

# 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 *UN Programme 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 authentication 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).

ANEXO XXXI  
 ARMAS DA REPÚBLICA  
 MINISTÉRIO DA DEFESA  
 EXÉRCITO BRASILEIRO  
 DEPARTAMENTO LOGÍSTICO  
 DIRETORIA DE FISCALIZAÇÃO DE PRODUTOS CONTROLADOS  
 CERTIFICADO DE USUÁRIO FINAL/END USER CERTIFICATE  
 Nº \_\_\_\_\_ - S3  
 AO GOVERNO / TO GOVERNMENT OF \_\_\_\_\_

1. Importador / Importer Nome/Name: Endereço/Address:	2. Exportador / Exportor Nome/Name: Endereço/Address:
3. Comprador Final / Final Purchaser Nome/Name: Endereço/Address:	4. Destinação Final / Final Destination: Data / Date:

ITEM	QUANTIDADE	DESCRIÇÃO	VALOR RS
ITEM	QUANTITY	DESCRIPTION	VALUE US\$

O Comprador final especificado no item 3, por meio de seus representantes legais, certifica que o material acima descrito, tem a destinação constante do item 4. The final purchaser named in item 3, through its legal agents, certifies that the above material will have the final destination described in item 4.  
 O Exército, por meio de seu representante legal, certifica o acima descrito/The Brazilian Army, through its legal representative, hereby certifies the above.

Brasília, DF, \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Diretor da DEFC

Annex 1  
 Enduser Certificate  
 for provisions in the Export Control Regulation  
 of the Federal Republic of Germany

Consent of the end user in the country of destination:  
 Name/Address of the supplier in the Federal Republic of Germany:  
 END-USER CERTIFICATE  
 for provisions in the Export Control Regulation  
 of the Federal Republic of Germany

In accordance with the regulations of the Federal Republic of Germany which state that **provision 1** of an individual export licence is dependent on the presentation of an end-user certificate, we certify that the goods registered by:  
 Name of the supplier:  
 Description of the goods:  
 Quantity/Weight:  
 Value (EUR):

are considered for the country of destination:  
 (country of destination)

or

are considered for the production region of:  
 which is in:  
 (country of production region)

and belong to:  
 (country of origin)

and will finally remain in:  
 (country of final destination)

We certify that we will not export the goods to third countries without the approval of the Federal Office of Economic and Export Control (BAFA) of the Federal Republic of Germany.

Place, Date: \_\_\_\_\_  
 Original signature of the end-user government official:  
 (copy to be kept in the file)

UNITED STATES OF AMERICA  
 NONTRANSFER AND USE CERTIFICATE

This certificate is submitted in connection with export authorization.

Quantity: \_\_\_\_\_  
 Article/Description: \_\_\_\_\_  
 Value (U.S. \$): \_\_\_\_\_

Signature of Official: \_\_\_\_\_  
 Name and Title of Signer: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_  
 Name and Title of Signer: \_\_\_\_\_

Sample EUCs of Brazil, Germany, and the United States.



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). ■