

‘Post-shipment On-site Inspections: Multilateral Steps for Debating and Enabling Their Adoption and Use’

Giovanna Maletta, giovanna.maletta@sipri.org

Dual-Use and Arms Trade Controls Programme, SIPRI

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SIPRI's research on post-shipment on-site inspections

POST-SHIPMENT CONTROL MEASURES: EUROPEAN APPROACHES TO ON-SITE INSPECTIONS OF EXPORTED MILITARY MATERIAL¹

ANDREA EDWARDS VAREKIO, EOLJA BROCDMANN AND
LUCILLE BROWN

1. Introduction

Dissemination of military material is one of the main issues in the international arms trade that encompasses conflict and falls crime and insecurity. Disarmament takes several paths from the legal to the illicit market, being directed to sophisticated end-users, or being used for armament and used in a variety of ways. It is a key element in the illicit arms trade, such as in transnational, drug transfer, or other export and receipt by an individual and state.² In particular, diversion of military material to unauthorized recipients can occur after an initial legal export or in violation of prescriptions in a state's export licence (ESL).³ The challenge for export states has increasingly looked at different post-shipment measures, especially on-site inspections, to ensure that exported military material remains in the possession of the authorized end user.

Non-state actors have investigated cases of diversion after shipments. For example, Ukrainian arms, military, small arms and ammunition reportedly authorized for export to Korea between 2016 and 2018 were subsequently inspected in South Korea.⁴ Likewise, a Belgian Mi-35P helicopter transported to the United Arab Emirates (UAE) in 2016 was diverted in the

SUMMARY

Post-shipment control measures are essential to ensure that exported military material remains in the possession of the authorized end user. SIPRI has developed a range of post-shipment control measures already in place. The implementation of these measures is essential to ensure that exported military material remains in the possession of the authorized end user.

POST-SHIPMENT ON-SITE INSPECTIONS OF MILITARY MATERIAL: CHALLENGES AND RESPONSES

MARK BROWLEY, EOLJA BROCDMANN AND
ANDREA EDWARDS VAREKIO*

INTRODUCTION

Post-shipment on-site inspections of military material enable a state to perform checks on exported arms after they have been delivered. They are one of a range of pre- and post-shipment controls which states can use to help prevent the diversion of exported military material to unauthorized end-users and for unauthorized use and sale.¹ In recent years, a growing number of states have adopted or expanded their use of on-site inspections, both from the United States—which has long had the most widely ranging policies and practices for on-site inspections—and post-shipment controls on least eight states have provisions that allow for their use and have carried out at least one inspection (Chad, Czechia, Germany,

Latvia, Slovakia, Slovakia, South Africa, Spain and Sweden).² In addition, Spain and Sweden have recently created new provisions for on-site inspections.³ Other states

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GOOD PRACTICE GUIDE ON POST-SHIPMENT ON-SITE INSPECTIONS OF MILITARY MATERIAL

ANDREA EDWARDS VAREKIO AND MARK BROWLEY*

INTRODUCTION

Post-shipment on-site inspections are physical inspections of military material conducted by the exporting state in the territory of the importing state. They are one of a range of measures that exporting states can adopt to prevent the diversion of exported military material by ensuring that the measures provided by the importing state relating to the authorized end user and use of the military material are upheld.

The United States started its first on-site monitoring programme and conducted post-shipment on-site inspections in 2000. Other states have also conducted post-shipment on-site inspections or have introduced measures that allow for them to take place. They include Belgium, Czechia, Germany, Latvia, Poland, Slovakia, South Africa, Spain, Sweden and Switzerland.¹ In addition, several multilateral instruments have provided guidance to ensure that exporting states can adopt measures to prevent the diversion of exported military material. These include the Arms Trade Treaty (ATT), which scheduled its first meeting to take place on 22–26 August 2014.²

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POST-SHIPMENT ON-SITE INSPECTIONS AND STOCKPILE MANAGEMENT ASSISTANCE: LEAVING GAPS

MARK BROWLEY AND GIUSEPPINA MARETTA*

INTRODUCTION

Post-shipment on-site inspections of military material are essential to ensure that exported military material remains in the possession of the authorized end user and for unauthorized use and sale.¹ In recent years, a growing number of states have adopted or expanded their use of on-site inspections, both from the United States—which has long had the most widely ranging policies and practices for on-site inspections—and post-shipment controls on least eight states have provisions that allow for their use and have carried out at least one inspection (Chad, Czechia, Germany,

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SIPRI's research on post-shipment on-site inspections

- Challenges attached to introducing, planning and conducting post-shipment on-site inspection
- Variety of national approaches
- Post-shipment on-site inspection as one of several post-shipment measures to prevent diversion
- What role for multilateral fora and the ATT specifically?



Discussing on post-shipment on-site inspections: what role for the ATT?



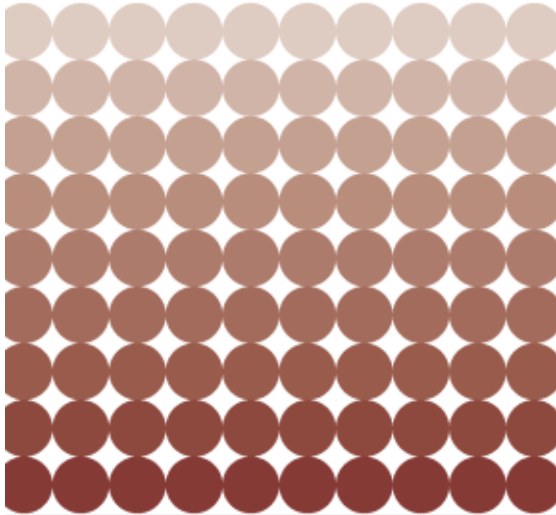
SIPRI
Policy Paper
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POST-SHIPMENT ON-SITE INSPECTIONS

Multilateral Steps for Debating and
Enabling Their Adoption and Use

MARK BROMLEY, LAURIANE HÉAU AND
GIOVANNA MALETTA

- SIPRI Policy Paper: “Post-shipment On-site Inspections: Multilateral Steps for Debating and Enabling Their Adoption and Use”
- Exploring the potential of multilateral fora to discuss issues related to on-site inspections as post-shipment control measure
- Steps and recommendations to enable such discussion: what is relevant for the ATT?



Adopt common language

- Variety of terms referring to post-shipment on-site inspections which creates confusion
- Discrepancies in meaning attached to these terms
- Need for a terminology building trust, confidence, cooperative relationships (e.g. 'in-country checks')
- Broaden language discussion to capture wide range of post-shipment control measures



Adopt common language

Non-exhaustive list of post-shipment control measures:

- Requiring and receiving delivery verification certificates (DVCs)
- Monitoring open-source media for reports of diversion.
- Collecting information through national embassies abroad on reports of diversion.
- Requiring/requesting that the exporting company report suspected or confirmed cases of diversion.
- In-country checks of some/all of the exported military materiel conducted in cooperation with the importing state.
- Joint physical security and stockpile management (PSSM) exercises conducted in cooperation with the importing state.



Information sharing about policies and practices

- Substantive exchange of views on the use and value of post-shipment on-site inspections and other post-shipment measures
 - Within Sub-working group on Article 11
 - Support from research organizations/civil society through table-top exercises
 - **Goal:** enable a more comprehensive discussion on measures available and when inspections are appropriate
- Potential role of the DIEF to share more sensitive information



Build links with PSSM

- Post-shipment on-site inspections as an opportunity to initiate a dialogue on PSSM standards
- Lesson learned from implementation of PSSM assistance
- ATT as a forum to build bridges between export control and PSSM assistance communities:
 - Building PSSM assistance measures into post-shipment control measures
 - Explore how PSSM standards can inform post-shipment control measures



Useful links:

- [SIPRI's website](#)
- [Relevant publications](#)