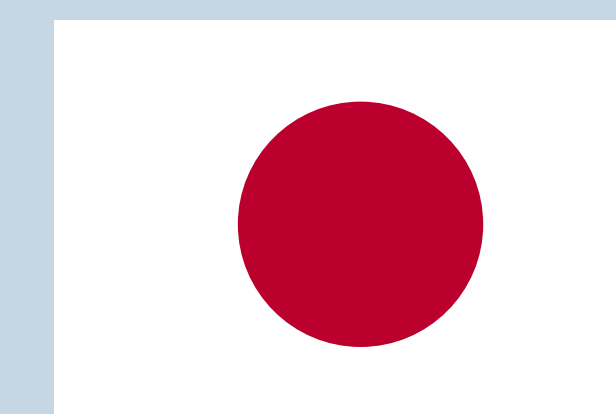
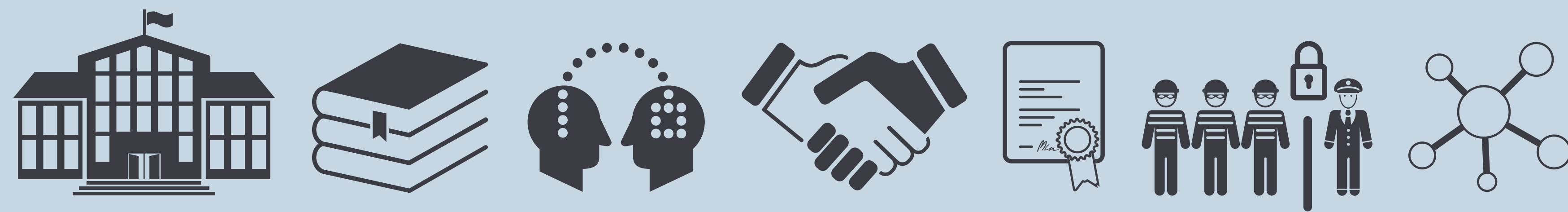
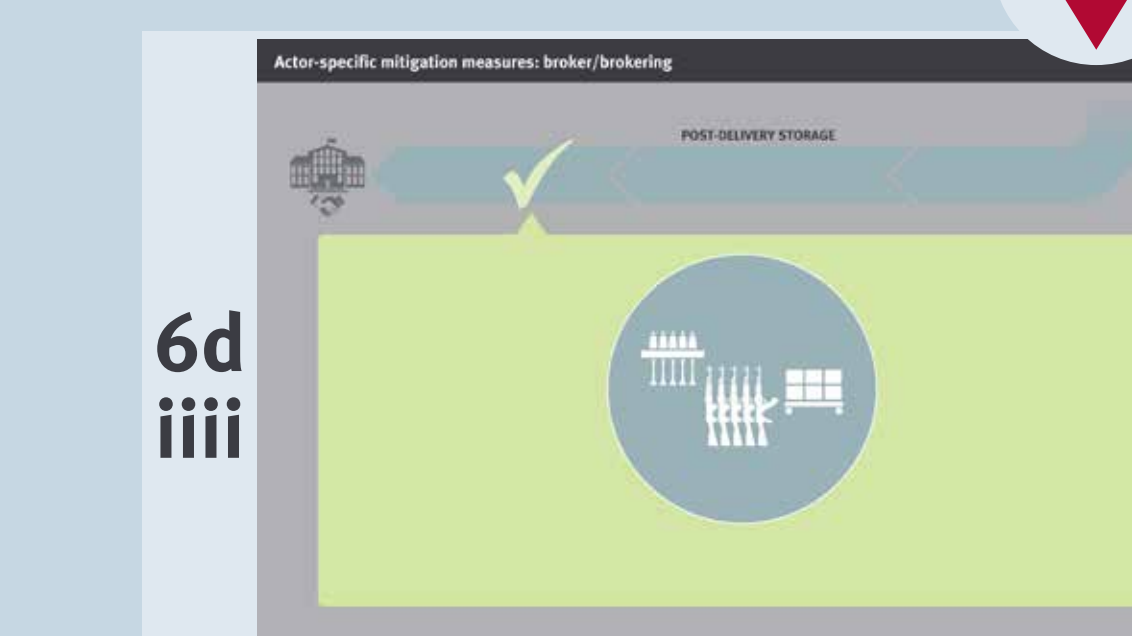
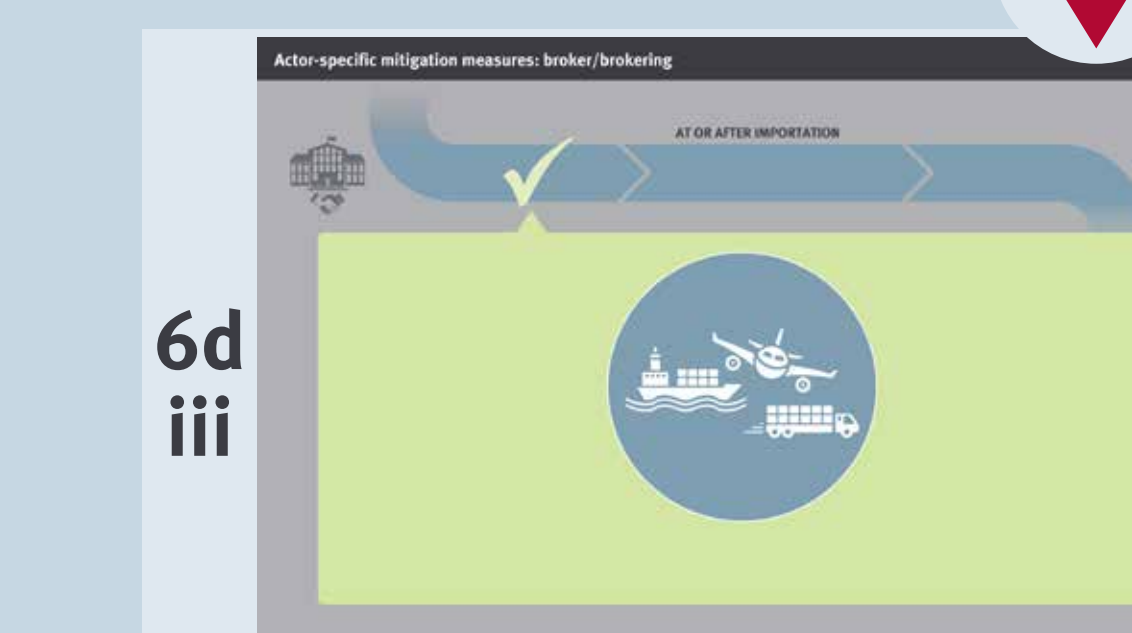
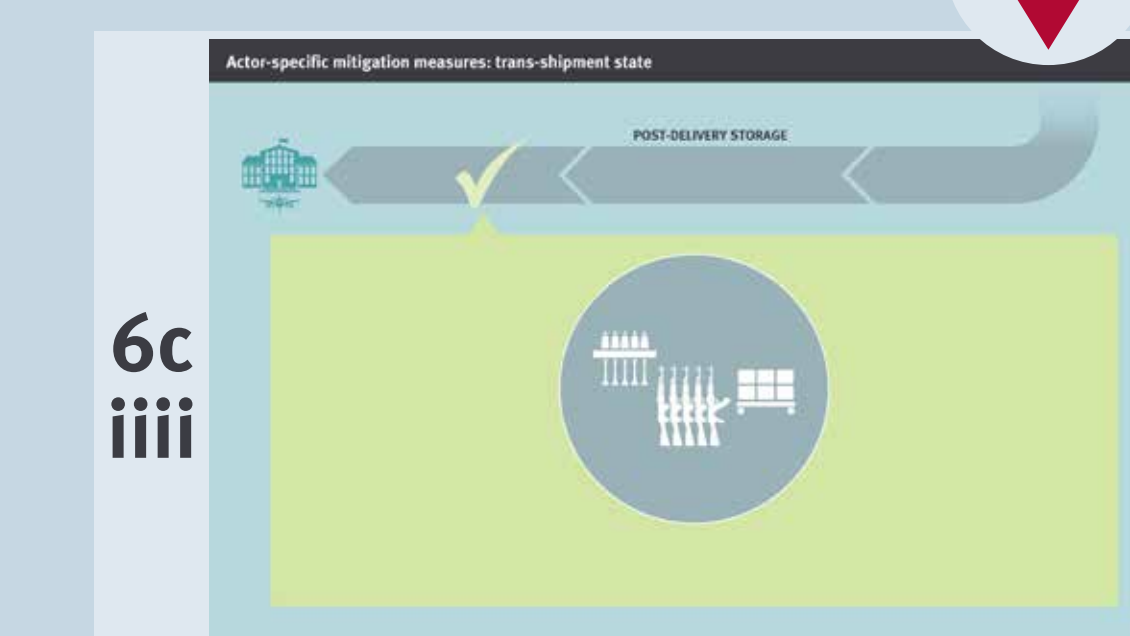
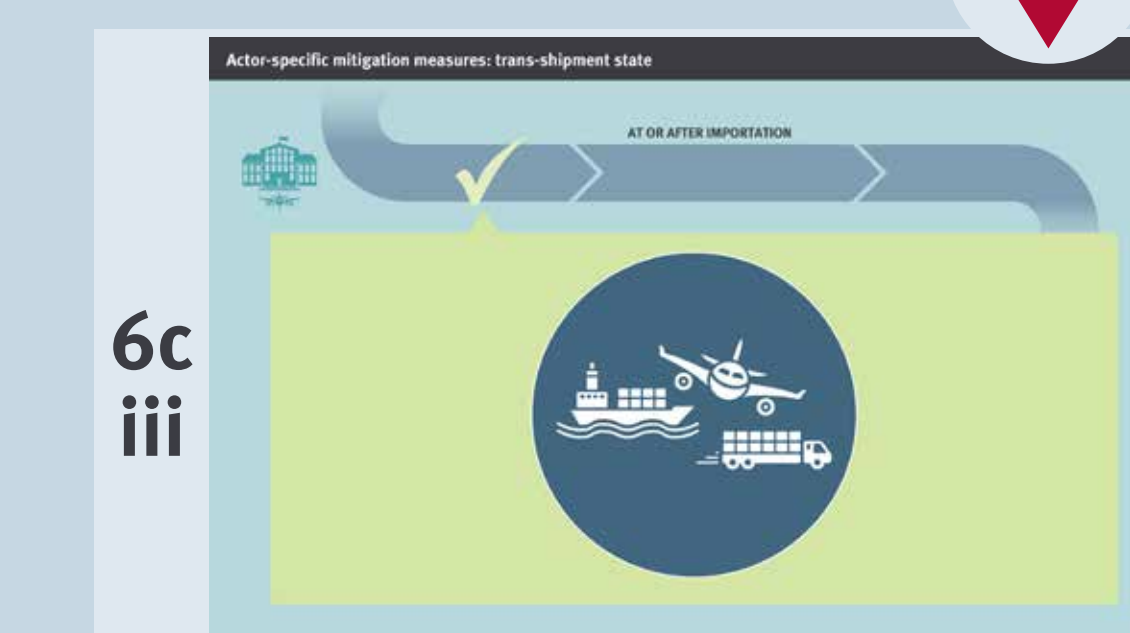
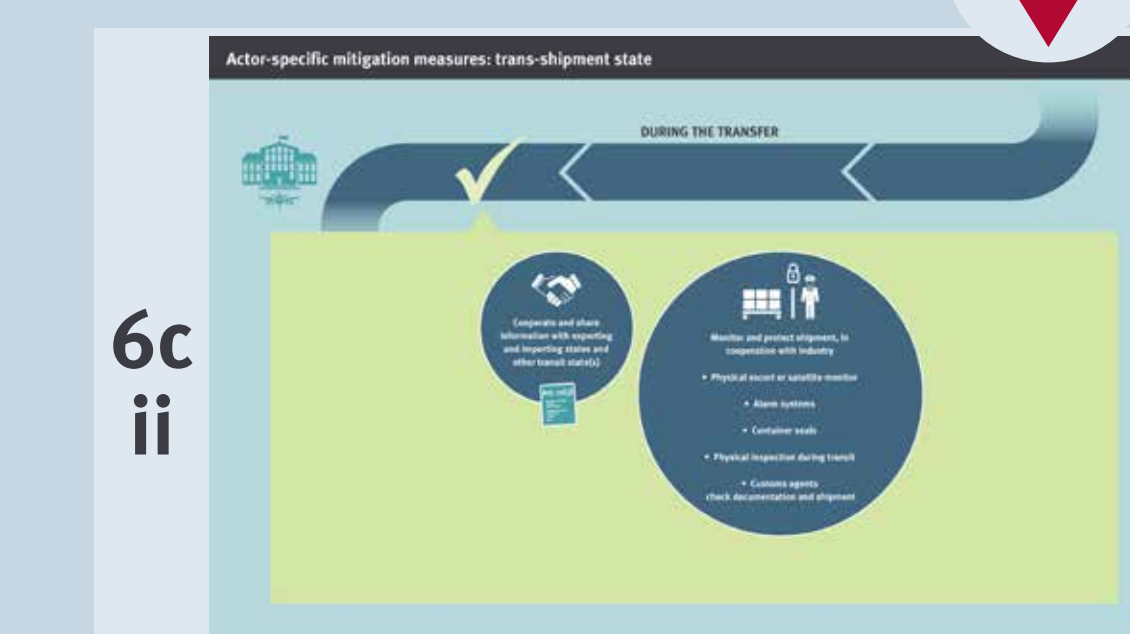
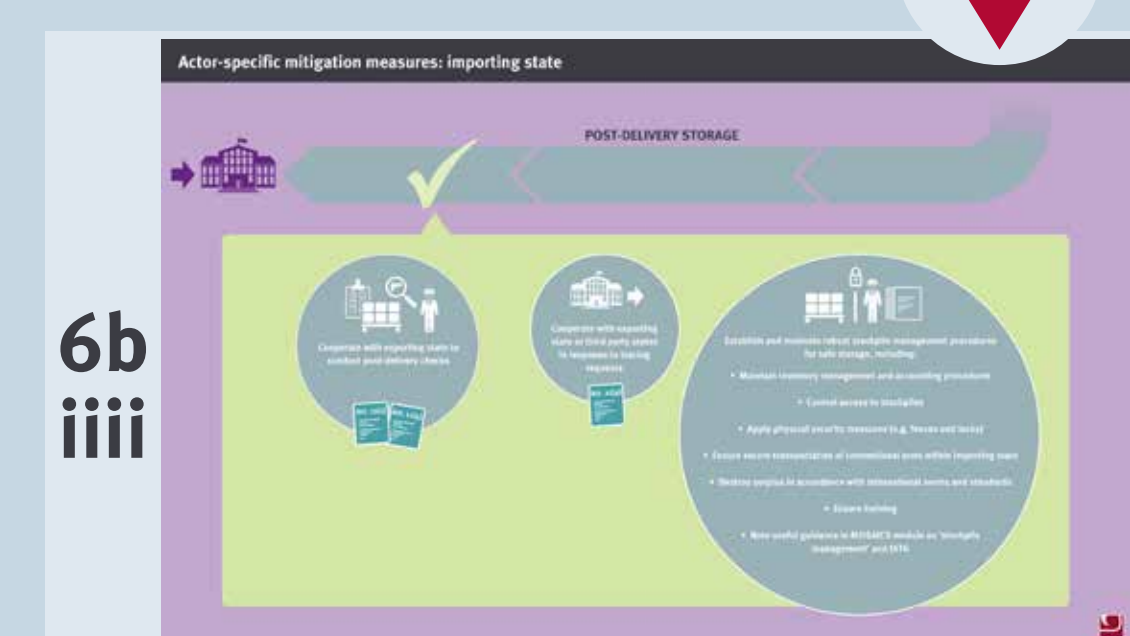
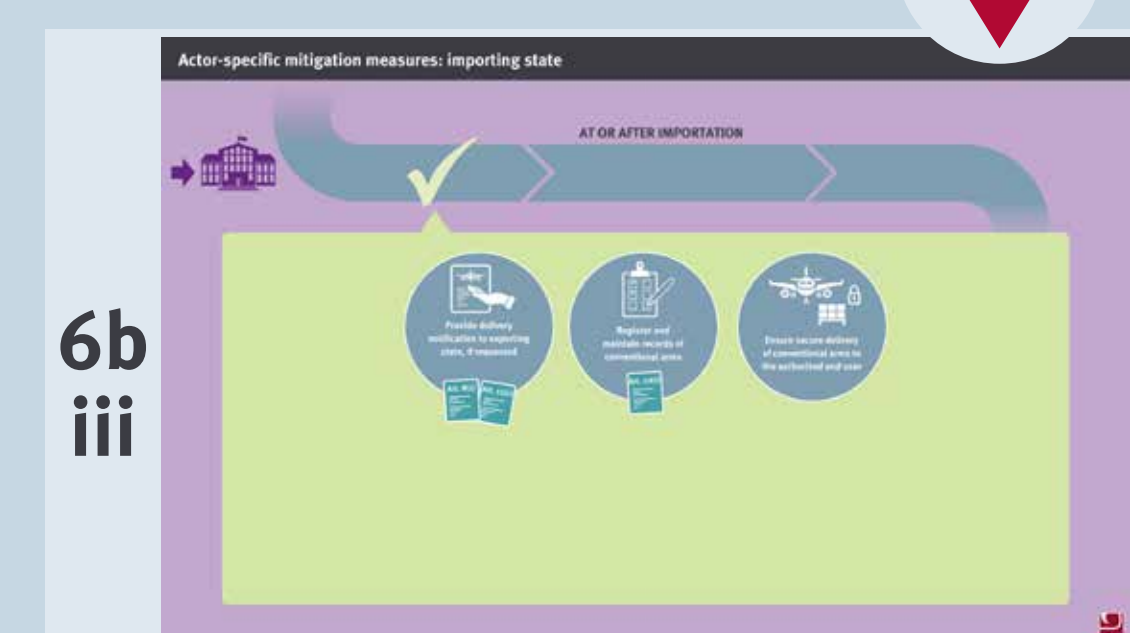
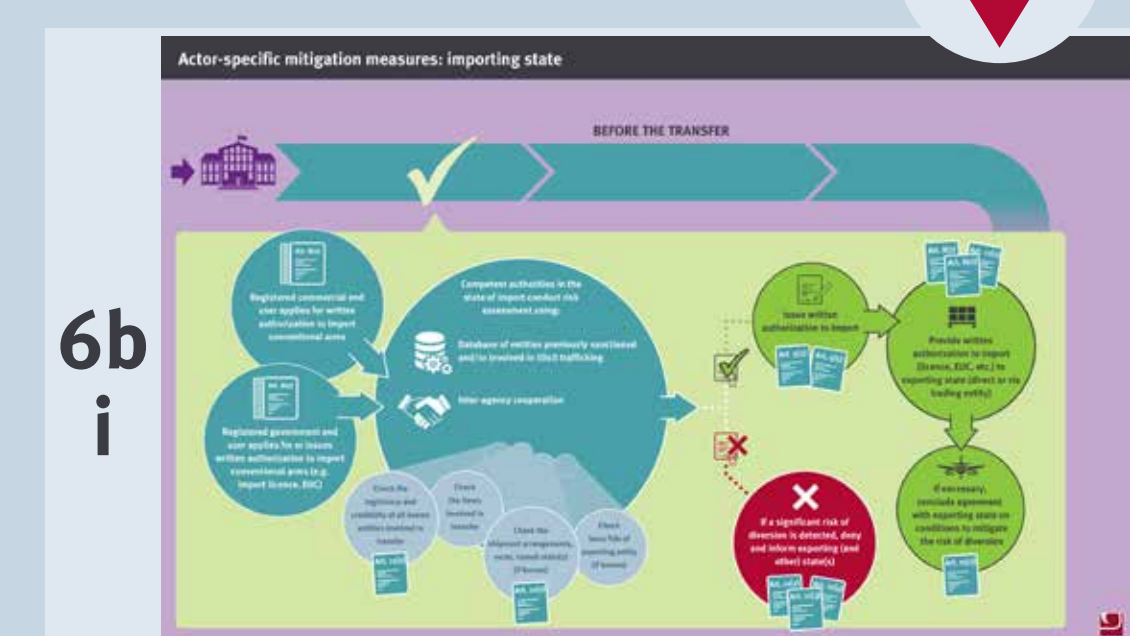
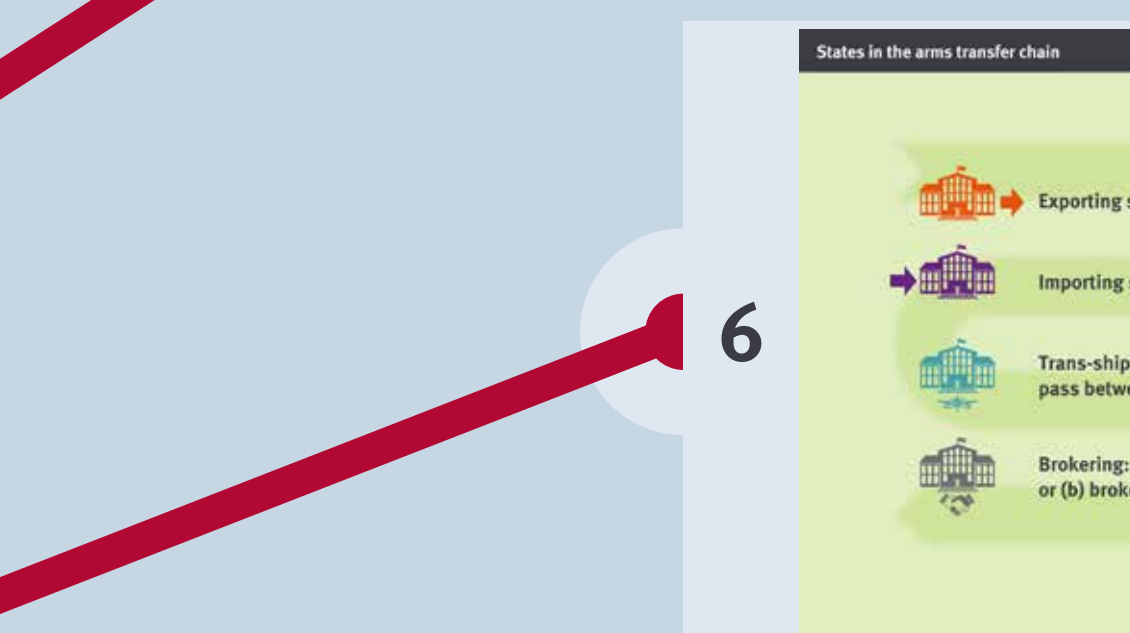
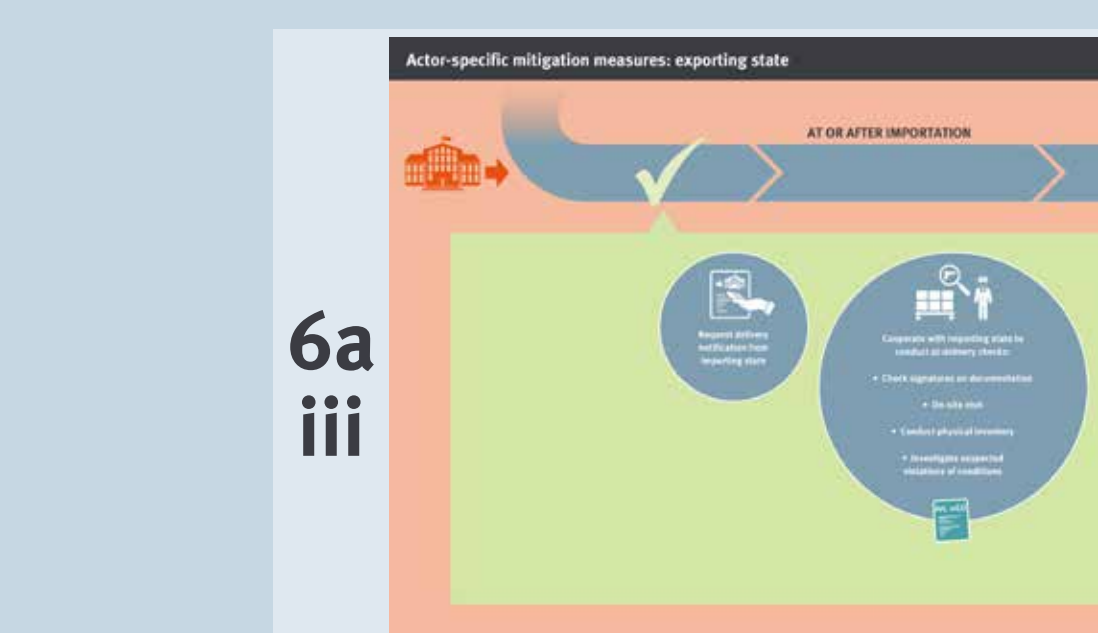
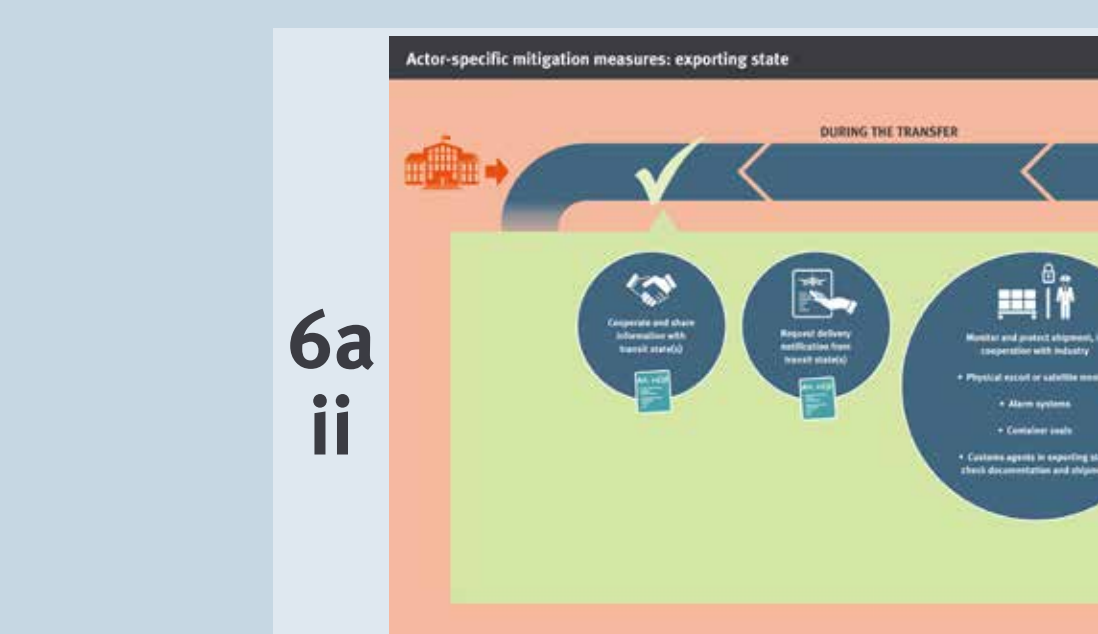
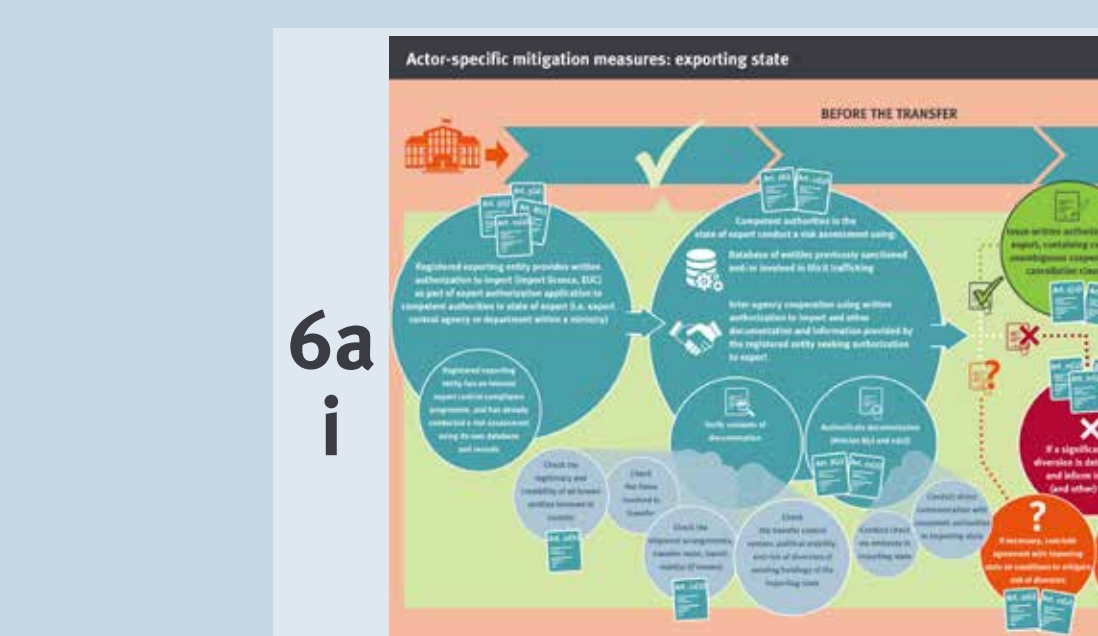
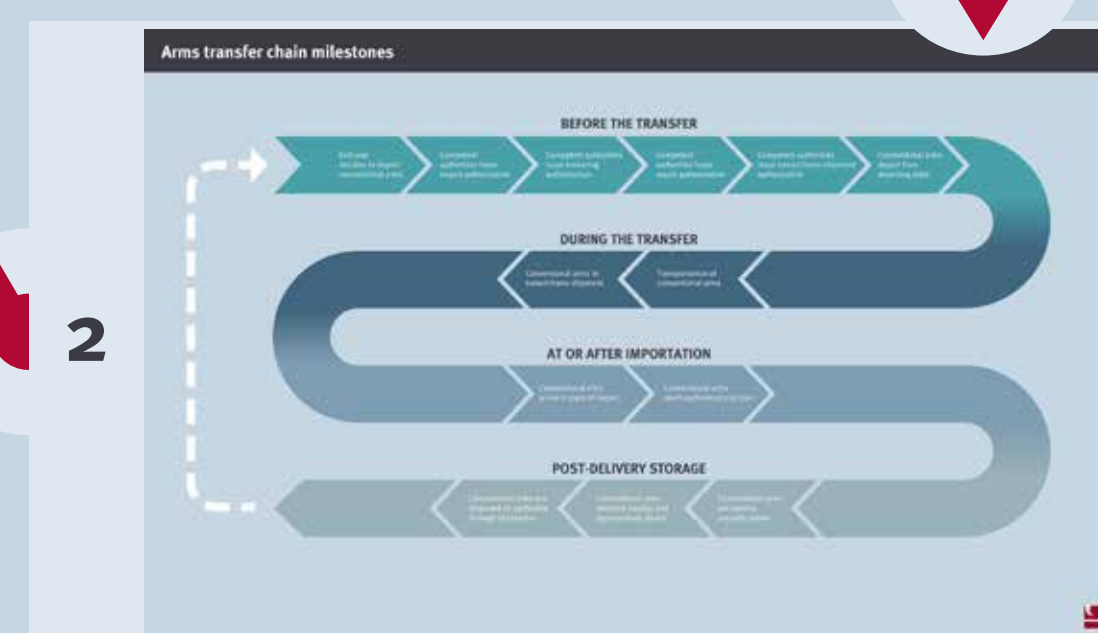
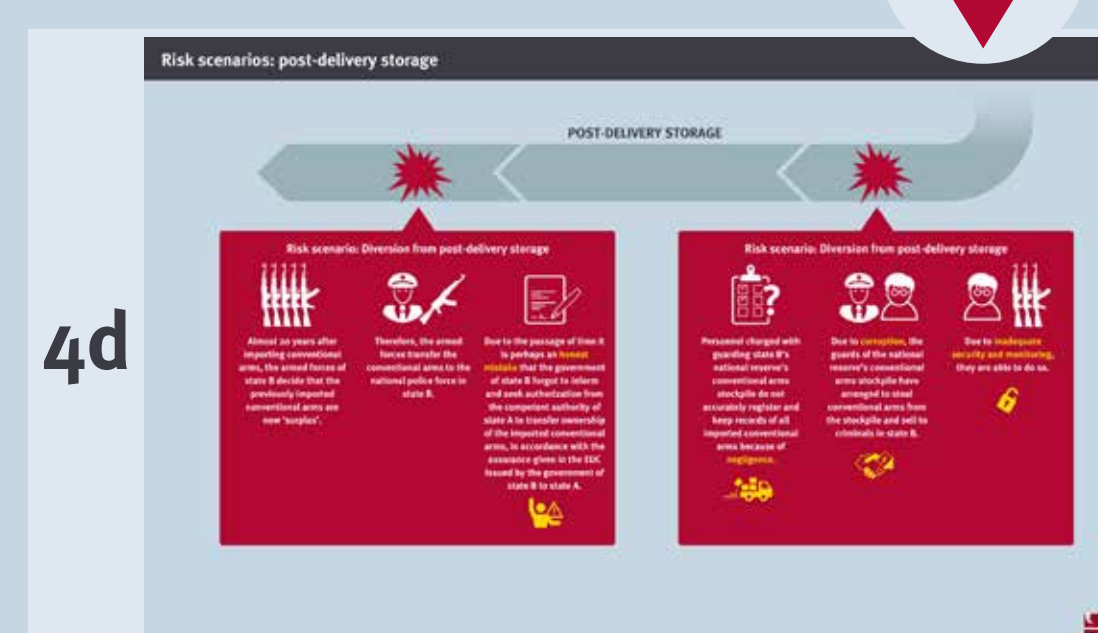
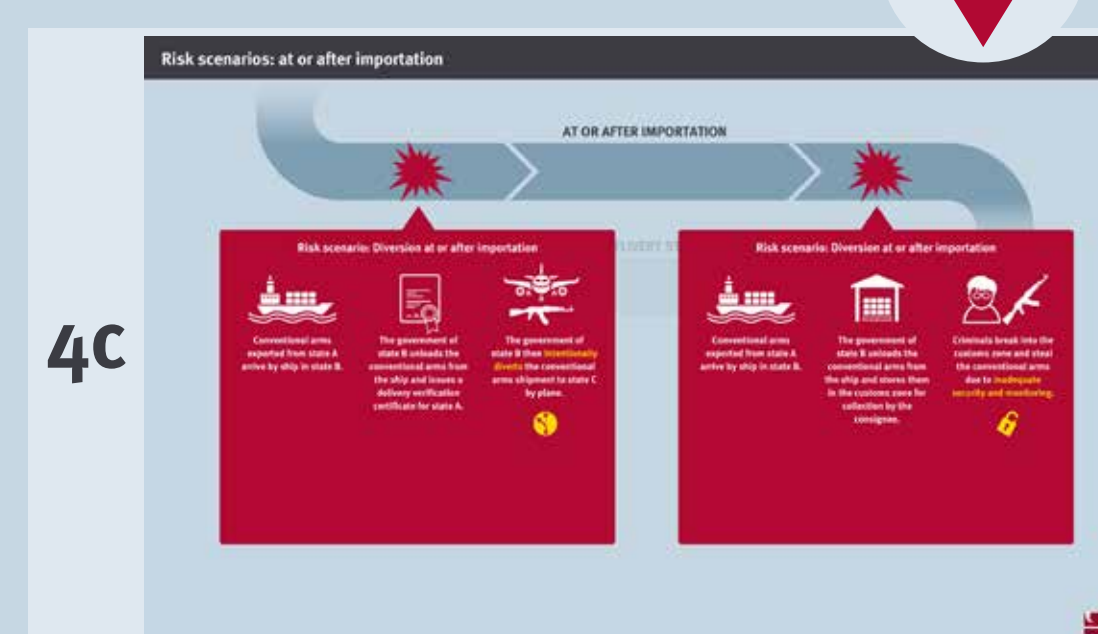
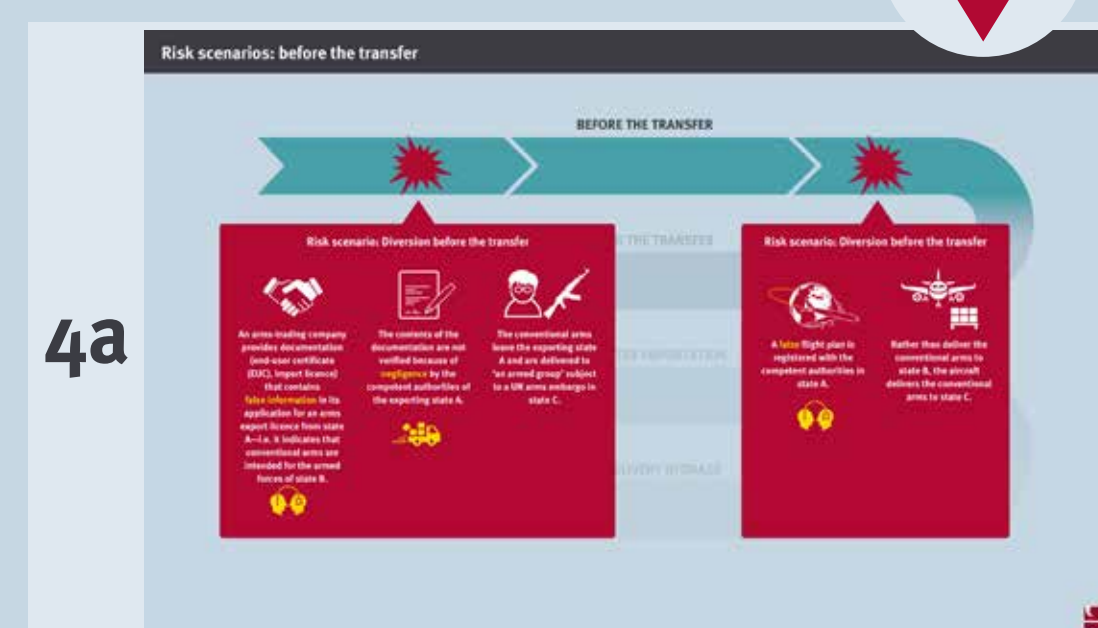
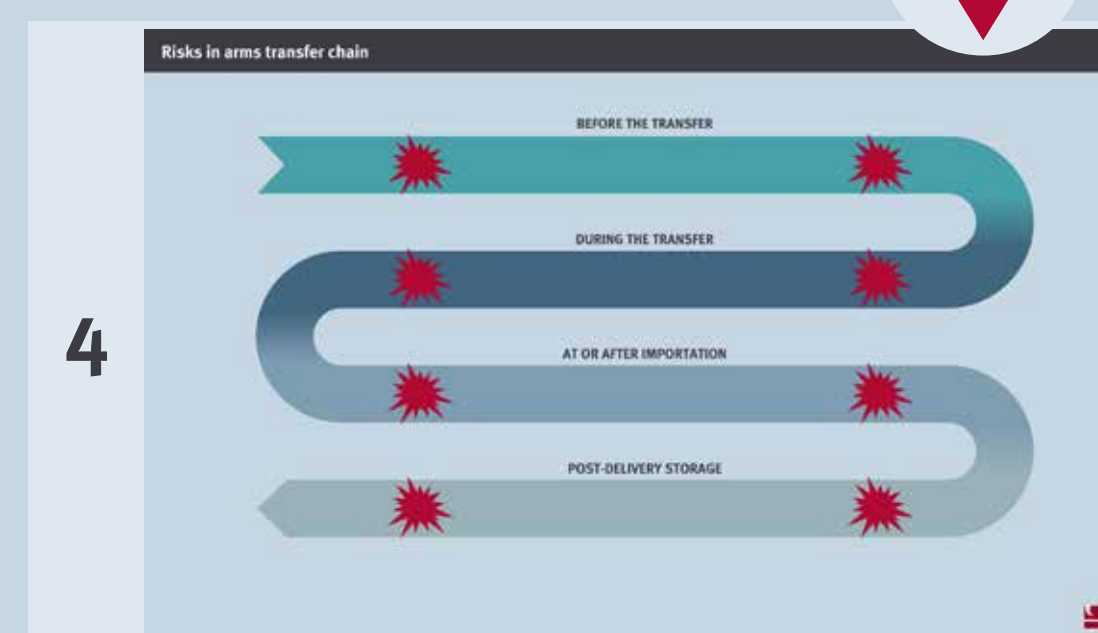
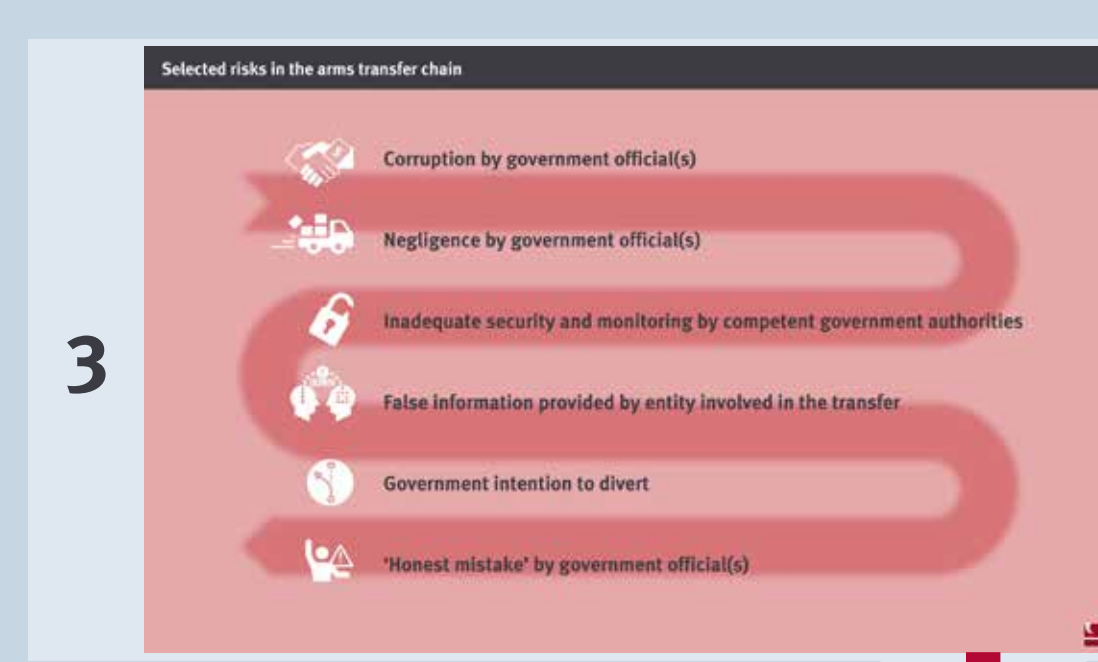


# POSSIBLE MEASURES TO PREVENT AND ADDRESS DIVERSION: SUPPORTING EFFECTIVE IMPLEMENTATION OF THE ARMS TRADE TREATY

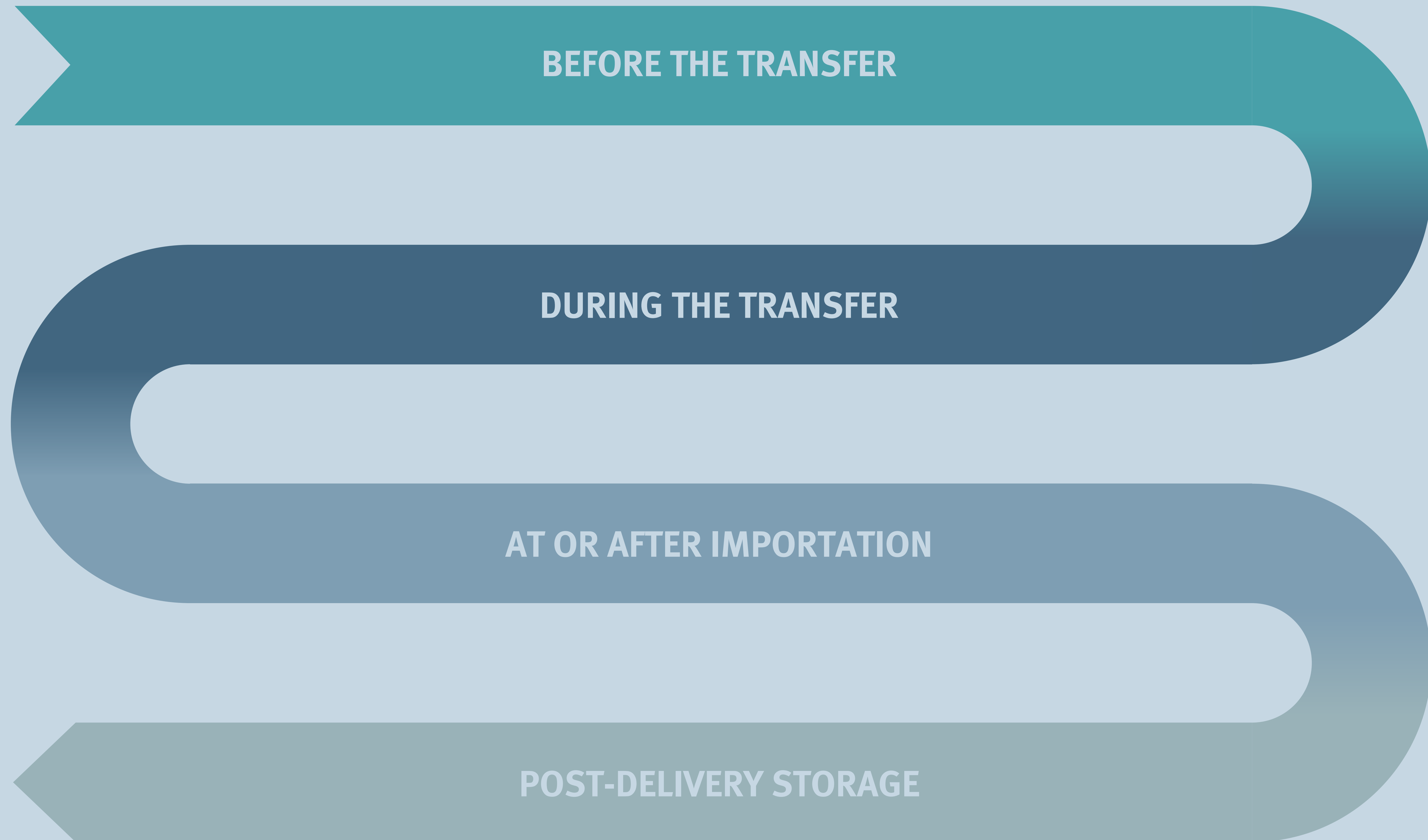








# The four main stages in the arms transfer chain



# Arms transfer chain milestones

## BEFORE THE TRANSFER

End user decides to import conventional arms

Competent authorities issue import authorization

Competent authorities issue brokering authorization

Competent authorities issue export authorization

Competent authorities issue transit/trans-shipment authorization

Conventional arms depart from exporting state

## DURING THE TRANSFER

Conventional arms in transit/trans-shipment

Transportation of conventional arms

## AT OR AFTER IMPORTATION

Conventional arms arrive in state of import

Conventional arms reach authorized end user

## POST-DELIVERY STORAGE

Conventional arms are disposed of, preferably through destruction

Conventional arms declared surplus and appropriately stored

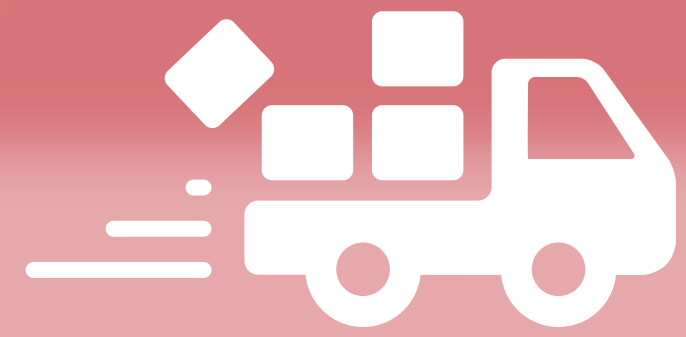
Conventional arms are used or securely stored



## Selected risks in the arms transfer chain



**Corruption by government official(s)**



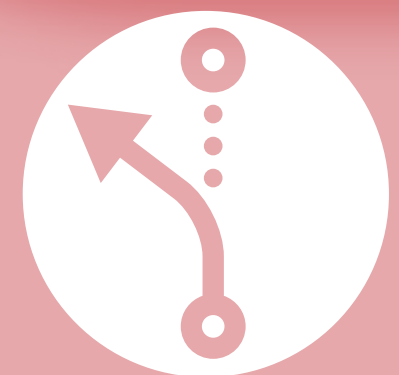
**Negligence by government official(s)**



**Inadequate security and monitoring by competent government authorities**



**False information provided by entity involved in the transfer**

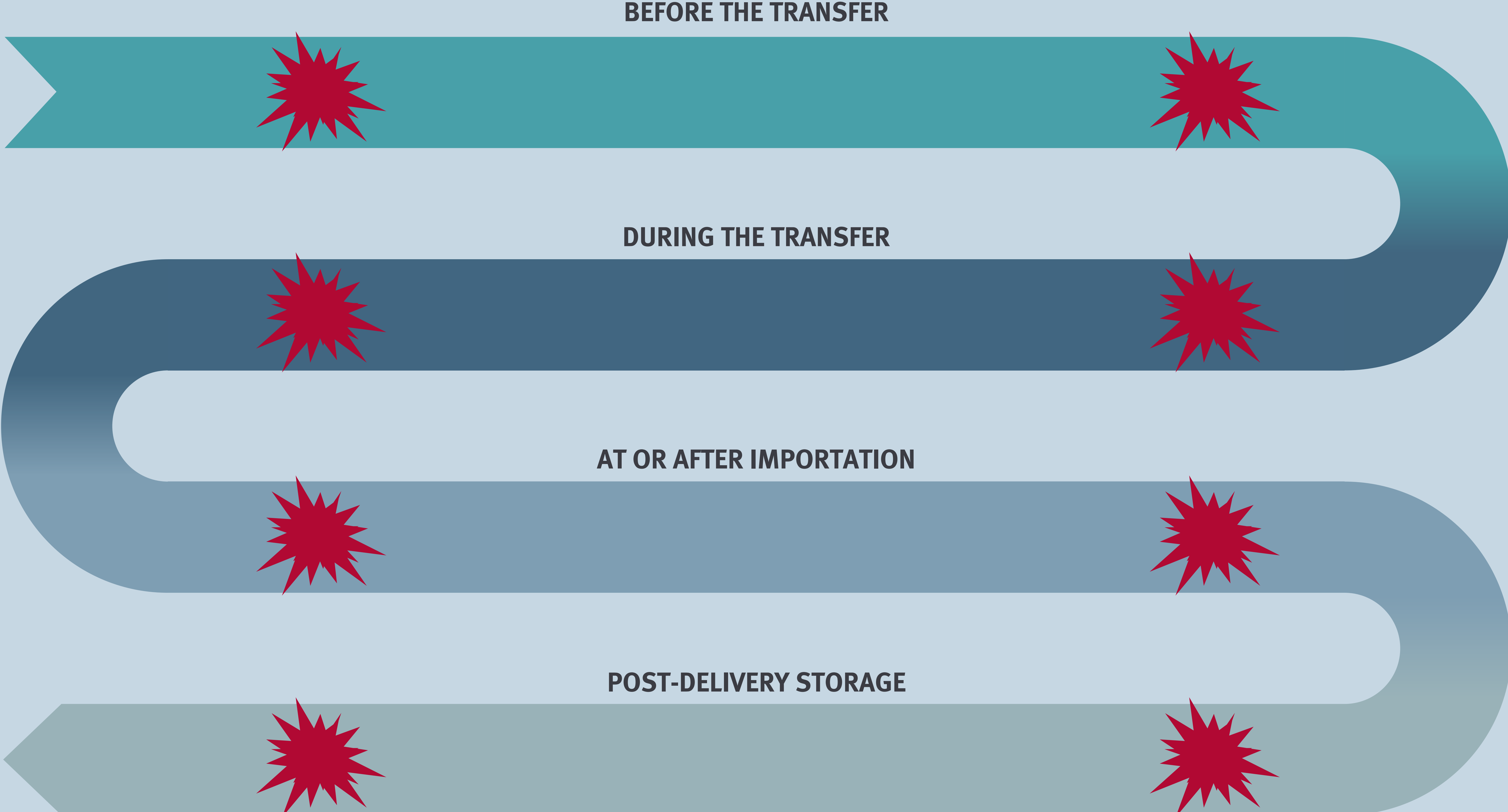


**Government intention to divert**



**'Honest mistake' by government official(s)**

# Risks in arms transfer chain



## BEFORE THE TRANSFER

### Risk scenario: Diversion before the transfer



An arms-trading company provides documentation (end-user certificate (EUC), import licence) that contains **false information** in its application for an arms export licence from state A—i.e. it indicates that conventional arms are intended for the armed forces of state B.



The contents of the documentation are not verified because of **negligence** by the competent authorities of the exporting state A.



The conventional arms leave the exporting state A and are delivered to 'an armed group' subject to a UN arms embargo in state C.

### Risk scenario: Diversion before the transfer



A **false** flight plan is registered with the competent authorities in state A.



Rather than deliver the conventional arms to state B, the aircraft delivers the conventional arms to state C.

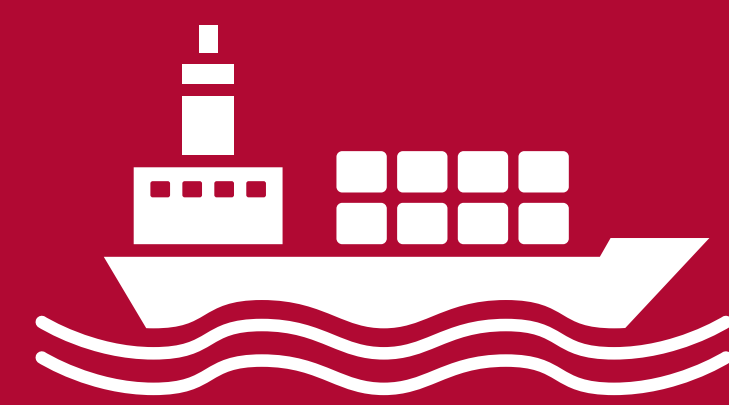


## DURING THE TRANSFER

### Risk scenario: Diversion during the transfer



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



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



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



The manufacturer **mislabeled** a shipment of conventional arms as agricultural equipment for delivery from state A to an armed group in state C.



**Corrupt** customs officers in state A receive intelligence that a shipment is due to depart from state A to an armed group in state C. The customs officers are bribed to not check this shipment.



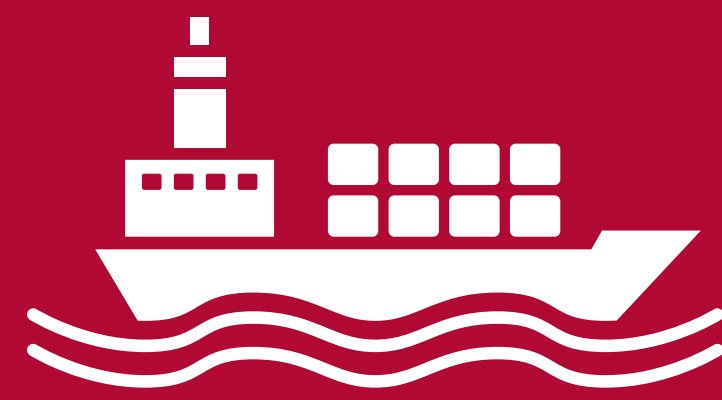
Conventional arms are delivered to an armed group in state C.



# Risk scenarios: at or after importation

## AT OR AFTER IMPORTATION

### Risk scenario: Diversion at or after importation



Conventional arms exported from state A arrive by ship in state B.



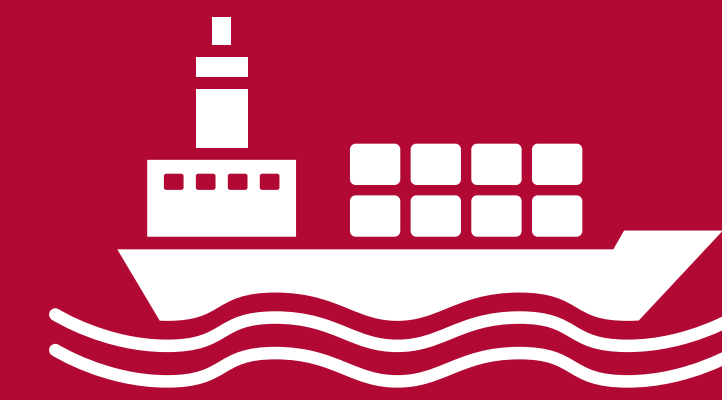
The government of state B unloads the conventional arms from the ship and issues a delivery verification certificate for state A.



The government of state B then **intentionally diverts** the conventional arms shipment to state C by plane.



### Risk scenario: Diversion at or after importation



Conventional arms exported from state A arrive by ship in state B.



The government of state B unloads the conventional arms from the ship and stores them in the customs zone for collection by the consignee.



Criminals break into the customs zone and steal the conventional arms due to **inadequate security and monitoring**.



## POST-DELIVERY STORAGE

### Risk scenario: Diversion from post-delivery storage



Almost 20 years after importing conventional arms, the armed forces of state B decide that the previously imported conventional arms are now 'surplus'.



Therefore, the armed forces transfer the conventional arms to the national police force in state B.



Due to the passage of time it is perhaps an **honest mistake** that the government of state B forgot to inform and seek authorization from the competent authority of state A to transfer ownership of the imported conventional arms, in accordance with the assurance given in the EUC issued by the government of state B to state A.



### Risk scenario: Diversion from post-delivery storage



Personnel charged with guarding state B's national reserve's conventional arms stockpile do not accurately register and keep records of all imported conventional arms because of **negligence**.



Due to **corruption**, the guards of the national reserve's conventional arms stockpile have arranged to steal conventional arms from the stockpile and sell to criminals in state B.



Due to **inadequate security and monitoring**, they are able to do so.

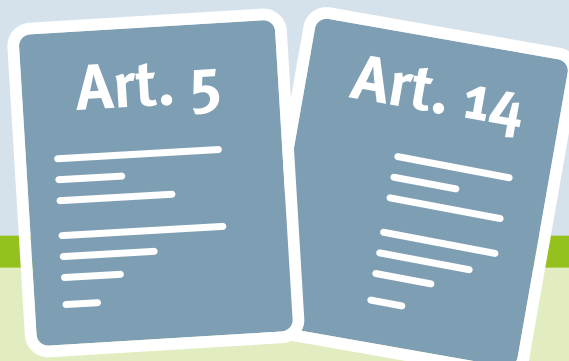




# Measures to prevent and respond to diversion

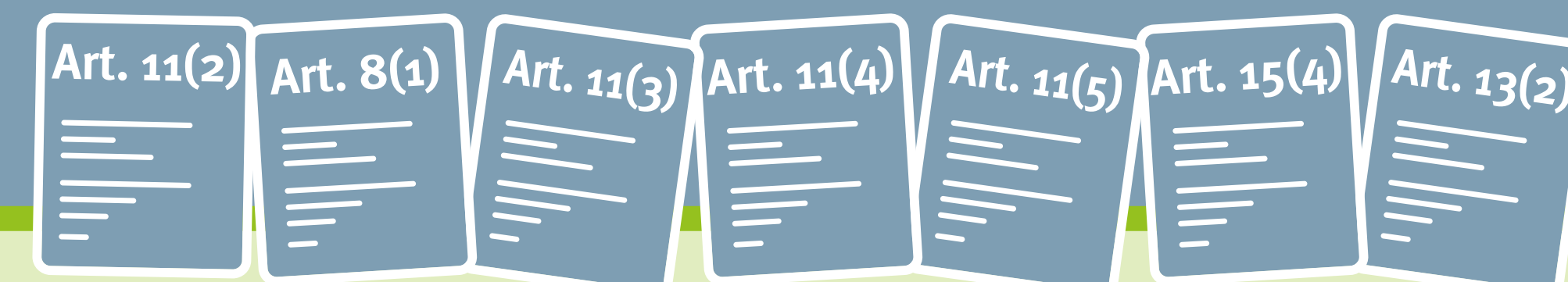
## National measures to prevent diversion

- + A strong national transfer control system and effective enforcement measures (Articles 5 and 14)
- + Government officials able to detect fraudulent behaviour
- + Sufficient resources to ensure effective control over conventional arms flows
- + Information exchange mechanism on authorized transfers or deliveries of conventional arms
- + Open communication and cooperation across licensing, customs, law enforcement, intelligence, and other government agencies domestically
- + Effective legislation for investigating and punishing theft, corruption, and other diversion-related offences
- + Industry outreach programmes that include diversion risk assessment guidance and encourage industry to play a cooperative role in risk assessment and management



## International cooperation to prevent and detect diversion

- + Jointly developed programmes to address diversion risks (Article 11(2))
- + Close cooperation and information-sharing with other states parties involved in the arms transfer chain (Articles 8(1), 11(3), 11(4), 11(5), and 15(4))
- + Information-sharing with other states on measures taken that have been proven effective in addressing the diversion (Article 13(2))
- + Cooperation through regional and sub-regional groups as well as the private sector (armament industry, transport)
- + Cooperation to enable the detection and interception of illicit arms flows



## Responses to diversion

- + When diversion is detected, appropriate legal and administrative measures are taken to address the diversion and seize the illicit conventional arms (Article 5), including:
  - Alerting potentially affected states parties
  - Examining diverted shipments of conventional arms
  - Investigating the diversion, and sanction those responsible (Article 11(4)); available sanctions should be both administrative (including confiscation of conventional arms) and criminal (sufficiently high to serve as deterrents)





**Exporting state: state from which the conventional arms are exported**



**Importing state: state into which the conventional arms are imported**



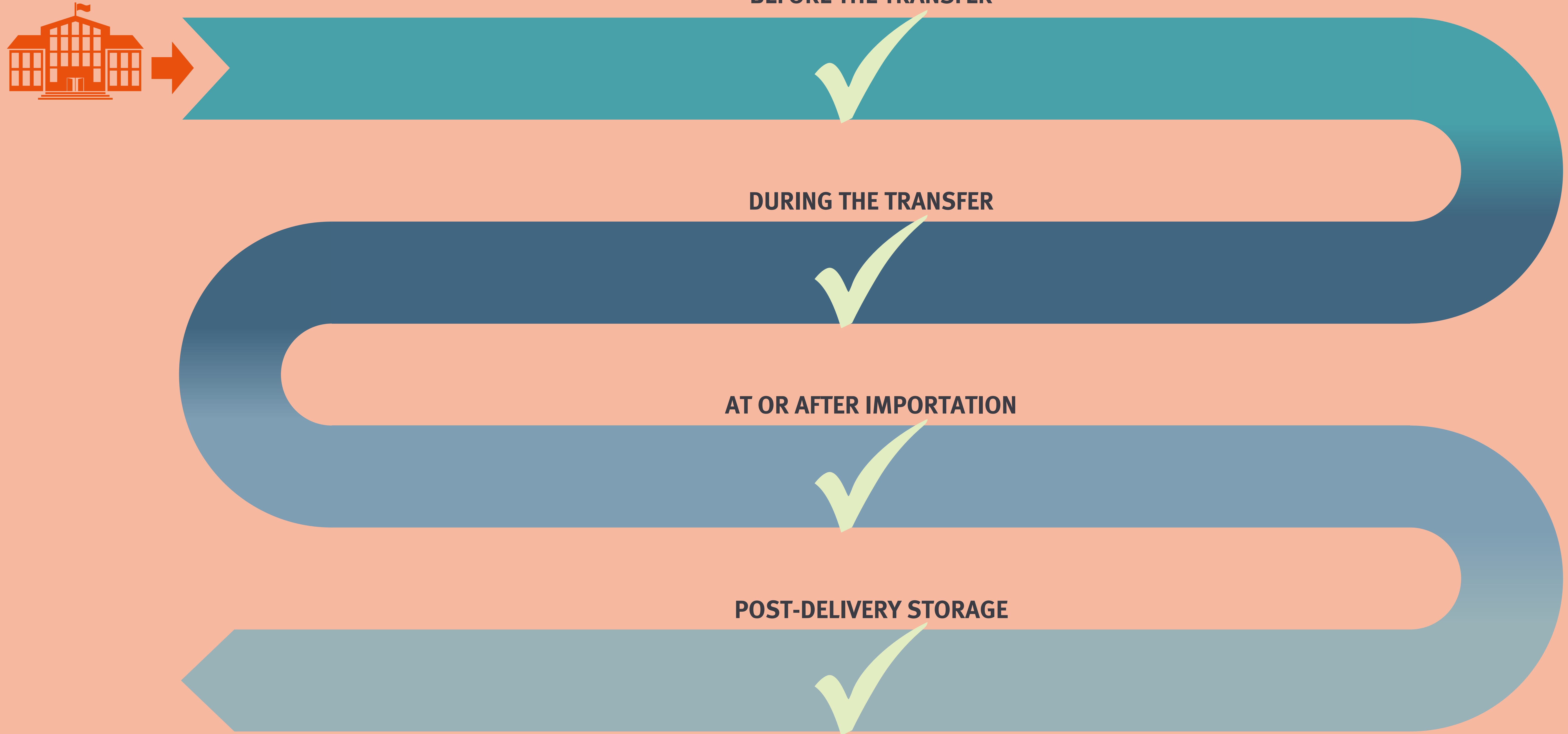
**Trans-shipment state: state through which conventional arms pass between leaving the exporting state and entering the importing state**



**Brokering: state in which (a) brokering activities take place or (b) broker is registered or licensed**

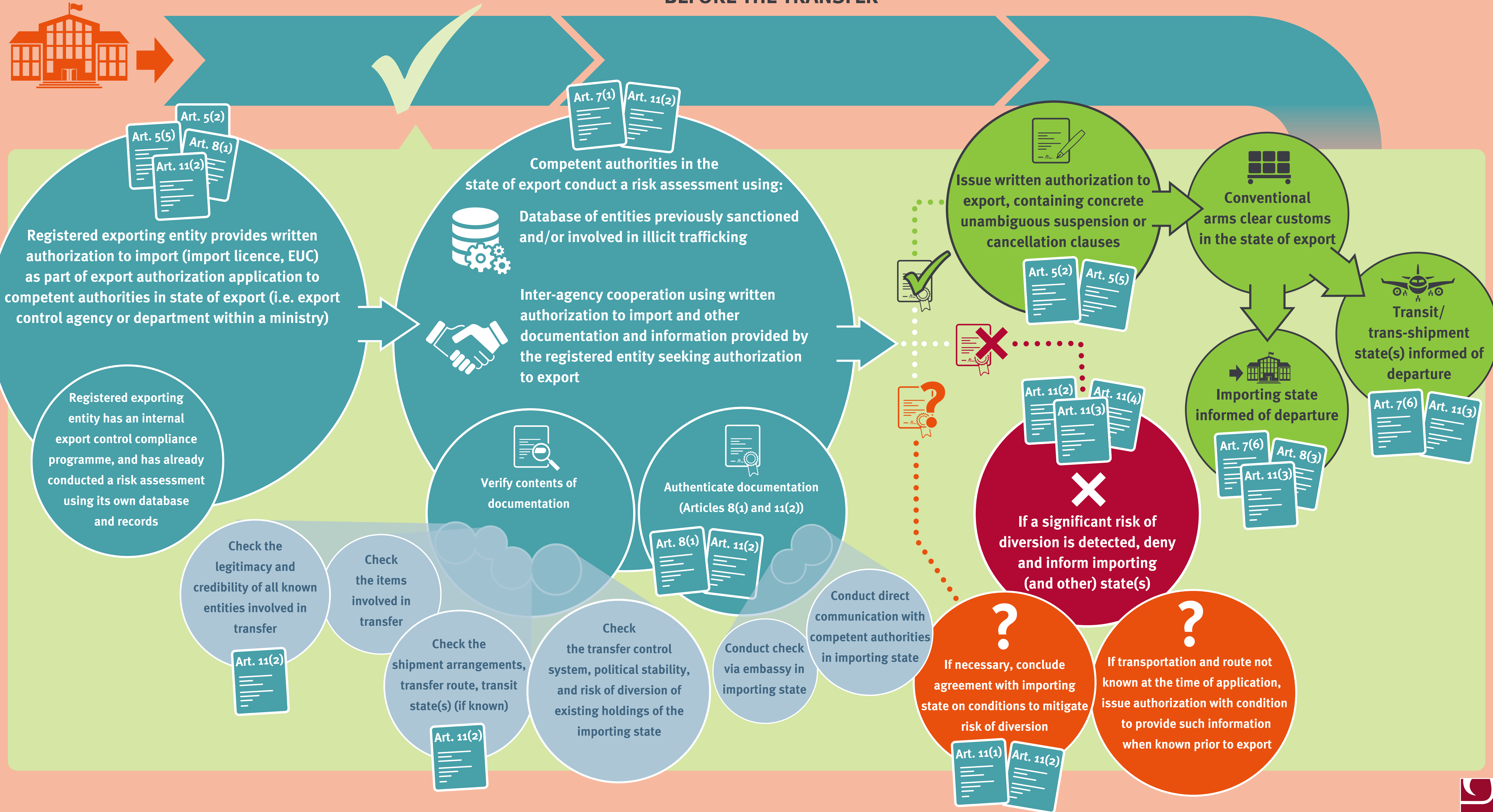


# Actor-specific mitigation measures: exporting state



# Actor-specific mitigation measures: exporting state

## BEFORE THE TRANSFER





# Actor-specific mitigation measures: exporting state

## DURING THE TRANSFER



Cooperate and share information with transit state(s)

Art. 11(3)

Request delivery notification from transit state(s)

Art. 11(3)

Monitor and protect shipment, in cooperation with industry

- Physical escort or satellite monitor
  - Alarm systems
  - Container seals
- Customs agents in exporting state check documentation and shipment

# Actor-specific mitigation measures: exporting state



## AT OR AFTER IMPORTATION

Request delivery notification from importing state

Cooperate with importing state to conduct at-delivery checks:

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



# Actor-specific mitigation measures: exporting state



## POST-DELIVERY STORAGE



Cooperate with importing state to conduct post-delivery checks:

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



Cooperate with importing state or third states in response to tracing requests



# Actor-specific mitigation measures: importing state



BEFORE THE TRANSFER



DURING THE TRANSFER



AT OR AFTER IMPORTATION



POST-DELIVERY STORAGE





# Actor-specific mitigation measures: importing state

## BEFORE THE TRANSFER



# Actor-specific mitigation measures: importing state

## DURING THE TRANSFER



Cooperate and share information with transit state(s)



Monitor and protect shipment, in cooperation with industry:

- Physical escort or satellite monitor
  - Alarm systems
  - Container seals
- Physical inspection at point of delivery
  - Customs agents check documentation and shipment



# Actor-specific mitigation measures: importing state


AT OR AFTER IMPORTATION



Provide delivery notification to exporting state, if requested



Register and maintain records of conventional arms



Ensure secure delivery of conventional arms to the authorized end user


# Actor-specific mitigation measures: importing state

## POST-DELIVERY STORAGE



Cooperate with exporting state to conduct post-delivery checks

Art. 11(1)  
Art. 11(4)



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

Art. 11(4)



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

- Maintain inventory management and accounting procedures
- Control access to stockpiles
- Apply physical security measures (e.g. fences and locks)
- Ensure secure transportation of conventional arms within importing state
- Destroy surplus in accordance with international norms and standards
- Ensure training
- Note useful guidance in MOSAIC module on 'stockpile management' and IATG



# Actor-specific mitigation measures: trans-shipment state



**BEFORE THE TRANSFER**



**DURING THE TRANSFER**



**AT OR AFTER IMPORTATION**



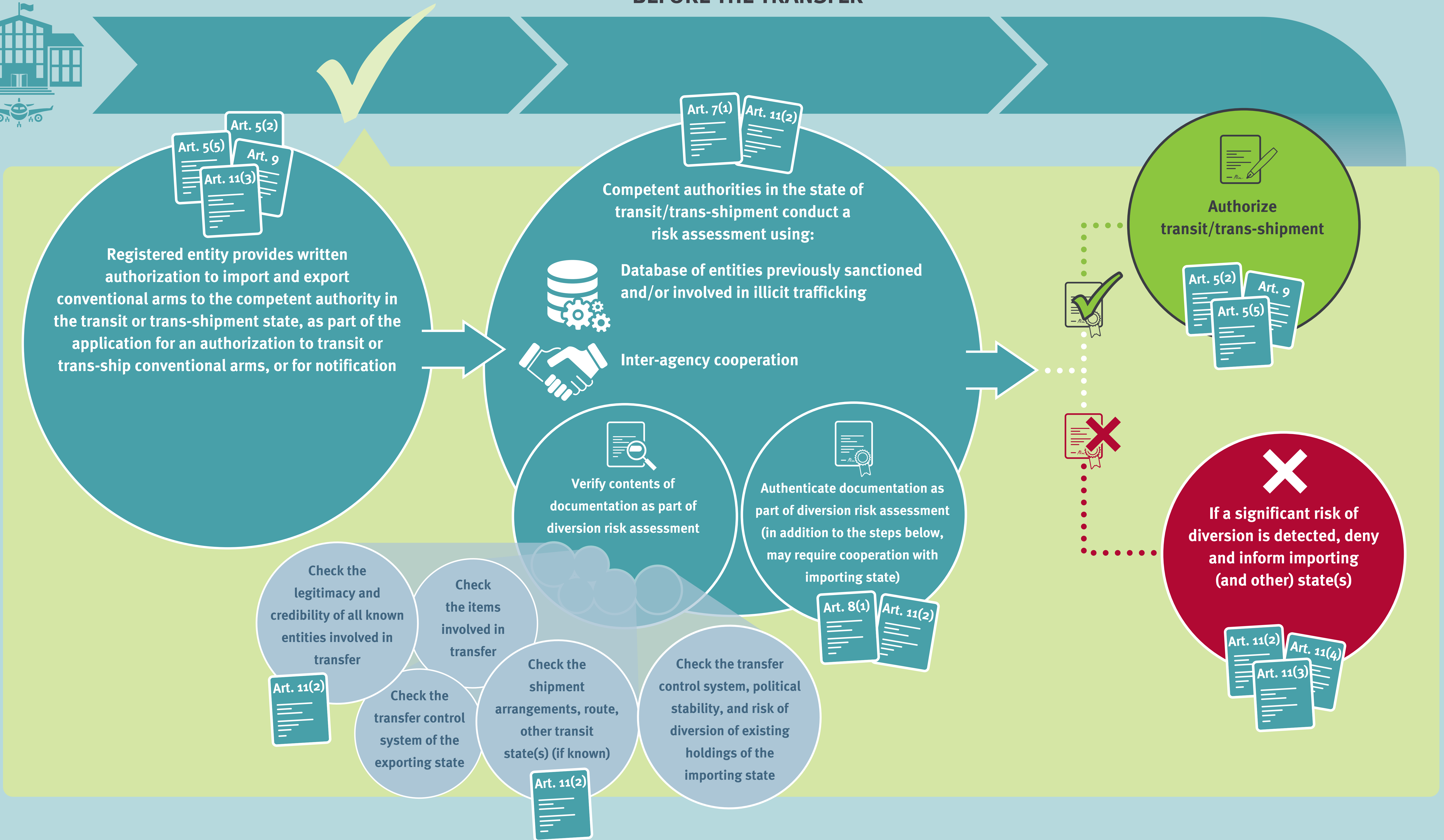
**POST-DELIVERY STORAGE**



# Actor-specific mitigation measures: trans-shipment state



## BEFORE THE TRANSFER







## DURING THE TRANSFER



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

Art. 11(3)



Monitor and protect shipment, in cooperation with industry

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



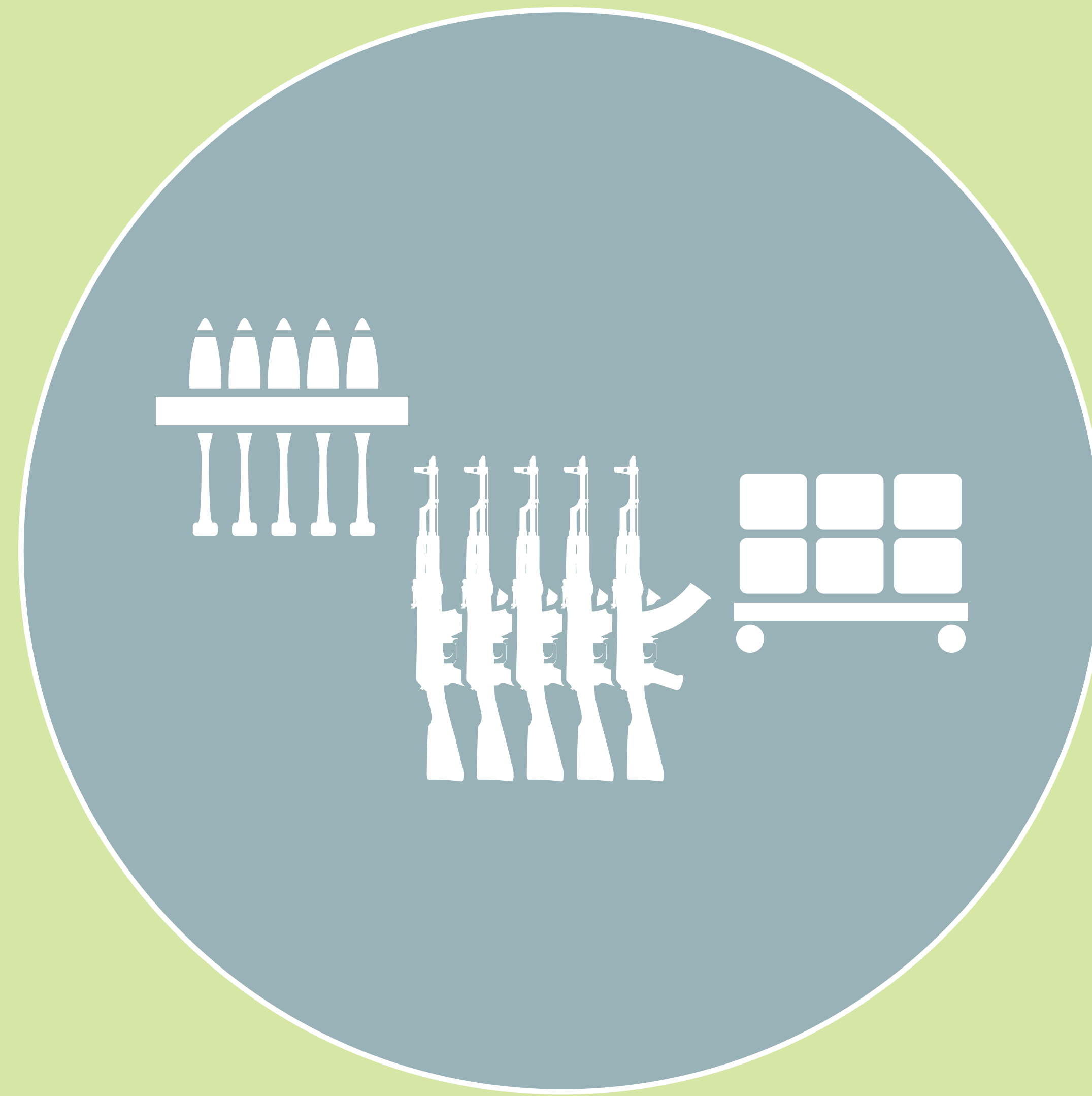
AT OR AFTER IMPORTATION



# Actor-specific mitigation measures: trans-shipment state

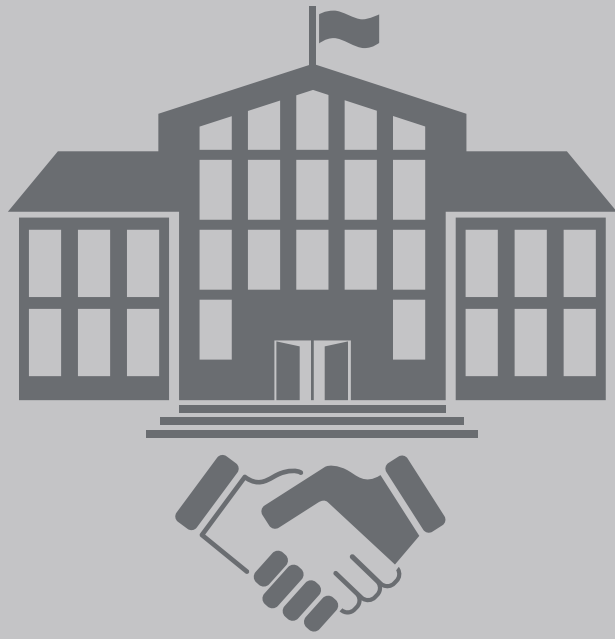


POST-DELIVERY STORAGE





# Actor-specific mitigation measures: broker/brokering



**BEFORE THE TRANSFER**



**DURING THE TRANSFER**



**AT OR AFTER IMPORTATION**

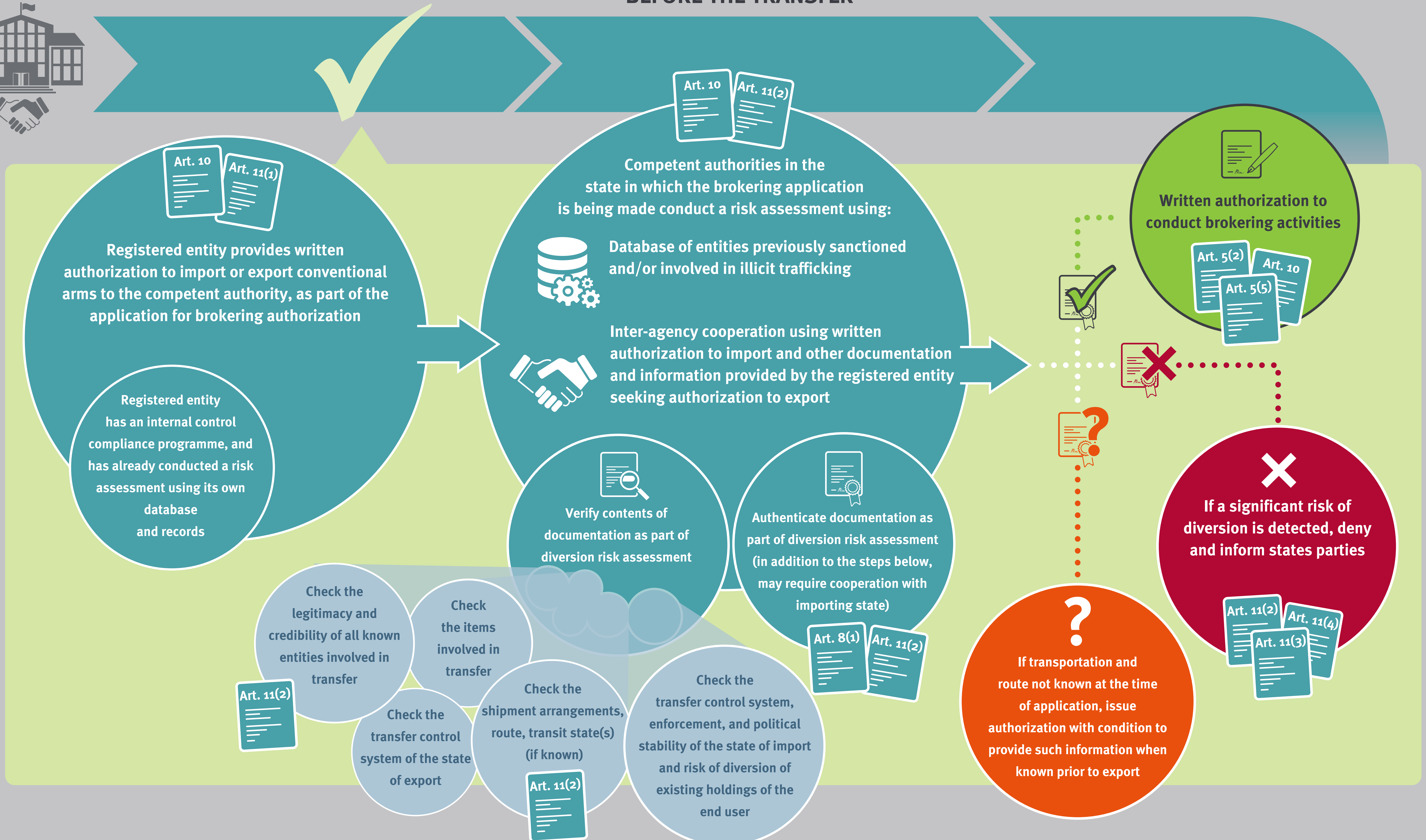
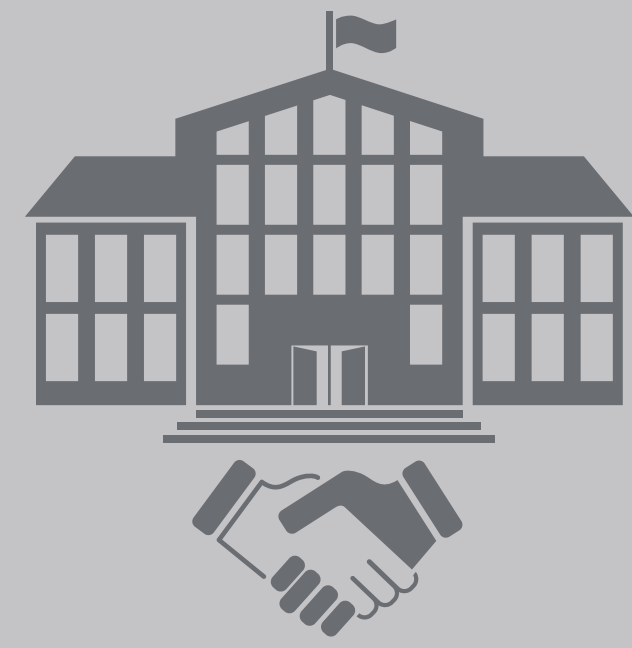


**POST-DELIVERY STORAGE**



# Actor-specific mitigation measures: broker/brokering

## BEFORE THE TRANSFER



# Actor-specific mitigation measures: broker/brokering



DURING THE TRANSFER





# Actor-specific mitigation measures: broker/brokering



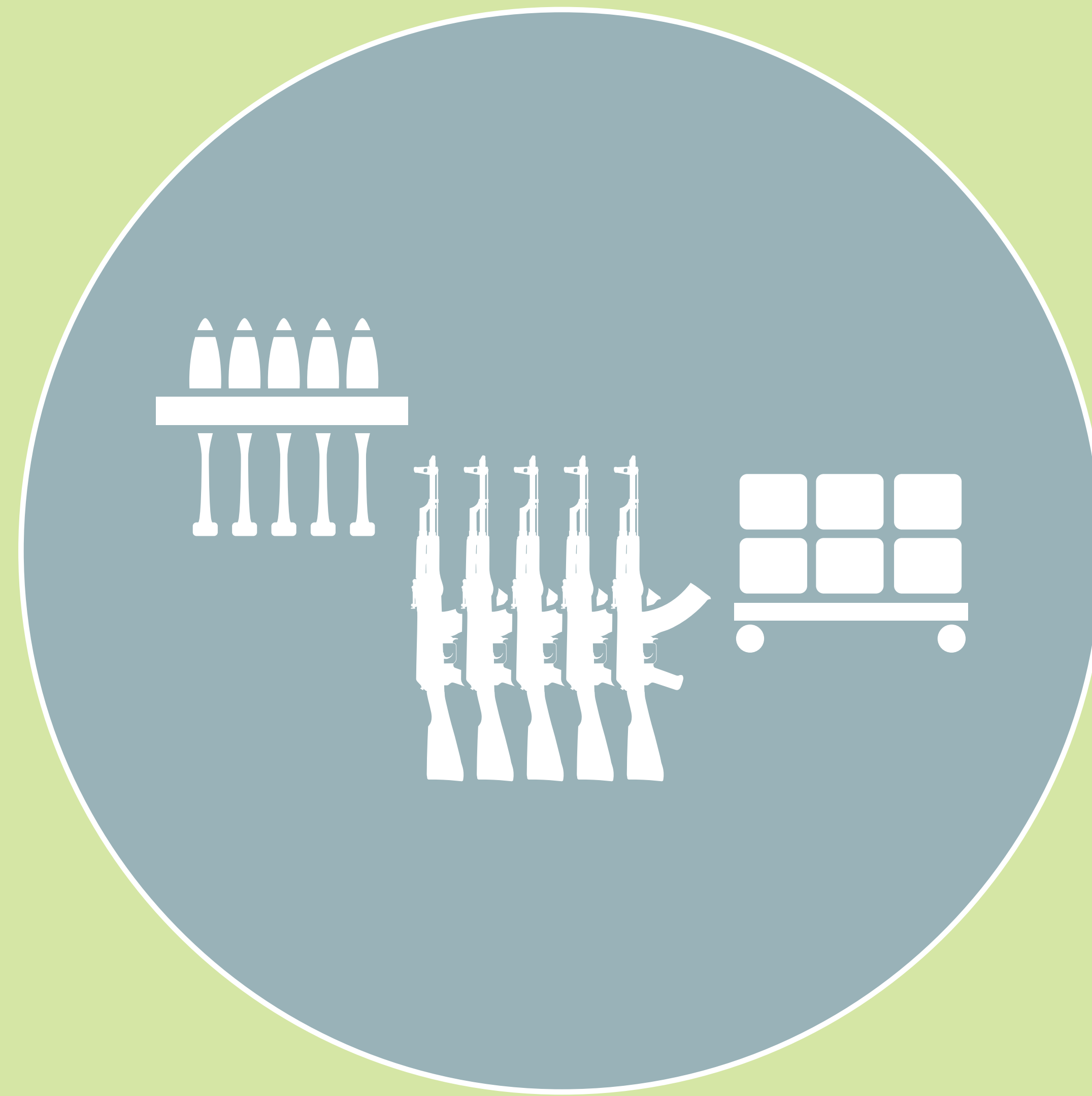
AT OR AFTER IMPORTATION



# Actor-specific mitigation measures: broker/brokering



POST-DELIVERY STORAGE



# Essential and optional elements for end use and end-user documentation

## Element

## Essential

## Optional

Parties involved in the transfer

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

- details of the intermediate consignee and final consignee.

Goods to be transferred

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

End use

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

Location

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

Document

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

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

Re-export or diversion

- an undertaking not to re-export/trans-ship at all, or at least not without notification or express permission from original exporting state's competent authorities.

Delivery verification

- provide a Delivery Verification Certificate / proof of arrival.







Ministry of Defence of the  
Republic of Alpha

# END-USER CERTIFICATE

EUC unique no.:

Period of validity:

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

**Mr Wile E. Coyote**  
ACME Arms Trading, 4 Tank Way, Capital City, CC1234 Beta  
Telephone: +1234 (0) 9876 5432  
Email: ACME@ARMSTRADE.COM

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

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

No.	Description	Quantity/weight	Value
1			
2			
3			
4			
5			
6			
7			
8			
9			

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

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

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

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

Signature of end user:

Date of issue:

Name: Mickey Mouse  
Position: Minister of Defence, Republic of Alpha  
Address: 100 Victory Avenue, Alpha City, AC6789, Alpha  
Telephone: +5678 (0) 1234 9876  
Email: MOD@gov.alpha

