



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). ■