

Best Practice Guidelines for Exports of Small Arms and Light Weapons **(SALW)**

(Agreed at the WA Plenary, December 2002)

I. Participating States of the Wassenaar Arrangement,

Having regard to the Initial Elements of the Wassenaar Arrangement; and in particular the objectives of:

- (i) greater responsibility in transfers of conventional arms;
- (ii) the prevention of destabilising accumulations of such arms; and
- (iii) the need to prevent the acquisition of conventional arms by terrorist groups and organisations, as well as by individual terrorists;

Bearing in mind the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (UNPOA), and, where appropriate, the relevant provisions of the 2000 OSCE Document and other regional initiatives that Participating States are party to,

Affirm that they apply strict national controls on the export of SALW, as well as on transfers of technology related to their design, production, testing and upgrading,

And agree that:

SALW exports will be evaluated carefully against the Wassenaar Arrangement Initial Elements and the Wassenaar document 'Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons' and any subsequent amendments thereto. In particular:

1. Each Participating State will, in considering proposed exports of SALW, take into account:
 - (a) The need to avoid destabilising accumulations of arms, bearing in mind the particular circumstances of the recipient country and its region;
 - (b) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts and details of the recipient within that country;
 - (c) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the suppression of terrorism, and 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;

- (d) 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;
 - (e) 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;
 - (f) Whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
 - (g) The legitimate domestic security needs of the recipient country;
 - (h) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations, OSCE or other relevant regional organisations with a peacekeeping mandate;
 - (i) The respect for human rights and fundamental freedoms in the recipient country;
 - (j) The risk of diversion or re-export in conditions incompatible with these Guidelines, particularly to terrorists.
2. Each Participating State will avoid issuing licences for exports of SALW where it deems that there is a clear risk that the small arms in question might:
- (a) Support or encourage terrorism;
 - (b) Threaten the national security of other States;
 - (c) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;
 - (d) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;
 - (e) 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;
 - (f) Endanger peace, create an excessive and destabilising accumulation of small arms, or otherwise contribute to regional instability;

- (g) Contrary to the aims of this document, be either re-sold (or otherwise diverted) within the recipient country, re-produced without licence, or be re-exported;
- (h) Be used for the purpose of repression;
- (i) Be used for the violation or suppression of human rights and fundamental freedoms;
- (j) Facilitate organised crime;
- (k) Be used other than for the legitimate defence and security needs of the recipient country.

Furthermore,

3. Participating States agree to ensure, as far as possible, without prejudice to the rights of States to re-export SALW that they have previously imported, that the original exporting Participating State, in accordance with bilateral agreements, will be notified before re-export/re-transfer of those weapons.
4. Participating States agree that unlicensed manufacture of foreign-origin SALW is inconsistent with these Best Practice Guidelines.
5. Participating States will take especial care when considering exports of SALW other than to governments or their authorised agents.

II. In addition, The Participating States of the Wassenaar Arrangement,

Recognising that uncontrolled flows of illicit SALW pose a serious threat to peace and security, especially in areas beset by conflicts and tensions;

And noting that poorly managed stocks of SALW, which are particularly liable to loss through theft, corruption or negligence, pose a similar threat;

Agree that:

1. Participating States will take into account, as far as possible, the stockpile management and security procedures of a potential recipient, including the recipient's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion.

2. Participating States will support the following provisions concerning small arms marking, record keeping and co-operation:

- (a) While it is for each Participating State to determine the exact nature of the marking system for SALW manufactured in or in use in its territory, Participating States agree to ensure that all small arms manufactured on their territory are marked in such a way as to enable individual small arms to be traced.

The marking should contain information which would allow, at a minimum, identification of the year and country of manufacture, the manufacturer and the small arm's serial number which is unique to each weapon. All such marks should be permanent and placed on the small arms at the point of manufacture. Participating States will also ensure, as far as possible and within their competence, that all small arms manufactured under their authority outside their territory are marked to the same standard.

- (b) Should any unmarked small arms be discovered in the course of the routine management of their current stockpiles, they will destroy them, or, if those small arms are brought into service or exported, that they will mark them beforehand with an identifying mark unique to each small arm.
- (c) Each Participating State will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms.
- (d) Participating States resolve to assist each other, on request, in their efforts to identify and trace SALW and ammunition, which have been determined as illicit by the requesting State. Such co-operation will occur on a confidential basis.

3. Further, each Participating State will:

- (a) Ensure that these principles are reflected, as appropriate, in their national legislation and/or in their national policy documents governing the export of conventional arms and related technology.
- (b) Consider assisting other Participating States in the establishment of effective national mechanisms for controlling the export of SALW.
- (c) Put in place and implement adequate laws or administrative procedures to control strictly the activities of those that engage in the brokering of SALW and ensure appropriate penalties for those who deal illegally in SALW.