition**

The destruction of SALW and ammunition is regulated by directives of the Swiss Defence Procurement Agency of the Department for Defence, Civil Protection and Sports (DDPS).

The administration, storage and protection of SALW is regulated by a series of directives issued by the General Staff:

- Directives of the Chief of General Staff dated 1 July 1991 concerning security measures for low-risk objects, goods and facilities of the DDPS;
- Directives of the Chief of General Staff dated 6 August 1993 concerning security measures for objects, goods and facilities of the DDPS in risk category 5;
- Directives of the Chief of General Staff dated 30 December 1994 concerning security measures for objects, goods and facilities of the DDPS in risk category 1, 2, 3 and 4.

These directives are based on the security policy defined by the DDPS, which is currently in the process of being updated due to the planned implementation of the Army XXI reform project.

Strictly speaking, there are no ordnance depots or armouries in Switzerland. Weapons are stored together with other materials in special military depots. Security regulations for SALW, therefore, are those that apply to the depot as a whole.

### **Suitable locations of national depots for SALW**

Location criteria, defined on the basis of the DDPS security concept, are based on an assessment of both active and passive risks. Sites for depots may be under or above ground, and in central, protected or outlying areas. The location of depots is decided according to three criteria – the required readiness of the concerned military unit, security requirements and economic efficiency. The new Army XXI concept makes a distinction between the national and the regional level. At the national level, it calls for more regional location of depots, and thus of armouries, while at the regional level the aim is for depots to be centralised. In order to minimise costs, weapons destined for destruction are stored centrally.

<sup>13</sup> OWM, art 9.

<sup>14</sup> *Id.*, art 13.

<sup>15</sup> FLWM, art 18.

Inside the depots, pistols, automatic pistols, assault rifles, machine-guns (max calibre of 9mm), and 40 mm gun sights are stored in special security rooms. Such depots are subject to the legal provisions of the Federal Environmental Protection Act,<sup>16</sup> determining safe distances for facilities that may cause harm to human beings or the environment. Regulations for dealing with emergencies must be in place, and monitoring must be guaranteed.

The suitability of a building as an arms depot is decided by the IT and Object Security Division of the General Staff (AIOS).

### **Inspections**

Inspections can be carried out at different levels, from audits (management level) to individual controls of personnel. They comprise inventory controls, status checks, technical inspections, and can be carried out at intervals of two or more years. Audits are ordered by the relevant sector heads. Certain weapons might be subject to specific inspection regulations established by the manufacturer.

### **Physical security measures**

Physical security measures depend on the location and type of the depot. In general, however, security zones in military depots have their own locking systems. Authorisation checks are always performed before keys to other storage rooms are handed out.

Weapons are stored under lock and key in security rooms equipped with armour-plated doors and alarm systems. They are located in administration buildings that are also equipped with alarm systems and kept under surveillance.

In principle, weapons and ammunition are stored separately. For small quantities, however, joint storage is allowed, as well as for non-classified weapons during military service. If the SALW depot does not meet all security requirements, the functional parts of all weapons are stored separately as much as possible.

### **Access**

Access is restricted to authorised personnel, with a differentiation according to the type and category of weapon. It is granted or denied on the basis of proof of authorisation, and directives and regulations are in force specifying the relevant authority for the various weapons systems. For classified systems/components and for defined security zones all personnel are subject to security checks (Armed Forces, civilian personnel, contractual staff, and security corps). Keys to major depots are handed over only in return for a signed receipt. For other depots, this procedure is applied only if requested by specific directives and regulations. The principle of double-checking applies for ammunition stores and major weapons depots.

### **Inventory and record-keeping**

Switzerland has laws regulating the keeping of records on stored items, their use, issue and disposal. Depot inventories are recorded, and records are retained for ten years in both electronic and paper form. In case of losses, records are kept until retrieval of the weapon or liquidation of the weapon system.

All records must be examined at least once within six years. In weapons depots of the Fortification Guard (FWK), records are reviewed on a regular basis.<sup>17</sup> Reviews may be

<sup>16</sup> 10 October 1983, art 10.

<sup>17</sup> The Fortification Guard is a professional formation of the Swiss Armed Forces. It fulfils tasks relating to security, technology and training support. Also, it is a crisis reaction element of the Armed Forces that can be deployed by the Chief of General Staff and the national government, both in Switzerland and abroad. Information from <<http://www.vbs.admin.ch/internet/Heer/FWK/e/Index.htm>>

performed as general controls of all inventories or as spot checks.

### **Emergencies**

Intervention plans for occurrences relating to safety and security are in place, as well as procedures to alert civil emergency services. Agreements are also made with the police and other non-military bodies to provide outside assistance if this should be required. Depots are not allocated to special intervention units. Instead, interventions are carried out by the civil organisation of the administration concerned and by the responsible fire brigade. If needed, further assistance can be given by the civilian fire brigade, the police, operative personnel, FWK emergency vehicles and Army emergency squads.

### **Theft or loss**

A procedure for immediate reporting in case of loss is available around the year and throughout the day. Immediate reporting is required for major events, while for other occurrences the report is made the following morning. All reports go to the AIOS division of the General Staff.

The responsibility for investigating the loss or theft of weapons and ammunition lies with the military examining magistrate. If explosives are involved, the federal public prosecutor is also involved. Minor cases are the responsibility of civilian authorities. These are also always brought in if civilians or civil goods are involved. An investigation is always carried out if a security report has been generated. Prosecution of theft by military personnel is the responsibility of the military legal authorities.

### **Transport security**

Concerning security, ad hoc directives issued by the administration and orders issued by division commands are applicable. As regards safety, the following are applicable:

- The European Agreement on the Transport of Dangerous Goods by Road and the International Ordinance of the Transport of Dangerous Goods by Rail;
- The special agreements between the Federal Office of Transport, the Federal Roads Authority and the Department of Defence, Civil Protection and Sport;
- Regulations issued by division commands.

As a rule, routes are planned in advance for transports with classified loads. Specific protection measures are defined on a case-by-case basis. Transport routes are not normally specified or planned in advance. However, additional measures may be taken, such as the securing of railway freight wagons, accompanied transports, and accompanying papers to be signed for receipt.

Within the FWK, armed personnel accompany transports of weapons and ammunition as required and appropriate. Upon request, and in special cases, the FWK can also put armed personnel at the disposal of other federal authorities.

Considerations of quantity and resources determine whether weapons and ammunitions are carried together. For large quantities and for STINGER light anti-aircraft guided missiles, weapons and ammunition are always transported separately.

### **Training**

When they commence their duties, all personnel receive security training, normally updated if changes occur. For emergency situations, FWK personnel receive regular training, while administrative personnel and ranks do so with varying frequency and at various levels, depending on their duties.

## Structures and practices

Both the Swiss General Staff (Planning Directorate) and the Swiss Defence Procurement Agency for technical and commercial issues or guidelines are in charge of the disposal of surplus SALW originating from Government stockpiles. The collection and confiscation of weapons and ammunition are, however, under the judicial supervision of canton and federal police. In case of surplus, SALW stocks are destroyed, taken out of the Swiss Armed Forces, or sold to private holders under the control of and in accordance with Swiss civilian legislation.

Destruction of surplus weapons can be executed by both state-owned agencies and private contractors. Numbers on stored weapons could not be made available.

During 2001, 19,270 small arms and 1,147 light weapons from Swiss military stocks were destroyed. These numbers included: 5,726 9 mm Automatic pistols 1943/44, 13,544 7.5mm assault rifles, 995 6 cm Werfer 87 (partial liquidation), and 152 7.1 cm Le Gw 74. During the same year, 559 small arms and 16 light weapons were exported.

For SALW owned by the Swiss Armed Forces, regular reviews of holdings are made by the General Staff (Planning Directorate).

Switzerland has also been involved in international activities concerning the elimination of surplus weapons. Among others were the organisation of a course on Stockpile Management and Security (Brugg, Switzerland, 2001) and of another on Weapons Collection and Destruction for the PfP countries (Spiez, Switzerland, 2002).

## Reforms

In the course of implementing the OSCE Document, the Swiss Government has taken measures in various domains. Among them are:

- Improved co-operation between the concerned Government departments;
- Reporting for the OSCE Information exchanges (2001 and 2002);
- Collaboration in elaborating the OSCE Best Practice Guide;
- Co-operation between the OSCE and the UN.

Major changes in policy are also under way in the country. New legislation on arms is being prepared by the Federal Department of Justice. Restrictions on the handing over of personal arms to retired members of the Armed Forces for private ownership are being contemplated.

In the same vein, Switzerland does not exclude future participation in international assistance programmes for the elimination of SALW.

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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](mailto:bicc@bicc.de), [basicuk@basicint.org](mailto:basicuk@basicint.org), [general@saferworld.org.uk](mailto:general@saferworld.org.uk) or [smallarm@hei.unige.ch](mailto:smallarm@hei.unige.ch)

### About the author

**Silvia Cattaneo** Silvia Cattaneo is presently a researcher for the Small Arms Survey in Geneva, where she is responsible for the UN Conference Database on small arms and light weapons. She is involved in a number of diverse projects, particularly relating to the role of arms brokers, and to the implementation of the UN Program of Action on Small Arms and Light Weapons. She is also a PhD student at the Graduate Institute of International Studies (Geneva), where she is focusing on the role of enemy images in the dynamics of identity-based conflicts. Her interests relate to security issues, conflict management, and peacekeeping, particularly in the context of ethnic conflicts.