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South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons

The **South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons** (SEESAC) has a mandate from the United Nations Development Programme (UNDP) and the Stability Pact for South East Europe (SPSEE) to provide operational assistance, technical assistance and management information in support of the formulation and implementation of SALW co-ordination, control and reduction measures, projects and activities in order to support the Stability Pact Regional Implementation Plan, thereby contributing to enhanced regional stability and further long-term development in South Eastern Europe.

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Executive Summary

The uncontrolled proliferation and trafficking of small arms and light weapons (SALW) is a serious problem in South Eastern Europe, fuelling crime and insecurity, and undermining conflict prevention and peace-building efforts in the region. The past collapse or weakness of many state institutions in SEE has been an additional cause of instability and uncertainty in a region that has suffered successive conflicts over the last ten years. The resulting SALW proliferation and diffusion among the region's population remains a serious problem and is compounded by weak border control, organised crime and trafficking, inconsistent implementation of legislation on both arms export and possession, poor transparency on SALW issues and a lack of capacity in many countries' governments and civil society to tackle SALW issues effectively.

The situation is however improving, and the last few years have seen regional and international initiatives on SALW, such as the OSCE Small Arms Document and UN Programme of Action, which have given a valuable spur to action on SALW. A particularly relevant and region-specific initiative on SALW, the Stability Pact for South Eastern Europe's Regional Implementation Plan (RIP) Combating the Proliferation of SALW, has provided a framework for the implementation of various SALW control measures. Recognising and building on previous commitments and initiatives on SALW in a wide range of areas, the RIP was agreed in November 2001 by the countries of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Romania, and Serbia and Montenegro.

Over the last three or four years, much progress has been made. National authorities are now more aware of the relevance of SALW to their security and stability, and can more clearly see the advantages of taking positive action on the problem. In addition to governments, international organisations and agencies and non-governmental organisations (NGOs) are now more active on the issue, and a variety of activities have been undertaken to combat the proliferation of illicit SALW.

The Macedonian, Montenegrin and Serbian Governments all held weapons amnesties in 2003, and collection activities continued in Bosnia and Herzegovina and Kosovo. Thousands of surplus and collected SALW and ammunition have been destroyed, and several countries have passed new, improved legislation on SALW possession and arms production and export, including positive steps to reform practice in this area by the larger arms producers in the region, Romania and Bulgaria. Substantial progress has also been made in terms of regional co-operation on the issue of SALW, and the last two years have seen the implementation of region-wide projects on border control, legislative reform and SALW trafficking. International organisations have also improved the level of co-ordination on SALW control activities: the South Eastern European Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), established to facilitate and inform activities under the RIP framework, and the UNDP have been particularly active in helping to facilitate co-ordination and make concrete progress in terms of projects on the ground. NGOs have also linked up across the region and internationally, establishing new networks, co-operation and partnerships and undertaking capacity-building that have helped to build on the previously very limited SALW work undertaken by civil society, with the result that in 2003, local NGO-implemented SALW projects ranging from research to awareness-raising and campaigning were undertaken in every country in the region.

Two years on from the agreement of the RIP, it is an appropriate time to summarise the progress made to date by countries in the region on combating SALW problems, to initiate further discussion about steps forward and to identify needs and priorities. While

substantial progress has been achieved, much more remains to be done to effectively tackle SALW problems in South Eastern Europe. Legislative reform must continue, and efforts should be made to harmonise countries' controls more closely and introduce tighter and better-implemented controls over arms exports. Border control must be strengthened and anti-trafficking measures must be stepped up and SALW fully integrated into ongoing initiatives to combat smuggling. Further SALW destruction and improvements to stockpile security are required in order to minimise the risks of SALW seeping back into illicit circulation and to public safety. Collection should continue in the areas where this is needed and awareness-raising should be implemented to help change attitudes towards weapons possession. Civil society should be encouraged and supported to play a greater role in SALW control, and transparency should be increased to help prevent corruption and allow open discussion of SALW policies in line with democratic principles. The capacity of both regional civil society and national authorities should be strengthened to allow for more informed and effective responses to the problem, and the relationship and co-operation between them should be improved. And across the region, governments, international organisations, civil society and other actors still need to co-ordinate efforts more closely, share more information and properly integrate SALW into broader development and reform processes if action to combat the proliferation of SALW is to be successful in the long-term.

This report has therefore been undertaken with the objective of providing an overview of how the countries of South Eastern Europe have progressed towards fulfilling their commitments. The Stability Pact's RIP, as both the most inclusive, and regionally relevant, document representing governments' commitments in the area of SALW control is used as a benchmark against which to gauge countries' progress so far. The report does not represent a technical verification system or a formal inspection report – its role is to collect and present relevant information to facilitate monitoring, discussion and assessment of progress towards the implementation of the RIP. The report consists of four main sections: an introductory section; analysis of each country's progress in each of the areas of activity covered by the RIP; an overview of donor support for SALW projects in the region; a concluding section; and annexes containing relevant documents and additional information.

Funded by SEESAC, the research and writing of the report was undertaken by Saferworld, an independent non-governmental organisation based in London and working on SALW and security issues in the region and elsewhere. The contents therefore reflect an independent and objective presentation of factual information on SEE countries' responses to SALW problems within the RIP Framework based on available evidence; there has been no SEESAC influence in the research direction, formulation or contents of this report. Research for the report was conducted by Saferworld staff from December 2003 to February 2004; through their National SALW Focal Points, Governments in the region were given an opportunity to comment on the final draft of the report and thanks go to those who gave feedback and provided additional information.

Contents

Executive Summary i
Contents iii
Acronyms and abbreviations xi
1 Introduction 1
The Small Arms problem in South Eastern Europe 1
Small Arms policy and practice in South Eastern Europe 3
International and regional commitments to combat SALW 3
Sub-regional commitments to combat SALW: The Stability Pact and SEESAC 5
Regional trends and action to combat SALW 8
Monitoring progress on combating SALW: SEE SALW Monitor 9
2 Country assessments 11
Albania 13
Small Arms problem 13
Small Arms policy and practice 14
Small Arms progress 16
Legislative and regulatory issues 16
SALW transfers 19
SALW collection programmes and capacities 20
SALW destruction programmes and capacities 23
SALW stockpile management programmes and capacities 26
SALW awareness activities 27
SALW survey activities 30
Civil Society involvement in SALW interventions 30
Cross-border SALW control initiatives 31
SALW management information and exchange systems and protocols 32
Additional SALW-related activities 33
Bosnia and Herzegovina 35
Small Arms problem 35
Small Arms policy and practice 37
Governance structures and the international community 37

Government SALW policy 38
Production 39
Small Arms progress 41
Legislative and regulatory issues 41
SALW transfers 45
SALW collection programmes and capacities 47
SALW destruction programmes and capacities 52
SALW stockpile management programmes and capacities 54
SALW awareness activities 55
SALW survey activities 57
Civil Society involvement in SALW interventions 57
Cross-border SALW control initiatives 58
SALW management information and exchange systems and protocols 60
Bulgaria 63
Small arms problem 63
Small arms policy and practice 65
Small Arms progress 68
Legislative and regulatory issues 68
SALW transfers 71
SALW collection programmes and capacities 72
SALW destruction programmes and capacities 72
SALW stockpile management programmes and capacities 74
SALW awareness activities 74
SALW survey activities 75
Civil Society involvement in SALW interventions 76
Cross-border SALW control initiatives 77
SALW management information and exchange systems and protocols 78
Additional SALW-related activities 78
Croatia 81
Small Arms problem 81
Small Arms policy and practice 82
Production 83

Government SALW policy 84
Small Arms progress 86
Legislative and regulatory issues 86
SALW transfers 90
SALW collection programmes and capacities 91
SALW destruction programmes and capacities 93
SALW stockpile management programmes and capacities 94
SALW awareness activities 95
SALW survey activities 96
Civil Society involvement in SALW interventions 96
Cross-border SALW control initiatives 97
SALW management information and exchange systems and protocols 99
Macedonia 101
Small Arms problem 101
Background 101
The current situation 102
SALW proliferation 103
SALW-related crime 105
Small Arms policy and practice 106
Government policy and the international community 106
Government SALW policy 108
SALW production 109
Small Arms progress 110
Legislative and regulatory issues 110
SALW transfers 116
SALW collection programmes and capacities 116
SALW destruction programmes and capacities 120
SALW stockpile management programmes and capacities 121
SALW awareness activities 122
SALW survey activities 124
Civil Society involvement in SALW interventions 125
Cross-border SALW control initiatives 126

SALW management information and exchange systems and protocols 128
Moldova 131
Small Arms problem 131
Small Arms policy and practice 133
Small Arms progress 135
Legislative and regulatory issues 135
SALW transfers 138
SALW collection programmes and capacities 139
SALW destruction programmes and capacities 139
SALW stockpile management programmes and capacities 140
SALW awareness activities 140
SALW survey activities 141
Civil Society involvement in SALW interventions 141
Cross-border SALW control initiatives 141
SALW management information and exchange systems and protocols 142
Romania 145
Small Arms problem 145
Small Arms policy and practice 146
Small Arms progress 149
Legislative and regulatory issues 149
SALW transfers 153
SALW collection programmes and capacities 154
SALW destruction programmes and capacities 154
SALW stockpile management programmes and capacities 155
SALW awareness activities 156
SALW survey activities 156
Civil Society involvement in SALW interventions 156
Cross-border SALW control initiatives 157
SALW management information and exchange systems and protocols 159
Serbia and Montenegro
(including the internationally-administered entity of Kosovo) 163
Small Arms problem 163
Background 163

The current situation 164
Republic of Montenegro 164
Republic of Serbia 165
The Entity of Kosovo 167
SALW proliferation 169
Republic of Montenegro 169
Republic of Serbia 171
The Entity of Kosovo 172
SALW-related crime 174
Republic of Montenegro 175
Republic of Serbia 175
The Entity of Kosovo 176
Small Arms policy and practice 176
Government policy and the international community 176
State Union of Serbia and Montenegro 176
Republic of Montenegro 178
Republic of Serbia 178
The Entity of Kosovo 178
Government SALW policy 179
SALW production 180
Small Arms progress 183
Legislative and regulatory issues 183
Republic of Montenegro 184
Republic of Serbia 184
The Entity of Kosovo 184
SALW transfers 188
Republic of Montenegro 188
Republic of Serbia 189
The Entity of Kosovo 191
SALW collection programmes and capacities 192
Republic of Montenegro 192
Republic of Serbia 193

The Entity of Kosovo 195
SALW destruction programmes and capacities 197
State Union-level destruction 198
Republic of Montenegro 199
Republic of Serbia 200
The Entity of Kosovo 202
SALW stockpile management programmes and capacities 203
State Union of Serbia and Montenegro 203
Republic of Montenegro 203
Republic of Serbia 203
The Entity of Kosovo 204
SALW awareness activities 204
Republic of Montenegro 204
Republic of Serbia 205
The Entity of Kosovo 206
SALW survey activities 209
Republic of Montenegro 209
Republic of Serbia 209
The Entity of Kosovo 209
Civil Society involvement in SALW interventions 209
Republic of Montenegro 210
Republic of Serbia 210
The Entity of Kosovo 211
Cross-border SALW control initiatives 212
SALW management information and exchange systems and protocols .213
3 SALW project funding in SEE 215
Legislative and regulatory issues 215
SALW exports and trafficking and cross-border SALW control initiatives 215
SALW collection programmes 216
SALW destruction programmes 217
SALW stockpile management programmes 218
SALW awareness activities 219

SALW survey activities 220
Civil Society involvement in SALW interventions 220
SALW management information and exchange systems and protocols 222
4 Regional overview and conclusion 223
Regional overview 223
Legislative and regulatory issues 223
SALW transfers 223
SALW collection programmes and capacities 224
SALW destruction programmes and capacities 225
SALW stockpile management programmes and practices 226
SALW awareness activities 226
SALW survey activities 226
Civil Society involvement in SALW interventions 227
Cross-border SALW control initiatives 228
SALW management information and exchange systems and protocols 228
Integration of SALW into broader justice and development programmes 229
Conclusion 230
Annex A (Informative) Terms and definitions 233
Annex B (Informative) Stability Pact Regional Implementation Plan 235
Annex C (Informative) SECI SALW Task Force 'Operation Ploughshares' Seizure Report 249
Annex D (Informative) Conclusions of the SEESAC Arms Law Roundtable, 2003 253
Annex E (Informative) Ohrid Common Platform 255
Annex F (Informative) Ohrid Way Forward Document 261
Annex G (Informative) Szeged Call for Action 275
Annex H (Informative) Legislative and regulatory framework 277

Acronyms and abbreviations

ABB	Army Border Brigades (Macedonia)
ADI	Association for Democratic Initiatives
AME	arms and military equipment
ANA	Albanian National Army
ANCEX	Romanian National Agency on Export Control
AR	awareness-raising
ASDIT	Ammunition Storage and Disposal Implementation Team (NATO Albania)
AWJF	Albanian Women Journalists Forum
BCP	Border Check Point
BCPR	Bureau for Crisis Prevention and Recovery (UNDP)
BGT	Border Guard Troops
BICC	Bonn International Center for Conversion
BiH	Bosnia and Herzegovina
BSEC	Black Sea Economic Co-operation Organisation
BYU	Balkan Youth Union
CARDS (EU)	Community Assistance for Reconstruction, Development and Stabilisation Programme
CBC	cross border cooperation
CBP	community-based policing
CEI	Central European Initiative
CIDA	Canadian International Development Agency
CIVPOL	civilian police
CJPOTF	Combined Joint Psychological Operations Task Force
CPA	Civil Protection Authority
CSD	Center for the Study of Democracy
CSMRB	Central Base for Storage and Technical Maintenance and Repair
CSS	Centre for Security Studies (BiH)
DEPC	disarmament education and peaceful culture
DfiD	Department for International Development
DOS	Democratic Opposition of Serbia
DUI	Democratic Union for Integration
EAPC	Euro-Atlantic Partnership Council
EAR	European Agency for Reconstruction
EOD	Explosive Ordnance Disposal
EODASTT	Explosive Ordnance Disposal and Ammunition Support Training Team (NATO Albania)
EU	European Union

EUC	end-user certificate
EUMM	European Union Monitoring Mission
EUPM	European Union Police Mission
EURISC	European Institute for Risk Security and Communications Management
Europol	European Police Office
EXBS	US Export Control and Related Border Security programme
FBI	Federal Bureau of Investigation
FIQ	Forum for Civic Initiatives
FRY	Federal Republic of Yugoslavia
GD	government decision
GO	government ordnance
GPP	Gramsh Pilot Project
GSZ	Ground Safety Zone
HDZ	Croatian Democratic Union
IANSA	International Action Network on Small Arms
ICITAP	International Criminal Investigative Assistance Training Program
ICG	International Crisis Group
IDP	internally displaced person
IDSCS	Institute for Democracy, Solidarity, and Civil Society
IFOR	Implementation Force (NATO)
IIC	international import certificate
IOM	International Organization for Migration
IPP	Institute for Public Policy
ISAC	Illicit Small Arms Control (UNDP Kosovo)
ISSEE	International School of Search and Explosive Engineering
IWETS	Interpol Weapons and Explosives Tracing System
IWPR	Institute for War and Peace Reporting
JCWE	Journalists for Children and Women Rights and Protection of the Environment
JNA	Yugoslav National Army
KFOR	Kosovo Force (NATO)
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
LCEFA	Law for Control on Explosives, Firearms and Ammunition
MEP	multi-ethnic police
MFA	Ministry of Foreign Affairs
MFTER	Ministry of Foreign Trade and Economic Relations
MNB	multi-national brigade

MoD	Ministry of Defence
MoE	Ministry of Economy
MoI	Ministry of the Interior / Internal Affairs
MoPO	Ministry of Public Order
MoU	Memorandum of Understanding
MTR	Moldovan Transdniestrian Republic
NAMSA	NATO Maintenance and Supply Agency
NATO	North Atlantic Treaty Organisation
NCIS	National Criminal Intelligence Service (UK)
NDC	National Demilitarization Centre (Albania)
NGO	non-governmental organisation
NISAT	Norwegian Initiative on Small Arms Transfers
NLA	National Liberation Army
OGRF	Operative Group of Russian Forces
OHR	Office of the High Representative of Bosnia and Herzegovina
OSCE	Organization for Security and Co-operation in Europe
PoA	Programme of Action (UN)
PAI	public awareness and information
PfP	Partnership for Peace
PISG	Provisional Institution of Self-Government (Kosovo)
PPD	Albanian Party for Democratic Prosperity
RACVIAC	Regional Arms Control and Verification Implementation Assistance Centre
RBP	Romanian Border Police
RIP	Regional Implementation Plan
RMDS	Regional Micro-Disarmament Standards and Guidelines
RS	Republika Srpska (BiH)
RSG	Regional Steering Group
SACIM	Small Arms Control in Macedonia
SALW	Small Arms and Light Weapons
SALWC	Small Arms and Light Weapons Control
SALWCP	Small Arms and Light Weapons Control Project
SAP	stabilisation and association process
SAS	Small Arms Survey
SASP	SALW Awareness Support Pack
SBS	State Border Service (BiH)
SCG	State Union of Serbia and Montenegro
SDSM	Social Democratic Union of Macedonia
SECI	Southeast European Cooperative Initiative
SEE	South Eastern Europe

SEEBRIG	South Eastern Europe Brigade
SEESAC	South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SEPCA	Southeast Europe Police Chiefs Association
SFOR	Stabilisation Force (NATO Bosnia and Herzegovina)
SFRY	Socialist Federal Republic of Yugoslavia
SIPA	State Information and Protection Agency (BiH)
SMMRI	Strategic Marketing and Media Research Institute
SSAP	Szeged Small Arms Process
SSSR	Support to Security Sector Reform
TACIS	EU Technical Assistance to Eastern Europe and Central Asia programme
TRACECA	Transport Corridor Europe-Caucasus-Asia
UCPMB	Army of Presevo, Medvedja and Bujanovac
UN	United Nations
UN DDA	United Nations Department for Disarmament Affairs
UNDP	United Nations Development Programme
UNHCR	UN High Commissioner for Refugees
UNIFEM	United Nations Development Fund for Women
UNMIBH	UN Mission in Bosnia and Herzegovina
UNMIK	UN Mission in Kosovo
UNSC	United Nations Security Council
UNTAES	United Nations Transitional Administration in Eastern Slavonia
USAID	US Agency for International Development
UXO	unexploded ordnance
VJ	Yugoslav National Army
VSCG	Serbian and Montenegrin MoD and state army
WA	Wassenaar Arrangement
WAC	weapons authorisation card
WCD	Weapons in Competition for Development
WfD	Weapons for Development
WED	Weapons in Exchange for Development
WEI	Weapons in Exchange for Incentives
WSS	Weapons Storage Sites

Introduction

The Small Arms problem in South Eastern Europe

The uncontrolled proliferation and trafficking of small arms and light weapons (SALW) is a serious problem in South Eastern Europe (SEE),[1] fuelling crime and insecurity, and undermining conflict prevention and peace-building efforts in the region. The past collapse or weakness of many state institutions in SEE has been an additional cause of instability and uncertainty in a region that has suffered successive conflicts over the last ten years. The result has been high levels of SALW proliferation and a widely-perceived need among many communities in the region to retain SALW for personal security in the context of recent instability and violence. Although there have been various efforts to collect SALW following the end of the conflicts, some more successful than others, SALW proliferation and diffusion among the region's population remains a serious problem, and 'the tools of violence – guns, ammunition and explosives – are still easily available on regional markets'.[2]

Although less of a concern in countries such as Bulgaria and Romania, which remained outside of the instability and conflicts affecting much of the region, the inter-group conflict associated with the break-up of the former Yugoslavia seriously damaged public confidence in law enforcement agencies in many countries of the region. Confidence in state security providers has in general been eroded by widespread corruption and the limited capacity of police to effectively stem high crime levels, illegal weapons possession and the illicit transfer of SALW and other contraband in the region. A lack of trust in the official providers of security inevitably fosters the need, or perception of need, to retain weapons for personal protection, thus providing justification for continued possession of arms in a post-conflict environment, a tendency particularly apparent in mixed ethnicity and border areas. Alongside this tendency, the emergence of modern 'gang' gun cultures is also apparent, with many commentators agreeing that traditional 'gun culture' has in many cases now developed into a culture of violence, particularly in the Western Balkans.[3]

Although public campaigns have supported SALW collection efforts in several SEE countries – and these should be welcomed – in most countries no long-term sustained efforts have been made to change public attitudes to guns and gun ownership, and to raise awareness of their potential dangers. Effective implementation of firearms possession legislation, and in many cases the strengthening of legislation, is also needed in SEE, both to reduce the number of illegal weapons in circulation and to instil norms of responsible behaviour towards firearms.

The recent period of secession and transition in much of SEE seriously damaged and reduced administrative and law enforcement control, leading to a steep rise in organised

1 The countries covered by this report are those participating in the Stability Pact for South Eastern Europe's Regional Implementation Plan 'Combating the Proliferation of Small Arms and Light Weapons': Albania, Bosnia and Herzegovina , Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia (hereafter 'Macedonia'), Moldova, Romania and the State Union of Serbia and Montenegro, including the internationally-administered entity of Kosovo.

2 'Global Disarmament, Demilitarization and Demobilization – BICC Conversion Survey 2002' (hereafter 'BICC Conversion Survey 2002'), Bonn International Center for Conversion (BICC), 2002, p 141.

3 See discussion in 'Gun culture' section, 'Macedonia: Guns, policing and ethnic division', Anna Matveeva with Duncan Hiscock, Wolf-Christian Paes and Hans Risser, Saferworld/BICC, October 2003, pp 38–42.

crime[4] and the 'emergence and consolidation of a strong black market and networks of trafficking routes across the Balkans'.[5] Although the demand within the region for arms has decreased as conflict has abated, the illegal weapons trade remains a significant problem. The activities of established criminal networks and the lack of strict arms export controls has resulted in weapons being trafficked across the region, and also further afield to Western Europe and beyond, including cases of weapons trafficking to countries under UN arms embargoes and to terrorist groups.[6] Such activities are indicative of the often poor, or poorly implemented, legislative and regulatory controls on arms production and export. This is an area that requires far greater attention and improvement in the coming years.

Compounding the situation are the challenges posed by porous borders and weak controls, failings that are exploited by transnational organised criminal groups. Effective border control is prevented by problems with co-operation and exchange of information. These exist not only between countries of the region, but also often at the national level between different departments or agencies, with confused and slow mechanisms being typical of national governments in SEE.[7]

In addition to modernising and strengthening border control, governments in the region are also dealing with the challenge of restructuring military and police forces. Many countries in SEE have military structures no longer relevant for current security needs, as well as substantial stockpiles of now outdated weaponry and ammunition – stockpiles which will continue to grow as military downsizing progresses. Consequently, destruction is a key challenge in SEE, and one that remains to be addressed fully. Despite progress so far, storage of weaponry and ammunition in many cases falls below international standards, compromising both safety and security, with the risk that weapons and ammunition might enter into circulation on the black market.

On the issue of stockpile security, as with many other SALW-related areas, very little information is publicly available and transparency on SALW in the region is in general poor, though improving. In only very limited cases is there parliamentary oversight of and input into SALW policy and decision-making, and the publication of official information on the issue is extremely limited, usually to current SALW control measures such as collection initiatives. Although non-governmental organisations (NGOs) have become more involved in work on SALW issues in recent years, there still a wide gap between civil society and government on arms and security issues.

The capacity of SEE governments and civil society to work on SALW is in general relatively low, with many actors poorly equipped to tackle problems effectively and implement

4 The FBI believes that organised crime in the Balkans, as well as Central and Eastern Europe and the former Soviet Union, is expanding and will continue to do so; concerns are such that the FBI has established a Balkan Organised Crime initiative. 'FBI weighs in on Balkan organised crime', Daily Media Review, 22 – 23 November 2003, www.seesac.org.

5 'Cross-border trafficking in South Eastern Europe – assessing trafficking activities in the Southern Adriatic region', EastWest Institute, SEESAC APD 17, September 2003, p 9.

6 Reports on the supply of weaponry to Iraq, as well as possible diversions of Romanian weaponry to the Democratic Republic of Congo, and to ETA and the Real IRA from the region are detailed below in the country chapters. As Jane's notes, for groups such as the IRA the countries of the former Yugoslavia have been seen as a 'promising market': 'as a result of the recent civil wars, there is a flourishing black market in military hardware and it is possible to buy almost anything a paramilitary group would need, including handguns, assault rifles, explosives, heavy machine guns and anti-tank weapons'. 'Real IRA arms purchasing in Croatia indicates a change of tactics', Jane's Terrorism and Security Monitor, 23 August 2003, www.janes.com.

7 'Inter-agency cooperation at the Croatian, BiH and Montenegrin borders in the region [South Adriatic], especially operating procedures and competencies of the individual agencies, is based upon numerous regulations, agreements, memoranda of understanding and other documents. However in reality inter-agency co-operation both on intra-state and inter-state levels is still hampered by unclear dividing lines between competencies of different agencies and within their subordinate elements and missing legislation, treaties, protocols agreement, etc. This is compounded by individual tensions over salary differences, war grievances, and various levels of corruption in the ranks and has created a system where inter-agency and cross-border cooperation is possible, but not systematic.' Op cit, SEESAC APD 17, p 2.

successful projects. Much remains to be done to build capacity, and the international community needs to act in a more co-ordinated and comprehensive manner, with long-term goals in mind, in order to help provide SEE countries with the skills and resources needed to combat the multiple problems posed by illicit SALW proliferation. Despite the significant resources invested by international donors and institutions towards stabilising the situation in South Eastern Europe, if left unchallenged, problems related to SALW are likely to continue to pose a serious constraint to economic and social development and peace-building.

Small Arms policy and practice in South Eastern Europe

The conflict surrounding the break-up of the former Yugoslavia, the 1997 crisis in Albania and the region's general move towards integration in Euro-Atlantic structures has resulted in high levels of international input and activity in SEE, particularly in Bosnia and Herzegovina and Kosovo. Aid from international donors has significantly assisted post-conflict recovery across the region. In addition, all countries in the region aspire to join the European Union (EU) and North Atlantic Treaty Organisation (NATO), and a number of reforms are being taken in various areas to meet accession requirements.

These moves are equally relevant to SALW policy and practice. All states will have to deal with the problems of SALW proliferation, trafficking, destruction and production and export practices before EU and NATO membership will be possible. While several SEE states have taken independent and very positive steps towards greater SALW control, international and EU policy and standards on SALW are crucially relevant to national SALW policy and practice. SEE countries have been eager to prove themselves in this context and have made commitments to a number of documents and agreements on SALW that should now help to determine their action on the issue.

International and regional commitments to combat SALW

Several important regional and international agreements and initiatives have helped to encourage and facilitate action on SALW. By providing policy frameworks and guidance for governments and international agencies, these have highlighted problems, established priorities and in some cases provided practical support to assist implementation. A summary of the agreements and documents that have helped influence the SALW policy agenda in South Eastern Europe is given below (in chronological order).[8]

The Wassenaar Arrangement On Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) is an international regime established in 1995. It seeks to prevent destabilising accumulations of weaponry through its formal process of transparency and consultation, and its participants have agreed to use their national

8 These summaries of international documents, with the exception of the Stability Pact RIP, have been largely drawn from the more detailed overviews given in 'Arms production, exports and decision-making in Central and Eastern Europe', Bernardo Mariani and Chrissie Hirst, Saferworld 2002, p 6.

policies to control the items and technologies contained in the WA lists of Dual-Use Goods and Technologies and Munitions.[9]

In June 1998 the European Union Code of Conduct on Arms Exports was agreed. The Code lists a set of criteria to guide decisions on whether to grant or refuse export licence applications, and includes the agreement of a groundbreaking denial notification system. EU member states are directly bound by this political undertaking, which also applies to SALW, and are full members of its operational mechanisms; in the five years since its agreement, the code has come to be seen as the most progressive and effective regional transfer control regime. The December 1998 Joint Action on the EU's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons builds on the Code of Conduct and takes a regional and incremental approach to dealing with the problems posed by proliferation. All EU associate countries have formally aligned themselves with the Code and Joint Action, including Romania, Bulgaria and Croatia.

In November 2000, Organization for Security and Co-operation in Europe (OSCE) states, including the countries of SEE, adopted the OSCE Document on Small Arms and Light Weapons, which outlines strict standards and measures aimed at fostering responsible behaviour towards the transfer of small arms, including provisions on regional co-operation and commitments to combating illicit trafficking and confidential information exchange.[10] Complementing the Small Arms Document, in December 2003 OSCE states agreed a second document, the OSCE Document on Stockpiles of Conventional Ammunition, which deals with risks arising from surplus stockpiles of conventional ammunition, explosive material and detonating devices and offers practical mechanisms for national capacities and assistance.[11]

A supplement to the Convention against Transnational Organised Crime, the Protocol Against the Illicit Manufacturing of and trafficking in Firearms, Ammunition and Other Related Materials (also known as the 'Firearms Protocol') was adopted by the UN General Assembly in March 2001 and will enter into force when a threshold number of countries (40) have ratified, accepted, approved or acceded to the Protocol. The Firearms Protocol contains practical, tools-based measures such as agreements on marking, record-keeping and tracing firearms and on the import, export and transit of firearms, designed to assist law enforcement communities, enhancing international co-operation and promoting greater transparency in legal transfers of firearms. Of the SEE countries, only Romania and Bulgaria have ratified the Protocol to date.

The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects resulted from the UN July 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects and is now seen as the major international framework for tackling SALW proliferation and misuse. The UN Programme of Action (PoA) includes a range of voluntary national, regional and global measures to prevent, combat and eradicate the illicit trade in small arms and light weapons. National measures include the introduction of legislation to: control the production, storage, export and transit of SALW; ensure marking and tracing of SALW;

9 At a meeting 11 – 12 December 2003, the WA adopted 'Best Practice Guidelines for Exports of SALW', which include non-binding criteria for exports of SALW.

10 In December 2003, the OSCE launched 'The Handbook of Best Practices on SALW', a new set of guidelines which has been developed by the Forum for Security and Co-operation.

11 'New OSCE document tackles risks from ammunition', Feature Story, www.osce.org, referenced 09 November 2003.

control the licensing of manufacturers; and criminalise illicit SALW-related activities. Regional measures include establishing regional information-sharing mechanisms and co-operation between law enforcement agencies. Global measures include: the effective implementation of UN arms embargoes; encouragement of disarmament; strengthening of global tracing and policing mechanisms; and co-operation with civil society. All SEE states attended the Conference, and most reported on PoA implementation to the subsequent Biennial Meeting of States in 2003 to review progress so far.

Sub-regional commitments to combat SALW: The Stability Pact and SEESAC

In November 2001, a more specific, regionally-focused document was adopted by the Stability Pact for South Eastern Europe. The Regional Implementation Plan (RIP), 'Combating the Proliferation of Small Arms and Light Weapons' was developed on the basis of discussions at various regional fora, including a meeting of the Szeged Small Arms Process (SSAP). An informal process which assists governments, civil society and international organisations to discuss and develop practical projects aimed at combating the proliferation and misuse of SALW across the South Eastern Europe region, the SSAP provided for discussion and awareness-raising on SALW among decision-makers before the advent of the Stability Pact RIP, and a useful forum for its development. Established at a meeting in Szeged, Hungary in 2000, three regional meetings of the SSAP have been held to date (Szeged I and II in Szeged in 2000 and 2001, and Szeged III in Belgrade in 2002) with the support of Saferworld, and a variety of meetings, activities and research have been undertaken within the SSAP Framework. Since being approached in 2001 to provide input, the SSAP has focused on supporting the RIP's implementation and has also seconded two participants to work for a year as NGO Co-ordinator/SALW Awareness Facilitator within SEESAC.[12]

The Stability Pact's Regional Implementation Plan was agreed by the South East European Stability Pact states in November 2001,[13] with the broad aims of stopping the flow and availability of SALW in the region, consolidating achievements so far, and thereby supporting the socio-economic conditions for peace and development. The countries included within the RIP framework are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Moldova, Romania and Serbia and Montenegro. Designed to take the development of various international agreements and initiatives a step further by providing both a specific sub-regional framework for action, and the regional mechanisms and the donor resources required for comprehensive implementation, the RIP does not seek to compete with or contradict existing agreements and arrangements but to build upon them in the most practical way possible. Recognising and combining commitments outlined in various other documents on all major aspects of SALW control – including export/import and domestic legislation, regulation, policing and border control, awareness-raising, stockpile management and destruction, collection – in a coherent and regionally-specific manner, the RIP provides a baseline assessment of South East European countries' commitments to change. At its core, the RIP seeks to enhance regional co-

12 Applying from the organisations active in the SSAP, secondees have been selected by the SSAP Steering Committee and SEESAC Team Leader, with both secondments to date from Saferworld.

13 The full text of the RIP is included in Annex 5.1 of this report.

operation in the critical area of addressing the negative impact of SALW proliferation in South Eastern Europe, providing both information-sharing and local standard-setting geared towards direct project formulation and implementation.

In contrast to many other arms control agreements, the RIP provides concrete mechanisms for assisting countries' implementation of commitments and involving those governments in priority-setting and decision-making on region-wide efforts, thus providing the maximum potential 'buy-in' of the relevant SALW-control agreements. The participation of countries of the region is organised through the Regional Steering Group (RSG), consisting of national SALW focal points or representatives of all governments involved, and observers from key organisations or agencies (such as the Stabilisation Force in Bosnia and Herzegovina (SFOR), the UN Mission in Kosovo (UNMIK), etc). Meeting on a semi-annual basis, the RSG acts as a regional governmental forum for progress on the Plan and oversees the work of the 'clearinghouse' that was set up to provide additional practical assistance for governments. To date, three meetings of the Stability Pact's Regional Steering Group have been held, hosted by Macedonia, Albania and Croatia respectively.

The South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) was established in May 2002 in order to facilitate and inform activities under the framework of the Plan. SEESAC is a joint project of the Stability Pact and United Nations Development Programme (UNDP), based in Belgrade, with a mandate to offer technical support, guidance and information on best practice on the various areas of SALW control to implementers in the region. SEESAC also has a budget for seed funding or support of smaller micro-disarmament projects.

The May 2002 launch of SEESAC was accompanied by a ceremonial weapons destruction in front of Belgrade's town hall.

Table 1 – SEE countries' commitments to arms or SALW control agreements

Country / Arms or SALW Control Agreement	Albania	Bosnia and Herzegovina	Bulgaria	Croatia	Macedonia	Moldova	Romania	Serbia and Montenegro (formerly FRY)
Stability Pact Regional Implementation Plan	November 2001	November 2001	November 2001	November 2001	November 2001	November 2001	November 2001	November 2001
UN Programme of Action	July 2001	July 2001	July 2001	July 2001	July 2001	July 2001	July 2001	July 2001
UN Firearms Protocol	-	-	August 2002	-	-	-	February 2004	-
OSCE Document on Small Arms	November 2000	November 2000	November 2000	November 2000	November 2000	November 2000	November 2000	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003	December 2003	December 2003	December 2003	December 2003	December 2003	December 2003	December 2003
EU Code of Conduct	-	January 2003[14]	August 1998	2001[15]	-	-	July 1998	-
EU Joint Action on SALW	-	-	December 1998	-	-	-	December 1998	-
Wassenaar Arrangement	-	-	July 1996	-	-	-	April 1996	-

14 The Code was incorporated into domestic legislation in 2003, see Section 2 – Bosnia and Herzegovina below.

15 Croatian representatives to the UN announced in July 2001 and October 2002 that the Government has taken the decision to apply the EU Code's Criteria in advance of its EU accession; see Section 2 – Croatia below.

Regional trends and action to combat SALW

The regional and international initiatives on SALW in the last few years have given a valuable spur to action in South Eastern Europe. The discussion fora and momentum provided by the OSCE and Szeged Small Arms Process, and the subsequent agreement of the RIP and establishment of SEESAC, greatly assisted both the development of political will amongst governments, and the prioritisation of SALW by international organisations active in the region. High-level international agreements on SALW, such as the UN PoA, have supported this progress and helped to encourage donor support for projects. As a result SALW-related problems have received increased attention from regional policy- and decision-makers.

National authorities are now more aware of the relevance of SALW to their security and stability, and can more clearly see the advantages of taking positive action on the problem. The Macedonian, Montenegrin and Serbian Governments all held weapons amnesties in 2003, and collection activities continued in Bosnia and Herzegovina and Kosovo. Thousands of surplus and collected SALW were destroyed and several countries passed new, improved legislation and systems for SALW possession and arms production and export. The action taken by South East European governments in the last few years is substantial, and includes participation in region-specific initiatives such as the Southeast European Cooperative Initiative (SECI) SALW Trafficking Task Force, the SEESAC Arms Law Process and the Ohrid Border Management Conference in May 2003.

Region-specific activities inevitably have more relevance for governments and the advantage of allowing more focus to be given to both individual problems and realistic joint action to solve them. The SECI Task Force was established in December 2001 and through its first project, 'Operation Ploughshares', saw countries of the region exchanging information on illicit arms seizures, thus greatly aiding the effectiveness of law enforcement control.[16] The SEESAC Arms Law Process held its first meeting in November 2002, where representatives from all SEE countries met to discuss ways of improving legislation on domestic possession and arms export and the possibilities for improved harmonisation of legislative controls across the region. Since then a number of countries have reformed legislation and a second meeting is scheduled for May 2004.[17] The participation of all Western Balkans countries in the Ohrid Border Management Conference in May 2003 and the adoption of a 'Common Platform' and 'Way Forward Document' marked a key step forward in improving border control and combating trafficking activities, including SALW smuggling.[18] Through the Ohrid conference, countries made specific commitments to share information and increase the capacity and co-ordination of border personnel, with the longer-term objective of full implementation of integrated border management in accordance with European standards. The four partner organisations that organised the conference, NATO, the EU, the OSCE and the Stability Pact, have all pledged to continue supporting countries to meet their objectives with a range of financial and technical advice and support.[19]

16 For more details, see Section 2 – Albania, and Annex C

17 See Annex D for the Conclusions of the November 2002 Arms Law Roundtable.

18 See Annexes E and F for the Ohrid Common Platform and Way Forward Document.

19 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22-23 May 2003.

Non-governmental organisations have also increased their level of involvement on SALW issues. In 1998 only limited NGO action was being undertaken, mainly associated with collection in Albania, while other activities in the region until 2000 were mainly confined to research and related projects by international NGOs. However, from 2000 and 2001 more local NGOs began to get involved in SALW issues, though slowly, mainly within the framework of the Szeged Small Arms Process. In 2002, a major step forward came with the establishment of the SEE NGO SALW Network,[20] and regional co-ordination continues to develop through this network and international mechanisms such as the International Action Network on Small Arms (IANSA). With valuable support from international NGOs such as Saferworld and Pax Christi, various capacity-building and training of NGOs, civil society and the media has been undertaken and SALW projects have been supported across the region. The result has been that in 2003, local NGO-implemented SALW projects ranging from research to awareness-raising and campaigning were undertaken in every country in the region.

International organisations and agencies are themselves taking increased action on SALW, beyond the more traditional security sphere, better appreciating that the issue is of key importance to the long-term objectives of handover to national authorities. In 2002 the OSCE and Office of the High Representative in Bosnia and Herzegovina (OHR) began the process of setting up new legislative and institutional frameworks to regulate small arms, while the UNDP and UNMIK in Kosovo undertook the first non-KFOR (Kosovo Force) implemented amnesty and collection of SALW in September 2003. In addition to Kosovo, the UNDP has also launched SALW projects in Macedonia and Bosnia and Herzegovina, the OSCE has supported cross-border co-operation projects, and agencies such as the NATO Maintenance and Supply Agency (NAMSA), US Agency for International Development (USAID) and Canadian International Development Agency (CIDA) have given funding for, or supported, SALW and ammunition destruction and other projects.

Two years on from the agreement of the RIP, it is an appropriate time to summarise the progress made to date by countries in the region on combating SALW problems, to initiate further discussion about steps forward and to identify needs and priorities.

Monitoring progress on combating SALW: SEE SALW Monitor

This report has therefore been undertaken with the objective of providing an overview of how the countries of South Eastern Europe have progressed towards fulfilling their commitments. The Stability Pact for South Eastern Europe's Regional Implementation Plan, as both the most inclusive, and regionally relevant, document representing governments' commitments in the area of SALW control is used as a benchmark against which to gauge countries' progress so far.

20 The Network was established at a regional seminar for NGOs held within the framework of the Szeged Small Arms Process in Szeged, Hungary in November 2002, and funded by the London-based NGO Saferworld. The Network has an established list-serve and membership of approximately 50 NGOs, who met for a second annual meeting in Sarajevo in September 2003. The Sarajevo meeting and a further meeting in Skopje in December 2003 saw discussions about ways forward for the Network, including the identification of three focus areas for network action: public awareness-raising on SALW issues, education for children and youth on the dangers of SALW, and joint lobbying of government and other key decision-makers, such as project implementers and donors the international community, on SALW control. See Annex G for the Szeged Call for Action, November 2002.

The report builds on the update produced by SEESAC in September 2003, 'Progress made towards the Objectives of Stability Pact Implementation Plan', including more recent data and expanding in more detail on activities undertaken to date. The report does not represent a technical verification system or a formal inspection report – its role is to collect and present relevant information to facilitate monitoring, discussion and assessment of progress towards the implementation of the RIP.

Funded by SEESAC,[21] the research and writing of the report was undertaken by Saferworld, an independent non-governmental organisation based in London and working on SALW and security issues in the region and elsewhere.[22] The contents therefore reflect an independent and objective presentation of factual information on SEE countries' responses to SALW problems within the RIP Framework based on available evidence; there has been no SEESAC influence in the research direction, formulation or contents of this report. Research for the report was conducted by Saferworld staff from December 2003 to February 2004; through their National SALW Focal Points, Governments in the region were given an opportunity to comment on the final draft of the report and thanks go to those who gave feedback and provided additional information.

The report consists of four main sections: this introductory section; analysis of each country's progress in each of the areas of activity covered by the RIP; an overview of donor support for SALW projects in the region; a concluding section; and annexes containing relevant documents and additional information.

Saferworld and SEESAC acknowledge that this report will have inevitable shortcomings due to constraints such as inaccessible information and limited time for research and production. It is anticipated that the SEE SALW Monitor report will be updated, corrected where necessary and improved on an annual basis and comments and input from all actors and stakeholders are welcomed.

21 The research, writing and production of this report has been funded by SEESAC under its operational objective to develop a framework to collect, collate, analyse and disseminate (or support dissemination of), operational data and public information relating to SALW issues within the region in order to generate knowledge and support SALW initiatives.

22 For more information on Saferworld, see www.saferworld.org.uk.

2 Country assessments

This report presents progress towards the Regional Implementation Plan (RIP) by country. Each country sub-section includes two background sections: 'Small Arms Problem', which details the SALW-related problems in each country, and 'Small Arms Policy and Practice', which gives an overview of current policy and practice on SALW.

These two sections are followed by a third section, 'Small Arms Progress', which gives a detailed assessment of progress made to date. In order to facilitate analysis of the wide-ranging areas in which progress towards the RIP and combating SALW proliferation has been made, a number of sub-sections have been used to categorise and present information for each country (largely based on the functional areas defined by SEESAC). These sub-sections of SALW control activities are:

- Legislative and regulatory issues – this section details countries' current legislative and regulatory control measures and progress made in the context of other agreements on arms control, such as the 2000 OSCE Document on Small Arms, 2001 UN Programme of Action, etc. (For more detail, see Annex H). In order to ensure consistency, all analysis and referencing of legislation in the report is based on English language translations of laws obtained from SEESAC.
- SALW transfers – this section provides an overview of each country's current and recent SALW transfers (exports, imports, transit, transhipment and re-export), focusing on exports, in as far as public information is available, and also details available information on SALW trafficking.
- SALW collection programmes and capacities – this section provides an overview of SALW collection initiatives in each country.
- SALW destruction programmes and capacities – this section provides details of SALW and SALW ammunition destruction projects in each country.
- SALW stockpile management programmes and capacities – this section provides an overview of the stockpile security and management situation in each country.
- SALW awareness activities – this section presents the awareness-raising activities and public information campaigns implemented in each country. (Seminars, conferences and other meetings are not generally included in this section, which concentrates on direct SALW awareness-raising or information campaigns).
- SALW survey activities – this section presents the results of any SALW or related survey conducted in each country. (Research reports, policy reports, needs assessments, small-scale surveys, opinion polls, etc, have not been included in this section as they do not fully correspond with a 'SALW Survey' as defined by SEESAC's regional standards).
- Civil society involvement in SALW interventions – this section provides an overview of civil society and NGO activities on SALW in each country, including a brief note on overall capacity.
- Cross-border SALW control initiatives – this section provides an overview of the situation in terms of border control and cross-border co-operation on SALW trafficking in each country.

- SALW management information and exchange systems and protocols – this section provides an overview of SALW-relevant information systems, both public and confidential; it should be noted that it is not possible to make any assessment of the value and efficacy of confidential information exchange mechanisms.
- Additional SALW-related activities – this section presents any additional activities that may be relevant to a country's efforts to combat SALW, for example, community-based policing initiatives or the development of national SALW action plans.

Albania

Small Arms problem

Following the end of the Second World War and the establishment of the totalitarian regime headed by Enver Hoxha, Albania became extremely isolated with virtually no contact outside its borders. During this period of isolation a very developed system of national and civil defence was established, implemented according to 'a policy of armed self-isolation': intricate defensive systems were created, including the network of around 800,000 pillbox shelters and thousands of ammunition and weapons depots.[23] Under the Hoxha Government, Albania produced significant amounts of SALW and ammunition, and when the regime imploded in 1997, the vast military stockpiles established for defensive purposes became a threat to internal security. The country's financial institutions collapsed along with a complex system of pyramid investment schemes: 'thousands were left penniless, and demanded compensation from the government – which was itself close to bankruptcy'.[24] The ensuing public outcry led to widespread civil disturbances and chaos within law enforcement and security structures led to the raiding of weapons and ammunition depots across the country, with apparently 'little resistance on the part of the police or the armed forces'.[25]

Estimates from the Albanian Government put the total number of SALW that were removed from government control in 1997 at approximately 550,000 small arms and light weapons and close to 900 million rounds of ammunition;[26] other estimates put the number of SALW looted at 650,000.[27] Of these, official estimates are that 200,000 weapons remain in the hands of civilians, following the trafficking out of the country of 150,000 weapons and the collection of 200,000 weapons from the civilian population between 1997 and 2002.[28]

A small portion of the SALW collected from Albania's citizens are pictured here in temporary storage during 2002.

23 BICC Conversion Survey 2002, p 128.

24 'Armed to the Teeth', David Quin, Vladimir Jovanovski and Ana Petruseva in Macedonia, Naser Miftari, Artan Mustafa and Jeta Xharra in Kosovo, and Ilir Aliaj in Albania, Balkan Crisis Report No 470, 27 November 2003 (hereafter 'Armed to the Teeth, IWPR 2003').

25 BICC Conversion Survey 2002, p 130.

26 UNDP Albania SALW project website, www.undp.org.al/salwc/?background.

27 BICC notes that, 'The exact number of weapons which entered private hands during this time remains a matter of dispute. While the Albanian authorities estimate that some 650,000 firearms, 3.5 million hand grenades, a million landmines and vast amounts of ammunition were stolen, other sources put the number of firearms closer to 517,000'. A table of weapons looted from military depots in 1997 based on Albanian Government sources in 2001 gives the following information: pistols, 38,000 taken, 170 recovered (0.4% recovered); AK-47 assault rifles, 226,000 taken, 17,522 recovered (7.7% recovered); ordinary rifles, 351,000 taken, 66,995 recovered (19% recovered); machine guns, 25,000 taken, 11,643 recovered (46% recovered); grenade launchers, 2,450 taken, 792 recovered (32.3% recovered); mortars, 770 taken, 242 recovered (31.4% recovered). 'Table T3.4 – Weapons taken from Albanian military depots in March 1997', BICC Conversion Survey 2002, pp 130–1.

28 Op cit, UNDP Albania SALW project website.

Despite the progress made on removing illicit weapons from the civilian population, there is still widespread public ownership of small arms in Albania, particularly in rural areas. Security is now reasonably good in most areas, but in some districts in the north of the country law enforcement control is weak, and local communities adhere to alternative frameworks of self-regulation. One example is the Kanun, a collection of traditional laws that support the strong cultural tradition of gun ownership that persists in many areas.[29] Armed crime and trafficking also present challenges to law enforcement and security within Albania and in neighbouring countries.[30] 'Guns still pose a number of challenges to public security', and public security is also threatened by the widespread activities of organised criminal networks, which developed during the country's, and region's, instability and 'benefited from the easy availability of weapons'.[31]

Small Arms policy and practice

Since the 1997 crisis, Albania has made significant progress towards reform. Broader processes of institution-building have included several measures that have helped to strengthen SALW control. Through the Partnership for Peace (PfP) process, NATO has been significantly involved in supporting military reform in Albania, and a NATO cell has been established in Tirana to help co-ordinate activities between the various international and bi-lateral organisations working to assist security sector reform. In addition to the military, following the crisis of 1997, the Albanian police began 'the slow process' of creating a modern police force based on more democratic models. Organisations such as the OSCE, International Criminal Investigative Assistance Training Program (ICITAP) and the European Commission are involved in supporting this reform, and bi-lateral assistance has come from countries such as the US, Denmark, Italy and Greece.[32]

As party to the Stability Pact Regional Implementation Plan, the UN Programme of Action on SALW and the OSCE SALW Documents on SALW and Ammunition Stockpiles, Albania has made wide-ranging commitments to arms control. The Government recognises that the uncontrolled proliferation of small arms is a destabilising factor in terms of regional, as well as national security.[33] Albania's main policy focus in respect of small arms proliferation has been in initiating and supporting amnesty and collection efforts and in fighting illicit trafficking.

In terms of civilian possession, the Albanian Government has been among the most active in the region in responding to the problems created in 1997. A centralised and high-level weapons collection commission oversees ongoing government efforts to collect weapons from the civilian population through the police force, which have achieved substantial results. Albania has also been active in the field of combating illicit trafficking, acting as the proposer country for the SALW-specific Task Force within the SECI Regional Center for Combating Trans-Border Crime, and collaborating with several nearby countries on a bi-lateral basis.

29 'Short Mission Report – Clearinghouse Consultation in Albania June 2002', www.seesac.org.

30 Crime does pose a serious problem in Albania: the recent open letter to the public of Albanian Police Chief Ndreu, which cited several high-profile assassinations in recent months, warned that organised crime is becoming a threat to democracy in the country. 21 November 2003, SEESAC SALW Weekly News Review, www.seesac.org.

31 BICC Conversion Survey 2002, p 131.

32 'Albania', ICITAP Project Overview page, www.usdoj.gov/criminal/icitap.

33 Statement by the Permanent Representative of Albania to the United Nations, HE Mr Agim Nesho, to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, 07 – 11 July 2003 (hereafter 'Nesho, UN SALW 2003 conference statement').

According to research conducted by the Small Arms Survey, it is not known whether, or to what extent, SALW are manufactured in Albania at the current time.[34] However, in a statement on progress presented to the UN First Biennial Meeting of States on the Implementation of the Programme of Action, Albania stated that there is no production or manufacture of weapons in the country and no major exports have been registered in recent years.[35] This was confirmed by information from well-informed sources in Albania, which suggests that there was no production ongoing at the date of writing, February 2004, and that in fact, some progress had been made on converting former production plants into destruction facilities.[36] Through the PfP process, NATO is working closely with the Albanian Government on downsizing the military, and it is expected that this will result in a significant increase of surplus SALW and ammunition.

Although it is likely that Albania is not currently producing or exporting SALW, and the Government is prioritising efforts to combat arms smuggling, concerns remain about illicit trafficking (see SALW transfers below). Registration of SALW is another concern, particularly in light of the fact that a large number of forces are authorised to carry weapons (including the regular police, border police, forestry police, finance police, energy police, intelligence service, private security firms etc). The Albanian police force, part of the Ministry of Public Order (MoPO), is receiving training and support from a number of donors and agencies, but still has a rather outdated paper-based system of firearms registration. The military also lacks a computerised system of weapons registration, one of the goals specified under PfP.[37]

In terms of international obligations, Albania has submitted information exchange material to the OSCE and a letter in July 2003 to the Department of Disarmament Affairs comprising a short report in response to the UN Programme of Action. Albania has also been active within the Stability Pact framework, hosting the April 2003 Regional Steering Group meeting for the Pact's Regional Implementation Plan. The 2003 Law on Weapons Collection, passed in March 2003 notes that the Inter-Ministerial Commission for Weapons Collection also has the responsibility of designing a 'national strategy for small arms and light weapons control', to be discussed and approved by Council of Ministers, within a year of the law's entry into force.[38]

Table 2 – Albania's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	ALBANIA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	-
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	-
EU Joint Action on SALW	-
Wassenaar Arrangement	-

34 SAS notes that there is no information available on any current production, but refers to research conducted by the Omega Foundation in 2002, which lists three companies in Albania that have the capacity to produce small arms and/or ammunition. Development Denied, Small Arms Survey 2003, OUP 2003, p 43. The databases on the NISAT website indicate that Albania was producing rifles/carbines at the State Factory Gramsh in 2001, www.nisat.org.

35 Letter dated 08 July 2003 from the Permanent Mission of the Republic of Albania to the United Nations addressed to the Department of Disarmament Affairs on the Programme of Action, A/CONF.192/BMS/2003/CRP.93 (hereafter 'Albania UN Letter, July 2003'), www.nisat.org.

36 Correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP/SSSR Project, 04 February 2004.

37 Op cit, 'Short Mission Report – Clearinghouse Consultation in Albania June 2002'.

38 Article 10, Law No 9018, For Collection of Weapons, Ammunition and Other Military Materials, 06 March 2003.

Small Arms progress

Legislative and regulatory issues

Albania has several laws governing SALW, as noted below in Table 2, which provides an overview of the main features of the Albanian legislative and regulatory framework relating to SALW. Some aspects of the national legislative framework have necessarily been shaped by Albania's particular experiences in the last decade. There is for example, very sparse legislation governing the production, export and import of arms and military equipment, which is arguably a product of the country's recent history: a highly centralised system where the state conducted its own procurement based purely on military needs and production that was focused on equipping domestic security forces. Equally, in more recent years, national objectives have been less to import military equipment for its forces and rather to deal with the challenge posed by substantial stockpiles of mainly out of date equipment (hence provisions in the Council of Ministers' Decision No 365 of 06 June 1994, allowing for export of surplus or other stocks, but only for profits to be channelled into the modernisation of the Ministry of Defence (MoD)). Possession legislation is similarly affected by the recent past,[39] in particular the large-scale looting of military stockpiles in 1997, and the subsequent efforts by the Government to recover lost firearms and other weapons and ammunition.

Laws detailing structures and processes for collection of weapons for citizens, including amnesty provisions, feature large in Albania's legislative framework, and Law No 9018, For Collection of Weapons, Ammunition and Other Military Materials is the current law governing collection, passed on 06 March 2003. Civilian possession is severely restricted, primarily to state officials and other specific categories of civilians.

39 'Arms Laws on Possession – Introduction', Materials, SEESAC Arms Law Roundtable November 2002, www.seesac.org.

Table 3 – Features of Albania's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	ALBANIA
National	
National co-ordinating agency	No, however relevant agency(ies) exist to co-ordinate weapons collection.[40]
National point of contact	Yes[41]
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Some legislation exists on this area, but there is no comprehensive system, see below for further detail.
Production	Although the Government states no military production exists, there are some provisions governing production and repair of weapons.[42]
Export	Although the Government foresees no export, an MoD agency for military export/import exists.[43]
Import	Yes, regulations do exist on import and sale.[44]
Transit	Apparently governed only by a law on military administration.[45]

40 The 2003 Law on Weapons Collection establishes an Inter-Ministerial Weapons Collection Commission; Albania's 2003 Letter to the UN DDA notes that there is no National Co-ordinating Agency functioning on all SALW-related issues in Albania, but that in addition to weapons collection structures, there is also an illicit trafficking unit within the MoPO. Albania UN Letter, July 2003.

41 Albania UN Letter, July 2003.

42 'Being that the Republic of Albania does not manufacture weapons there is no any current policy or proper legislation relating to this issue'; Albania UN Letter, July 2003. However, production is covered by legislation, specifying that 'Production and repair of firearms shall be done in factories and specialized enterprises controlled by the state. Repair of firearms may be done in private workshops with special permit issued by the Public Order authorities.' Article 3, Law on Firearms, with Appendices, Decision No 7591, 29 April 1991.

43 'The Ministry of Defence has not signed any international agreement for exporting small arms and light weapons'; Albania UN Letter, July 2003. However, the Council of Ministers' Decision No 366 of 05 October 1991 on Founding the Import-Export Enterprise dependent on the MoD, establishes MEICO as the import/export agency to deal 'with export and import of goods and specific military objects' and as 'a part of the Ministry of Defence system and is dependant to it'. In addition, the Council of Ministers' Decision No 365 of 06 June 1994 'On Destroying or Selling of Ammunition the Shelf-time of which has expired or will soon expire, as well as on Selling of Surplus or Stocks of Firearms or Ammunition', authorises the MoD to sell military equipment in order to raise funds for the modernisation and re-structuring of the military or reconstruction of military factories.

44 'The Ministry of Defence does not export and import SALMI from countries that are under UN embargo and involved in regional conflicts'; Albania UN Letter, July 2003. However, 'Import of great quantities of hunting weapons and ammunition for trade purpose shall be possible only with licence issued according to the instructions of the Ministry of Public Order. The physical and legal persons can sell them in special shops meeting the requirements for the firearms protection.' Decision No 389 of 06 August 1993 on some Amendments to the Decision of Council of Ministers No 275 of 25 June 1992 'On regulations of management and control of the firearms for physical and legal persons', Decisions, Council of Ministers, No 275 of 25 June 1992.

45 'Transferring of weapons within the country is performed according to the Law No 8671, dated 26 October 2000 For the administration and commanding authorities of strategic plans of the Armed forces', Albania UN Letter, July 2003.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	ALBANIA
National System of Export & Import Licensing or Authorisation	
System	A 'system' exists in that the MoD agency is the sole body authorised for SALW export and import.[46]
Diversion risk	No
End-user certificate	No, but end-user requested.[47]
Retransfers	No
Verification (pre/post)	Pre – yes, to a certain extent (see above on EUC).
Brokering controls	No
Domestic Possession, Stockpiling & Trade	
Legislation	Yes[48]
Manufacture	NA, (see 'Production' above).
Marking and tracing	NA, in terms of production/manufacture.[49]
Possession	Yes[50]
Stockpiling	No[51]
Trade	Yes[52]

46 'The current legislation relating to export-import does not provide differences and preferences for different groups and countries. Export-Import of Small arms and Light Weapons and the respective technology is conducted by the Ministry of Defence, through the MEICO enterprise (Military Export Import Company) in compliance with the decisions of the Albanian Government. The MEICO Company has the authority to negotiate with foreign contractors. The MEICO Company performs its activities in the import-export area pursuant too the Law No. 7566 On Weapons, dated 25 May 1992; Decision No.366 of the Council of Ministers (CMD) For the establishment of import-export company owned by the Ministry of Defence; CMD Nr.365 For disposal and selling ammunition, which have expired and selling of surplus weapons and ammunition; CMD Nr.617, dated 04 December 2002 For taking out of use weapons and other techniques from the Armed Forces and for disposal or dissembling and selling them. There is no other authority for running these procedures for export-import of SALW.' Albania UN Letter, July 2003.

47 'The verification and the permission given to end-users are carried out by our Embassies in the receiving countries, where we request the identification of the end-users', Albania UN Letter, July 2003.

48 Albanian law governs possession and use of firearms by state (including police and military) officials and private individuals: Law on Firearms, with Appendices, Decision No 7591 dated 29 April 1991; Law on Usage of Firearms, Decision No 8290 dated 24 February 1998; Law No 8388, 05 August 1998 for SALW Collection.

49 As noted above, there is no current production or manufacture in Albania, and therefore no marking systems are employed. There also seems to be no post-production marking of weapons in current circulation within the country. However, the weapons previously produced in Albania were registered at the factory stage, according to 'quantities and pattern numbers', and although this marking did 'not always define the producing place' the 'documents of the armaments are preserved eternally'. Albania UN Letter, July 2003.

50 Only certain categories of state (or private security firm) employees or political or judicial officials are allowed to possess active firearms and ammunition; in addition, certain categories of citizens are allowed to possess firearms: Law on Firearms, with Appendices, Decision No 7591 dated 29 April 1991. However, a subsequent Law allows that two additional categories of civilian are allowed to possess and carry arms: 'a. Leaders of trade associations, national and international, that are registered and possess considerable capital, b. Habitants who leaves in border areas or considered problematic areas in terms of security': Art 16, section 4, Law No 8388, 05 August 1998 for SALW Collection. Possession of firearms is regulated by a licensing system ('The combat, fire, sporting, hunting and cold firearms can be possessed only with the licence issued by a Public Order body. The firearms licence is an official document by which a citizen can prove that he/she has right to posses only the firearm described in it.'), which, along with further details on possession regulations, is detailed in Council of Ministers' Decision No 275 of 25 June 1992 'On Regulations of Management and Control of the Firearms for Physical and Legal Persons'.

51 There seems to be no legislation specifically governing stockpiles, although it is assumed this is covered by military regulations. However, there are regulations governing the storage, documentation and reporting duties for weapons collected under government programmes in Trial Agreement No 1214, dated 29 March 2000 'For Collection, Storage, secure, Administration of Armament-Ammunition and other Fighting Materials', Law No 8388, 05 August 1998 for SALW Collection.

52 Internal trade is regulated by the Ministry of Defence and its import/export agency: 'Import of great quantities of hunting weapons and ammunition for trade purpose shall be possible only with licence issued according to the instructions of the Ministry of Public Order. The physical and legal persons can sell them in special shops meeting the requirements for the firearms protection.' Decision No 389 of 06 August 1993 on Some Amendments to the Decision of Council of Ministers No 275 of 25 June 1992 'On regulations of management and control of the firearms for physical and legal persons', Decisions, Council of Ministers, No 275, 25 June 1992.

SALW transfers

The Albanian Government states that there is no production in the country, and any official exports are therefore extremely limited and from the stocks already held by the authorities. Albania submitted a report in April 2003 to the UN Register of Conventional Arms on activities in the year 2002 – no exports were reported. Norwegian Initiative on Small Arms Transfers (NISAT) databases have no record of registered SALW export, but note imports from Denmark in 1999, for which no details were given.[53] No information on sales of SALW was available for 2003, but the Albanian Government is reported as having donated approximately 600 Kalashnikovs, mortars, machine guns and 10,000 pieces of ammunition to help equip the new national army in Afghanistan in November 2003.[54]

Unfortunately, however, Albanian criminal groups are involved in trafficking guns, drugs and people. These groups operate and impact across the Balkans and Europe and 'the country has emerged as an important transit stop in the trafficking of arms, drugs and human beings',[55] as seizures of imported weapons in 2001, when tensions were high in Macedonia, indicate.[56] Albania has in the past been implicated in cases of illicit arms smuggling. For example, Albanian arms were sold to the Former Rwandan Government Forces in Eastern Zaire through a UK brokering firm during and after the genocide of April to July 1994.[57] The Bonn International Center for Conversion (BICC) notes that 'corruption is another threat to public security',[58] citing the scandal linked to certain units of the MoPO stockpiles, which, according to local press coverage in 2001, involved the theft and trafficking of a variety of weapons from official stockpiles, apparently worth over US$9 million.[59] There have also been reports in the local press that the Albanian authorities have sold 'large amounts of pistols and Kalashnikovs' from army surplus to Lebanon.[60] Although various projects are underway to improve the capacity of the Albanian authorities, law enforcement efforts to combat smuggling and organised crime remain hindered by poor information systems and weak national infrastructure.[61]

Albanian Government officials interviewed recently by the Institute of War and Peace Reporting (IWPR) note that the level of trafficking has gone down. This is confirmed by the head of the counter-trafficking unit established in 2001, Avni Jashellari: 'one of the main reasons for the fall in arms trafficking is that the situation in neighbouring countries is now more stable and the chance of renewed armed conflict is lower'.[62] The regional police chief in the northern municipality of Kukes, Medi Canga, states he is

53 Reports were also submitted for the years 2000, 1995 and 1992, none of which recorded any exports. http://disarmament.un.org:8080/UN_REGISTER.nsf, and www.nisat.org, referenced 13 February 2004.

54 'Albanian Defense Ministry Confirms Donating Assault Rifles to Afghan Army', Paris AFP (North European Service) in English, 1701 GMT, 28 November 2002.

55 BICC Conversion Survey 2002, p 131.

56 In the summer of 2001 for example, Albanian police intercepted a van that had arrived in the port of Durres by ferry from Italy carrying four surface-to-air missiles destined for Macedonia; a few months before a similar shipment containing automatic weapons and ammunition had been seized in Durres. Ibanian police seize arms shipment for Macedonia , ISN Daily News, 31 July 2001.

57 'Light Weapons Controls and Security Assistance: a review of current practice', William Benson, International Alert/Saferworld, September 1998, www.international-alert.org, p 9.

58 BICC Conversion Survey 2002, p 131.

59 candal in Public Order Mini , Zilie Feci and Anila Hoxhaj, Tirana Republika [in Albanian], 20 July 2001, and, candal Reaches Military Investigators , Zilie Feci, Tirana Republika [in Albanian], 26 July 2001.

60 candal Explodes: Albanian Army Weapons Are Sold in Middle East , A Koka, Tirana Republika [in Albanian], 10 April 2002.

61 Op cit, 'Short Mission Report – Clearinghouse Consultation in Albania June 2002'.

62 Armed to the Teeth, IWPR 2003.

certain that there is no longer any trafficking across the border with Kosovo, primarily due to the 'very good co-operation with UNMIK'. However, Canga notes that police need to remain alert to the threat of trafficking, as 'we have information that many stashes of arms have been placed along the border. Criminal groups may not be trafficking these arms, but they have hidden them, maybe for later use'. [63]

SALW collection programmes and capacities

The Albanian Government itself has undertaken substantial collection activities since 1997, establishing specific structures within the Ministry of Public Order to deal with the unique situation and establishing new staff and operating procedures.[64] A Central Weapons Collection Commission was established as the main body overseeing the recovery of the looted weapons and ammunition and was placed under the chairmanship of the Deputy Prime Minister and membership consisted of line ministers of Public Order (police), Defence (army) and Local Government. The police were put in charge of the collection of weapons, while the army has the responsibility to collect surrendered weapons from the police for storage in army depots for destruction.[65] Around 250 additional police officers were recruited specially for weapons collection activities in May 2000, although this force was subsequently reduced.[66] The Law on Weapons Collection passed in 2003 upgraded the Commission to an Inter-Ministerial Commission for Weapons Collection, chaired by the Deputy Prime Minister, and including the Ministers of Public Order, Defence, Justice, Local Government and Decentralisation and the head of the National Intelligence Service. The Inter-Ministerial Commission is supported by Weapons Collection Commissions at the prefecture and local level.[67]

Government efforts to collect weapons are ongoing, and have been supported since 1998 by the UNDP in Albania, which piloted the 'weapons for development' (WfD) incentive-based concept in the central district of Gramsh, setting important precedents for weapons collection best practice.[68] Following a 1998 Government appeal to the UN, the relatively quiet district of Gramsh, challenged by significant under-development, was picked as a pilot district due to the 'huge quantities of military weapons and ammunition' looted by communities from the large military bases in the area. The UN assessment delegation suggested a 'community incentive' collection approach based on experiences in West Africa.[69] During the Gramsh Pilot Project (GPP), from December 1998 to January 2000, development aid was offered in return for a reasonable number of surrendered weapons, with the targets for aid being identified by the community themselves, and the entire process supported by awareness-raising

63 Ibid

64 Law No 8388, 05 August 1998 for SALW Collection sets out principles of weapons collection, outlines the establishment and structures of a Central Commission for Weapons Collection, Prefecture Commissions and Local Commissions, and also their responsibilities, method of reporting, and the roles of police specially assigned collection duties; the law also includes amnesty provisions ('giving up weapons voluntarily' and 'sanctions for opposing the disarmament process'). The processes of storage, documentation and administration for collected weapons are also outlined in Trial Agreement No 1214, 29 March 2000, 'For Collection, Storage, Secure, Administration of Armament-Ammunition and Other Fighting Materials'.

65 Background page, www.undp.org.al, and Article 9, Law No 9018, For Collection of Weapons, Ammunition and Other Military Materials, 06 March 2003.

66 IWPR notes that, 'officers have visited more than one million homes since 1997 asking people to hand over guns voluntarily or sign a declaration that they have none'. Armed to the Teeth, IWPR 2003.

67 Law No 9018, For Collection of Weapons, Ammunition and Other Military Materials, 06 March 2003.

68 'Regional Initiatives and the UN 2001 Conference – Building Mutual Support and Complementarity', Briefing 2, BASIC/International Alert/Saferworld, www.international-alert.org, p 14.

69 BICC Conversion Survey 2002, p 132.

campaigns. Weapons collection, and execution of development projects, took place throughout 1999 and as a result of the programme 5,981 SALW and nearly 138 metric tonnes of ammunition were recovered 'in return' for 12 small-scale community based development projects, which were awarded at a total cost of US$800,000.[70] Overall project costs were about US$1.2 million, plus the resources provided by the Albanian Government, and in addition to the infrastructure awarded to communities, the project budget also funded a nation-wide awareness raising campaign.

With the Gramsh project considered a significant success, both nationally and internationally, and at the request of the Albanian Government, the UNDP continued its efforts with a second phase of SALW activity in Albania, the Weapons in Exchange for Development (WED) project, funded with donations totalling US$3.2 million.[71] From June 2000 to February 2002, the WED project was implemented in the districts of Elbasan and Diber using the same strategy employed in the GPP, but with an additional component for destruction of the collected weapons. The WED project assisted in the collection of nearly 6,000 weapons in the target areas, the destruction of 16,000 weapons, and the award of 23 development projects at a total cost of US$1.8 million.

2002: The SALWC project team at a weapons collection point alongside local leaders and police.

Following the WED project, the third 'phase' of UNDP's efforts in Albania, the Small Arms and Light Weapons Control Project (SALWCP), began in April 2002. Building on the approach of the GPP and WED projects, SALWCP introduced an element of competition for development aid incentives in order to address a much larger geographical remit (the five prefectures of Tirana, Shkodra, Lezha, Kukes, Vlora and three communities in the Tepelena district), financial limitations (a budget of US$3.4 million[72]) and a tight timeline due to the expiry of the amnesty law on 04 August 2002 (See Legislative & Regulatory Framework above). Based on the number of weapons collected per family, the communities with the highest rates of surrender were awarded development projects. Additional new components of SALWCP were a greater focus on public information and awareness, the provision of logistical assistance to the government weapons collection teams (including for instance vehicles, metal detectors, etc) and the development of a pilot database weapons registration and control system. By the end of the amnesty period, on 04 August 2002, the SALWCP prefectures had surrendered a total of 6,453 weapons and received 46 development projects costing US$964,000.[73] As of December 2003, the SALWC ended UNDP's direct support of weapons collection, with a total of just under 10,000 weapons surrendered in the project area and 66 development projects awarded at a total cost of US$1.5 million.[74] As the next step in an effort to improve human security in Albania, UNDP has developed a new umbrella

70 'Removing Small Arms from Society – A Review of Weapons Collection and Destruction programmes', Sami Faltas, Glenn McDonald and Camilla Waszink, Small Arms Survey, July 2001, p 18. Also, Background page, www.undp.org.al.

71 The total WED budget of US$3,229,736 was composed of donations from the US, UK, Sweden, Norway, Denmark, and UNDP. Correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP/SSSR Project, 04 February 2004.

72 Donors included UNDP/BCPR, Luxembourg, the Netherlands, Finland, Sweden and the EU. Correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP/SSSR Project, 04 February 2004.

73 For comparison, nationwide weapons collection totals for the same period (including seven additional prefectures) were 11,864 weapons. Background and SALWC 2002 – 2003 pages, www.undp.org.al.

74 Correspondence with Lawrence Doczy, Project Manager, UNDP-SSSR Project, 02 March 2004.

programme under the name of Support to Security Sector Reform (SSSR), which focuses primarily on bringing communities and police closer together through community policing, building on the successes of the SALWCP. Work so far has included activities in schools and the establishment of community problem-solving groups.[75]

The total number of weapons collected in Albania, from January 1997 to January 2002, is estimated by SEESAC to be 134,681.[76] The Government and UNDP give a somewhat higher figure of approximately 150,000 SALW collected so far, probably based on recent collection totals.[77] The estimated collection statistics are summarised in Table 4 below:

Table 4 – Summary of SALW collection in Albania 1997 – 2003[78]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
Albanian police activities and operations (1997 – 2003)	123,000		AK-47 assault rifles, 17,522; light machine guns, 11,643; medium mortars, 242; pistols, 170; bolt-action rifles, 66,995; grenade launchers, 792, and various SALW, 25,636.
Albanian police activities and Gramsh Pilot Project (1998 – 1999)	5,981	137	
Albanian police activities and UNDP WED Project (2000 – 2002)	5,700	137	
Albanian police activities and UNDP SALWC Project (2003)	6,452		
TOTALS	**141,133**	**274**	

75 Background page, www.undp.org.al.

76 SALW Databases, www.seesac.org.

77 See note above in Section 2, Albania – SALW Problem.

78 SALW Databases, www.seesac.org, and correspondence with UNDP-SSSR Project staff.

SALW destruction programmes and capacities

Berat, Albania 1997. UXO's litter the ground after an explosion at an ammunition depot. The site has since been cleared.

The NATO PfP Ammunition Storage and Disposal Implementation Team (ASDIT) identified the scale of the SALW and ammunition problems in Albania in 1998. This team was deployed by NATO to train the Albanian Armed Forces in explosive ordnance disposal procedures to enable them to safely clear the 15 ammunition depots that had exploded during the events of 1997, resulting in over 60 fatalities. As a result of this mission, NATO deployed a follow-up NATO PfP Explosive Ordnance Disposal and Ammunition Support Training Team (EODASTT) during 1999 – 2002. The mission of this team was to enhance the Albanian Explosive Ordnance Disposal (EOD) capacity and provide advice on safe ammunition storage and destruction. An Albanian EOD organisation was formed from the 12 students who qualified on the NATO course; however, at the time of writing, most of these officers are no longer with this organisation, and its current capability is unknown.[79]

Following initial reluctance, and indeed legislative obstacles to destroying SALW, the Albanian Government destroyed 16,000 weapons with UNDP's help under the WED project. In September 2000, Albania signed a Memorandum with the Governments of the United States, Norway and Germany reaffirming its commitment to destroy the SALW looted during the 1997 crisis, and committing to promoting the destruction of surplus weapons stocks.[80] Following this Memorandum, 40,000 SALW were destroyed with German funding and by a German military team between January and March 2001. The US- and Norwegian-funded destruction of a further 60,000 SALW began in April 2001, carried out by private contractor EOD Solutions Ltd. The project also included a local capacity-building component and developed a local demilitarisation site at the Elbasan military base, subsequently handed over to the Albanian Government and in use for ongoing destruction projects.[81]

A US State Department sponsored project implemented by EOD Solutions Ltd in 2002 saw the destruction of approximately 1,000 tonnes of SALW ammunition, ranging from 12.7mm to anti-aircraft bombs.[82] The US also funded the provision in 2003 by EOD Solutions Ltd of technical assistance to ammunition experts within the Albanian MoD, and the destruction of 352 tonnes of ammunition through a local contractor, the Albanian National Demilitarization Centre (NDC). This organisation was established by former military officers, and weapons, ammunition and explosives specialists, and is supported by the MoD.[83] By February 2004, an additional 12,500 weapons had

79 Interview with Adrian Wilkinson, Team Leader, SEESAC, 20 December 2003.

80 'Small Arms/Light Weapons Destruction in Albania memorandum', Bureau of Public Affairs, US Department of State, www.state.gov.

81 Albania SALW Destruction project, www.eod-solutions.com; and, correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP/SSSR Project, 04 February 2004.

82 Telephone conversation with Kenn Underwood, Operations Director, EOD Solutions Ltd, 17 February 2004.

83 This organisation receives significant administrative and operational support from the MoD, including office space. Contacts note that their professional training has been limited and one major problem that requires resolving is the insurance requirements for activities funded by the international community: the NDC is apparently insured through a local insurance organisation, and there are doubts whether benefits in the event of an accident during demilitarisation operations would be as comprehensive as those through insurance provided by NAMSA, EOD Solutions or any other international organisation. Correspondence between author and Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

been destroyed, and destruction of 1,200 tonnes of associated ammunition (mostly recovered from the civilian population) had begun, with the assistance of EOD Solutions Ltd and with support from the UK Government. With the end of this project, a further 12,500 SALW are scheduled for destruction in a similar manner by mid-2004 with US State Department funding, and possible contracts for future ammunition destruction are also being discussed with EOD Solutions Ltd.[84]

NAMSA has recently begun a project to destroy 11,651 tonnes of ammunition at a cost of 6.4 million over 4 years, utilising facilities at a military plant in Elbasan.[85] To date, this project has earmarked 1,500 tonnes for 2004, and is currently focusing on destruction of hand grenades as installation of incineration equipment is expected to be completed by early 2005. However, despite the Memorandum of 2000, not all the weapons collected through voluntary surrender programmes have been destroyed; the Albanian Government has given the reason as lack of financial support.[86]

Albania has implemented the Ottawa Agreement, and between April 2001 and April 2002 '1,683,860 mines or 2,874 tonnes' of anti-personnel mines were destroyed. In additional between 2000 and April 2003, the Albanian Armed Forces destroyed through detonation 1,500 tonnes of ammunition, a process that continues.[87] The estimated destruction statistics are summarised in Table 5 below.

84 Telephone conversation with Kenn Underwood, Operations Director, EOD Solutions Ltd, 17 February 2004.

85 Albania UN Letter, July 2003; correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP-SSSR Project, 04 February 2004.

86 Albania UN Letter, July 2003.

87 See also note above in Section 2, Albania – SALW problem; Albania UN Letter, July 2003.

Table 5 – Summary of SALW destruction in Albania 1997 – 2003[88]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
Albanian Military (2000 – 2003)		1,500	
UNDP WED Project (2000 – 2002)	16,000		Destroyed by Albanian agency
Germany/Norway/US Project (2001 – 2002)	40,000		Destroyed by German Military Team
Germany/Norway/US Project (2001 – 2002)	60,000		EOD Solutions Limited
NATO PfP APM Destruction Project (2001 – 2002)		2,874	NAMSA
US funded-destruction (2002)		352	Albanian National Demilitarization Center
US funded-destruction (2003)		1,000	EOD Solutions Limited
UK funded-destruction (2003 – 2004)	12,500		EOD Solutions Limited
UK funded-destruction (2004)		*1,200*	*EOD Solutions Limited – ongoing*
US funded-destruction (2003 – 2004)	*12,500*		*EOD Solutions Limited – ongoing*
NATO SEE Initiative Project (2004)		*11,651*	*NAMSA Project – ongoing*
TOTAL (NOT INCLUDING ONGOING PROJECTS)	128,500	5,726	

88 Statistics drawn from SEESAC SALW Database, and from recent correspondence with destruction actors in Albania.

SALW stockpile management programmes and capacities

The Albanian army is described as having moved from an 'emergency' phase into an 'operational' phase, and is anticipating a process of re-structuring under PfP, planned to be completed in 2010. It is expected that additional stocks of SALW will be rendered surplus as part of this process.[89]

Stockpile security is defined, regulated, implemented and inspected by the Ministry of Defence (the safety measures employed are researched and designed by the Defence Design institute); no information is available on any relevant legislation. 'There is a national policy on centralisation of the locations for explosive storage buildings, based on the long term Armed Forces restructuring plan. In 1997 there were 167 ammunition storage site with 917 explosive storage buildings. In 2002 these figures were reduced down to 87 ammunition storage sites with some 606 explosive storage buildings'.[90]

It is estimated that the Albanian stockpile of ammunition of all types is in the region of 180,000 to over 200,000 tonnes.[91] The Albanian Armed Forces currently have approximately 42,000 tonnes of SALW ammunition stocks that they wish to destroy, with the remainder, an undisclosed quantity, to be retained for normal use. An overview of the situation and destruction recommendations was developed by EOD Solutions Ltd during 1999. This was funded by the UK Department for International Development (DfID), and formed the basis for the 2003 NATO SEE Initiative Ammunition Destruction Project implemented by NAMSA.

EOD Solutions provided guidance to the Albanian MoD on the process of moving towards a more NATO-based structure of ammunition management planning, achieved using NATO guidelines on ammunition storage combined with the current Albanian system, as a stepping stone to full integration with NATO systems. The company also 'licensed' six storage sites in accordance with NATO and UK guidelines to assist the Albanian MoD in planning the future storage of ammunition, but these sites will not conform fully with NATO/UK standards until the backlog of surplus ammunition is reduced to allow re-distribution of the remaining ammunition.[92]

The sheer amount of surplus ammunition in Albania means that the process of upgrading storage sites to international standards is likely to take some time – quite simply, the lack of funds and resources to destroy the surplus are insufficient, and, although very positive progress is being made, much more needs to be done. The approximate amount of all types of ammunition requiring destruction is 92,000 tonnes, much of which is shelf-life expired and some of which may be chemically unstable; over half of this is estimated to be artillery and anti-tank and anti-aircraft ammunition, as well as SALW ammunition, and over 91 percent is over 30 years old.[93] This is

89 Op cit, 'Short Mission Report – Clearinghouse Consultation in Albania June 2002'.

90 Albania UN Letter, July 2003.

91 Other informal official estimates are of approximately 150,000 tonnes of ammunition, including SALW and artillery rounds, 100,000 of which have been slated for destruction; correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP/SSSR Project, 04 February 2004.

92 Email correspondence with Kenn Underwood, Operations Director, EOD Solutions Ltd, 12 January and 04 February 2004.

93 Informed sources confirm that in terms of safety, the most unstable stored material is larger artillery, anti-aircraft, anti-tank ammunition, and other ammunition with propellant; research conducted in 1999 by academics from the UK Royal Military College in Shrivenam concluded that the stabiliser used in such ammunition is likely to be degraded by age, and that the high temperatures during the summer in Albanian storage depots will increase the chances of auto-catalytic decomposition, and consequent explosion. Interview with Adrian Wilkinson, Team Leader, SEESAC, 20 December 2003; and, telephone conversation with Kenn Underwood, Operations Director, EOD Solutions Ltd, 17 February 2004.

particularly necessary as the stockpile security and accounting practices are also said to be below acceptable standards and many are located close to residential areas. While a great deal of goodwill and commitment to improving practices exists in Albania, much additional support from the international community will be required.

SALW awareness activities

Several awareness-raising (AR) activities and campaigns have been conducted in Albania and substantial progress has been made in this area since 1998. Awareness-raising is even mentioned in government legislation, as a responsibility of the Weapons Collection Commissions at Prefecture Level to encourage voluntary surrender[94] and the Government has been active in giving press interviews and statements and attracting media coverage, as well as distributing AR and campaign promotional material produced by UNDP small arms collection projects.

Awareness-raising was also a significant part of the UNDP projects, GPP, WED and SALWCP. Networks of local NGOs were used in the Gramsh and WED projects, to deliver promotional campaign and information materials such as posters, leaflets and T-shirts, and also to undertake face-to-face awareness-raising with communities. The media played a significant role in promoting the collection campaigns, and the Gramsh project in particular attracted a huge amount of coverage for its 'ground-breaking' activities.[95]

The 'Disarmament Education in Schools' project was undertaken with support from SEESAC and SALWC by NGOs SaferAlbania and Movement for Disarmament.

The SALWCP public awareness and information (PAI) campaigns used similar methods, building on the work started by the GPP and WED. Awareness-raising campaigns utilised and involved the media (both electronic and print) and door-to-door delivery mechanisms, and targeted school pupils, women and the general public. Local PAI teams, composed of teachers and other community and NGO representatives, distributed posters and pamphlets to inform on the dangers of weapons, the deadline for voluntary surrender and the rules for competition and award of development projects. Roundtables and discussion on weapons collection were also organised on national television, and the programme was presented at a local level to local authorities and municipalities.[96] The Assessment of the SALWC project undertaken in October 2003 concluded that the PAI component of the project was successful: 'Across the spectrum... people agreed that SALWC had a major impact at changing the "mentality" of the Albanian population towards firearms ownership and thereby has contributed towards and increase in public safety'.[97]

94 Article 8, Law No 8388, 05 August 1998 for SALW Collection.

95 Author's conversations with Nora Kushti, UNDP Albania and former GPP staff, June 2002.

96 SALWCP 2002 – 2003 page, www.undp.org.al.

97 'You have removed the Devil From Our Door' – An Assessment of the UNDP Small Arms and Light Weapons Control (SALWC) project in Albania', BICC, SEESAC APD 20, October 2003.

SALWCP, now SSSR, is funding a new phase of awareness-raising, linked to its move towards community policing. Previous NGO partners, the Movement for Disarmament and Safer-Albania, undertook a pilot Disarmament Education and Peaceful Culture (DEPC) project for the introduction of SALW awareness education in four schools from 15 May to 15 July 2003. The main aim of the project was 'to establish pillars for a permanent collaboration between police education officers and schools in order to disseminate a culture of peace to the younger generation'; interactive communication strategies, such as group discussions and electronic media, were used to cover a range of issues, including drug and human trafficking as well as SALW.[98] Over 2,200 teachers, students and pupils participated in the DEPC project and an effective model has now been developed for further project implementation, currently dependent on funding.

Another education project has been funded by the UN DDA (United Nations Department for Disarmament Affairs) and the Hague Appeal for Peace: the 'Peace and Disarmament Education Project', implemented by the Albanian Center for Peace and Disarmament Education. This involved the development and implementation of a peace education curriculum for high school students in two schools in Gramsh and Shkoder, reaching a total of 1586 pupils.[99] Work focused on extra-curricular activities and projects such a debates and public discussions, literature and art competitions, and workshops on conflict and gender issues. Teachers were also trained in peace and disarmament education, and support was provided for the establishment of a school newspaper focusing on relevant issues and computer lab to allow exchange of experience between educational institutions.

The Albanian Women Journalists Forum (AWJF) undertook two training events on campaigning for women community leaders in the towns of Shkoder and Lezhe in July 2003. Fifty women identified as influential and well-respected by their communities (civil society activists, local politicians, journalists, teachers and artists) were trained on awareness-raising and advocacy on SALW control. Since the training, participants have undertaken various activities: several became involved in a UNDP SALWC local project; two joined a group working against the practice of blood feuds; small information centres encouraging women to take part in work for a community without weapons were created in the rural Lezha region; and a local community project against domestic violence and in support of children's rights has been established. The project was given significant coverage by Albanian media, which helped to get publicity for the issues and fed into the debate about the role of women in the process of civilian disarmament.[100]

98 'UNDP Albania Security Sector Reform Project SALW Awareness Programme for Schools', SEESAC Activity Report AR/012, 31 July 2003, www.seesac.org.

99 'Peace and Disarmament Education Project' page, www.peace.undp.org.al, referenced 21 January 2004.

100 'Albanian Women Journalists Forum (Albania)/Saferworld (UK): Workshops for Women in Albania', Saferworld project report, available from Dana Plavcova (dplavcova@saferworld.org.uk).

101 Correspondence with Shqelqim Sina, National Technical Security Specialist, UNDP/SSSR Project, 04 February 2004.

102 'Making Global Public Policy: The Case of Small Arms and Light Weapons', p 17, Edward Laurance and Rachel Stohl, SAS Occasional Paper No 7, December 2002.

103 'You have removed the Devil From Our Door' – An Assessment of the UNDP Small Arms and Light Weapons Control (SALWC) project in Albania', BICC, SEESAC APD 20, October 2003.

Table 6 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
Albanian Government	1998 to date	General public	AR is undertaken by the authorities; besides official announcements and regular media work, activities primarily consist of dissemination of UNDP AR materials such as posters, T-shirts, etc.[101]	NA	NA
Gramsh Pilot Project (1998 – 1999)	1998 –1999	General public	Promotion of the initiative on TV and radio, as well as discussions and advertisements, leaflets, T-shirts, posters, etc.	The Gramsh AR campaign is widely regarded as a success, alerting communities across the country as well as the pilot area.	NA, as a breakdown of total project costs.
WED (2000 – 2002)	2000 – 2002	General public	TV and radio promotion through discussions and advertisements, leaflets, T-shirts, posters, etc.	NA	NA, as a breakdown of total project costs.
UNIFEM[102]	2000	Women and youth.	Campaign and conference 'Women of Diber Say No to Guns, Yes to Life, Yes to Development'.	NA	UNIFEM
UNDP SALWCP	2002 – 2003	School pupils, women, general public	Posters, pamphlets, discussions, delivered through media and local door-to-door teams.	Evaluation: 'major impact at changing mentality towards firearms'.[103]	US$100,000
UNDP SSSR	15 May – 15 July 2003	School pupils	Interactive briefings and discussions, electronic media and distribution of T-shirts	Messages reached the 2,200+ individuals who participated.	SEESAC funds of US$30,500
Albanian Women Journalists Forum	July 2003	Women community leaders	Two trainings on SALW campaigning in Shkoder and Lezhe.	50 women were trained and AR projects have resulted from the project.	Saferworld funds of US$7,000
Albanian Center for Peace and Disarmament Education NGO	2003	Secondary school pupils	Teacher trainings, participatory activities and discussions and support for resource-creation.	NA	UN DDA and Hague Appeal for Peace

SALW survey activities

Only one major survey has been conducted on SALW in Albania, the SALWCP's 'Socio-economic Analysis and Impact Survey',[104] which sought feedback from the population both within the area of intervention of the SALWC Project and outside with respect to the:

- 'Situation of public order and security;
- Impact of the project on weapons surrender and collection, and insaturation of a better security situation;
- Identification of ideas, options and strategies regarding the future; and ways and possibilities for the instauration and strengthening of public order and security situation'.[105]

Implemented in the second half of 2002, the study employed both qualitative and quantitative methodologies involving questionnaires, interviews and consultation with beneficiaries, representatives of main institutions involved and local/central public structures to help identify problems, options, strategies and milestones achieved from the point of view of people affected by the SALWCP. The main conclusions of the survey were that the SALWCP had conducted a very good SALW awareness-raising and information campaign, that the general security situation has significantly improved, and that communities considered the impact of the SALWCP to be significant.

Smaller-scale surveys or opinion polls have also been undertaken by local NGOs: on women's perceptions of SALW and collection, by the Albanian Women Journalist's League, and on school student's attitudes towards violence and weapons, by the Albanian Center for Peace and Disarmament Education.[106]

Civil Society involvement in SALW interventions

There has been significant involvement of local NGOs and civil society in SALW control projects in Albania. This involvement has occurred primarily through the UNDP's projects, starting with the use of local NGOs and community representatives (as noted above) in the GPP and continuing in the WED, SALWC and SSSR projects.

During the GPP a network of NGOs was established, which continued to work with the UNDP during the WED project, and some members continued similar activities with the SALWCP. The SALWCP employed several NGOs to assist in the delivery of the project's awareness-raising messages, providing an additional channel of information delivery. NGOs worked on a voluntary or contractual basis, producing materials, organising events and implementing development projects. In some areas of the project, NGOs worked as a partner, based on principles and goals acceptable to both organisations.[107] As part of UNDP's SSSR project, educational activities are being undertaken in schools

104 'Socio-economic analysis and impact assessment', SALWCP 2002, Reports, Surveys and meetings page, www.undp.org.al.

105 Ibid

106 UNDP SALWC funded the Albanian Women Journalist's League, and the UN DDA and Hague Appeal for Peace funded the Albanian Center for Peace and Disarmament. Full results are available from the AWJL and the peace and disarmament education project website respectively. AWJL project documents submitted to Saferworld and 'Peace and Disarmament Education Project' page, www.peace.undp.org.al, referenced 21 January 2004.

107 SALWCP 2002 – 2003 page, www.undp.org.al.

to begin broader work on security and peace education linked to community policing development.

Further work is being undertaken in schools by the Albanian Center for Peace and Disarmament Education on small arms and disarmament issues within a broader framework of peace education, focusing on developing older students' awareness of problems through debates and 'shadow' public policy work, and the capacity-building of teachers to undertake longer-term activities. Training was also undertaken by the Albanian Women Journalists League in the summer of 2003, when women community leaders and decision-makers were given SALW awareness and campaigning training with support from Saferworld. As noted above, small-scale research or survey activities have been conducted by these two NGOs.

The Albanian media continue to play an important role in raising awareness of SALW projects and collection, although general capacity for reporting on SALW remains relatively low; representatives of various Albanian media outlets participated in media training events in Belgrade in December 2002 and Skopje in May 2003, organised by SEESAC and SEESAC, Saferworld and IWPR respectively.

Cross-border SALW control initiatives

Albania participates in various regional initiatives dealing with issues of cross-border illicit trafficking and organised crime, including Interpol, the Stability Pact for South-Eastern Europe, the Black Sea Economic Co-operation Organisation (BSEC), the Central European Initiative (CEI) and the SECI Regional Center for Combating Trans-border Crime, to which it seconds a liaison officer. In addition, Albania has sent law enforcement liaison officers to Greece, Italy, Macedonia and Kosovo to co-ordinate and exchange information with their counterparts. An agreement has also been concluded between Albania, Greece, Italy and Germany on the establishment of an international anti-trafficking centre in Vlora, Albania, and the Government has signed bi-lateral agreements on combating organised crime with Italy, Romania, Malta and Egypt.[108]

In terms of specific SALW counter-trafficking activities, Albania has taken various measures. The Penal Code has been amended to increase the penalties for arms trafficking as a high-risk crime (in addition to other amendments to laws and regulations aimed at wider organised crime)[109] and a special structure has been created within the police for preventing arms trafficking.[110] Albania also acted as the proposer country for the SECI Center Task Force on SALW, established in December 2001, and its first initiative, 'Operation Ploughshares'.[111] Commencing work in the summer of 2002, Ploughshares established an information-sharing system between participating countries with the aim of improving effectiveness in apprehending arms smugglers. Operation Ploughshares has co-operated with various countries and actors, including the NGO Saferworld, which funded a workshop with Task Force officers in 2002 to discuss and assess their work plan and strategies, and the Firearms Unit of

108 Albania UN Letter, July 2003.

109 'Albanian Justice Minister Briefs EU With Measures For Fighting Crime', Daily SALW Media Review, 28 November 2003, www.seesac.org.

110 Nesho, UN SALW 2003 conference statement.

111 'Task Force – Combating Trafficking in Small Arms, Light Weapons and Explosives: Project I, Illicit Trafficking in Small Arms, Light Weapons and Explosives, Operation Ploughshares', Project document, SECI Regional Centre and Ministry of Public Order, Republic of Albania, Tirana 2002, referenced in SEESAC files.

the UK's National Criminal Intelligence Service (NCIS), which was instrumental in the development of a SEESAC-organised weapons and firearms intelligence training course to support individual countries at the SECI Center.[112]

Reform of border management systems has been ongoing for some time, and is now under civilian control, as the Albanian Border Police have the responsibility for controlling the state's borders and combating illegal crossing and trafficking of contraband: the service co-operates with several international organisations, including the UN High Commissioner for Refugees (UNHCR), European Union Monitoring Mission (EUMM), International Organization for Migration (IOM), and ICITAP.[113] ICITAP has also conducted training with marine and border police and helped to create a dedicated organised crime unit within the Ministry of Public Order.[114] The Border Police also co-operate with their equivalent structures in neighbouring countries, including the Italian Guardia di Finanza, local Greek police, KFOR, local Montenegrin police and Macedonian authorities, under the framework of a number of different protocols, memoranda and agreements.[115] As one of the countries supporting the Ohrid Common Platform, Albania has undertaken several activities within the framework of the Ohrid Border Security and Management Common Platform: in February 2003, the Government adopted a national strategy on border control and integrated management, to be carried out between 2003 and 2006. The goal of the national strategy is to enhance the functioning of the national bodies dealing with border control, and objectives include completing the necessary legal framework for border control, and assisting organisation of border control and co-operation between national, regional and international agencies.[116]

Various border control activities are ongoing in Albania, including capacity-building and equipment provision support from various organisations and bi-lateral donors. Limited cross-border co-operation projects at the operational level, such as that co-ordinated by the OSCE involving KFOR in relation to the Kosovo border, are also underway, and the Albanian customs and border services continue to improve their capacity to combat smuggling of all contraband, including arms.

SALW management information and exchange systems and protocols

Albania is active in the international and regional systems with which it has made commitments, such as the UN Programme of Action, OSCE and Interpol mechanisms; the country is also in the process of negotiating a co-operation agreement with Europol.[117] However, it remains outside the EU Code and Joint Action framework and has not produced an annual report on SALW, and other areas of data remain opaque. There appear to be no functioning mechanisms for parliamentary or public oversight of SALW imports or exports and limited public input into decision-making on issues in this area.

112 This included training in deployable weapons intelligence units, the intelligence cycle, the Interpol Weapons and Explosives Tracing System (IWETS), a national intelligence model for SALW, a one-day participatory exercise and the detection of concealed bulk ammunition and weapons. Students from 11 countries in the region attended the course, representing national intelligence agencies, police criminal intelligence units and customs services, attended the workshop at the SECI Center in September 2003.

113 'Border Control' page, Albanian Government website, www.mpo.gov.al, referenced 03 February 2004.

114 A main focus of ICITAP's activities is to improve the Albanian authority's ability to combat trafficking or illegal movements of humans, drugs and weapons. 'Albania', ICITAP Project Overview page, www.usdoj.gov/criminal/icitap.

115 Op cit, 'Border Control' page, Albanian Government website.

116 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22 – 23 May 2003.

117 'Europol annual report and work programme for 2004', News article May 2003, www.statewatch.org, referenced 22 January 2004.

Table 7 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	ALBANIA
International	
Reporting to the UN DDA on the Programme of Action	Yes[118]
Reporting to the UN Register of Conventional Arms	Yes
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	-
Interpol	Yes
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	-
SECI Regional Center intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	No
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	No

Additional SALW-related activities[119]

Through its SSSR project, the UNDP is planning to support the implementation of community-based policing (CBP) in a number of pilot sites in Albania, designed to contribute to public safety and security by improving relations and collaboration between the police and the public they serve. So far, a resource document on the principles and philosophy of community-based policing[120] has been developed by the NGO Saferworld – supported by SEESAC and in consultation with UNDP Bureau for Crisis Prevention and Recovery (BCPR) (New York) and the UNDP Albania Country Office – which sets out the aims and objectives of this style of policing as well as how it links to SALW work. Although this document is designed to be applicable worldwide, it will in the first instance serve as reference for the UNDP and local stakeholders in Albania as they plan and implement the envisaged CBP work.

The decision to move from SALW collection to CBP was based on the acknowledgement that disarmament and wider confidence- and security-building efforts require trust in the police and a collaborative relationship between the police and the public. As the police undertook the collection of weapons in Albania, this provided a useful basis to build on for moving into CBP. In addition, some targeted capacity-building work for the police has already been undertaken in order to contribute to the transformation process of the Albanian State Police from a military to a civil organisation able to maintain law and ensure public safety and security.

118 A letter reporting on progress achieved so far was delivered by the Albanian Government representative at the First Biennial Meeting of States in July 2003; Albania UN Letter, July 2003.

119 This section was drafted by Hesta Groenewald, Project Co-ordinator on Saferworld's Conflict Prevention Programme and member of the Saferworld team undertaking community policing consultations and resource development with UNDP/SSSR Project and SEESAC 2003-04.

120 The document can be found at www.seesac.org/reports.

The links between SALW work and improving policing are clear when one considers the impact of the unregulated presence of SALW on society – including the increased opportunities for criminals to use firearms. Moreover, CBP has the potential to drastically improve the long-term sustainability of SALW collection activities as the public will only give up their arms when they feel safe and perceive the police as effective protection agents.

Bosnia and Herzegovina

Small Arms problem

Previously a key country in the former Socialist Federal Republic of Yugoslavia (SFRY) defence complex, Bosnia and Herzegovina (BiH) produced a substantial amount of military equipment, including the bulk of Yugoslav-manufactured SALW.[121] When war broke out in 1992, thousands were killed by small arms as BiH society split into different factions contesting the secession of the country from the federal republic. Domestic arms production and holding facilities were a source of supply during the fighting and additional weapons were smuggled into the country from neighbouring countries and further afield in spite of a UN embargo;[122] the then Yugoslav state army, the JNA or VJ, and territorial defence also distributed substantial amounts of weapons to local militias.[123] BiH, similarly to Croatia and Kosovo, suffered from hand-to-hand fighting in the conflict across its territory, and the trauma of recent memory results in many civilians, in both urban and rural areas, continuing to retain weapons for self-protection, particularly as many remain mistrustful of the country's security services.[124]

The security situation is now relatively stable in Bosnia and Herzegovina and significant numbers of refugees and internally displaced persons (IDPs) have been able to return to their homes. The presence and activities of the NATO-led Implementation Force (IFOR) and Stabilisation Force (SFOR) and other agencies have made vital contributions to improved perceptions of security, and public information campaigns on SALW and mines continue to yield results. International and local agencies have been active on SALW collection and de-mining,[125] and have made substantial progress in improving communities' safety. It is, however, clear that many more illegal SALW remain diffused throughout the country. Substantial numbers of SALW were possessed by civilians before the war – statistics from 1989 give a total of 342,131 weapons possessed by

121 'Development Denied', Small Arms Survey 2003, Small Arms Survey, OUP, 2003, p 43 (hereafter 'Small Arms Survey 2003').

122 BICC Conversion Survey 2002, p 131.

123 'The links between Belgrade and the Serbian paramilitary forces were so substantial that the republic's forces were 'considered to be a branch of the Yugoslav Army', with officers holding dual rank in both military formations and salaries being paid from clandestine Yugoslav sources.' Ibid.

124 The results of a perception survey conducted by the Centre for Security Studies in July 2002 indicate that 'citizens are not satisfied with the 'quality of security' provided by the authorities. As a result they feel that they need to possess and carry illegal weapons for the purpose of personal protection'. 'Needs Assessment on Small Arms and Light Weapons in Bosnia and Herzegovina', CSS, Sarajevo, July 2003, (hereafter 'CSS Needs Assessment 2003') pp 25–26.

125 Since 1997, when an average of over 50 civilian incidents per month were reported by the Red Cross, clearance operations have dealt with less than 10% of the estimated problem, though the mine action strategy for BiH envisages the country free from the threat of landmines and UXO (rather than free of all mines and UXO) by the end of 2010. The military, the Civil Protection Authority, NGOs and commercial organisations are involved, and mine awareness activities, carried out by organisations such as the Red Cross, have proved effective at improving safety. 'Mine Action 2002', Bosnia and Herzegovina Mine Action Centre; 'Harvest of Death', SFOR Informer, 19 March 1997, www.nato.int/sfor.

civilians, out of a population of just over four million[126] – and the number of incidents involving firearms suggest that many are still diffused through communities.[127]

Furthermore, SFOR troops also continue to discover large weapons and ammunition caches, described as obviously 'well-managed',[128] and often containing light weaponry of substantial calibres, such as M55 triple-barrelled 20mm anti-aircraft guns, and M57 rocket launchers, as well as mines and explosives.[129] The existence of such caches indicate that although armed conflict has stopped, there are still groups who believe they will gain from illegally retaining military equipment should the situation deteriorate and that Bosnia and Herzegovina still has some way to go before being free from the threats posed by SALW proliferation. Crime and corruption remain a problem, and are intimately linked to illegal firearms possession.[130] Arms trafficking also exists, and, although in general at a low level, there have been cases where larger consignments of illegal arms have been exported and arms smuggling remains a concern (see SALW transfers below).

The security of the various over-stocked and under-manned stockpiles across the country is an additional cause for concern, and has risen further up the international agenda in the last year as high-level decisions made in early 2003 will see the entity armed forces downsizing. According to Government sources, the armed forces possessed approximately 540,000 SALW in 1999 and this has been reduced to 210,000 in 2003, with the intention to reduce numbers further as military downsizing continues.[131] It is unclear whether this statement refers to the removal of weapons active service, actual physical destruction or arms transfers.[131a] SFOR estimates are that approximately 20,000 Federation Army and 30,000 Republika Srpska Army pieces of SALW will be rendered surplus in the downsizing.[132] The question of destruction obviously presents additional challenges in terms of the safety and efficiency of storage and transport processes, as well as longer-term questions of building national capacity to effectively tackle large-scale weapons destruction. However, one of the most serious SALW issues is the destruction of surplus ammunition and EOD, a more complex process that current resources in the country are unable to meet – resulting in the prospect of highly unsafe material being stored, in some cases close to residential areas and in many cases with poor security against theft, for decades to come.

126 Figure T3.1: Small Arms Ownership in the former Yugoslavia, 1989. BICC Conversion Survey 2002, p 127.

127 'In any one week in BiH there are several media reports of incidents involving hand grenades, shootings and attacks with explosive devices of certain persons or public facilities, all proof of the harsh reality... of how many dangers are still lurking in the country.' 'Comprehensive Destruction of "Harvest Weapons"', 2nd Lt Oliver Rolofs, SFOR Informer, September 2003, www.nato.int/sfor.

128 'A fine harvest for the Ghurkas', Lt Hollie Ryan, SFOR Informer, October 2003, www.nato.int/sfor.

129 In the space of a few days, four large caches containing 2,330 mortar rockets, 917 kg of explosives, 433 rounds of small calibre ammunition, 238 anti-tank mines were discovered in the RS in September. 'NATO Discovers more weapons caches in Serb-run Bosnia', 17 September 2003, Weekly Media Report 15 – 22 September 2003, www.seesac.org.

130 '...almost all murders and suicides committed by firearms in Canton Sarajevo are committed with weapons for which the perpetrator or the suicide victim did not have a valid permit'. CSS Needs Assessment 2003, p 12.

131 Statement by Dr Hasan Dervisbegovic, at the First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, July 2003 (hereafter 'Dervisbegovic, UN PoA statement 2003').

131a There has been no independent verification of any SALW destruction on this scale, so it would seem that the SALW 'reduction' noted in the BIH Government statement may be referring to the re-classification of weapons previously in active service as surplus stocks. Therefore they probably still physically exist in the country; Interview with Adrian Wilkinson, SEESAC Team Leader, 18 march 2004.

132 'A dream comes true', 2nd Lt Agustin Lopez Marin, SFOR Informer, 31 March 2003, www.nato.int/sfor.

Small Arms policy and practice

Governance structures and the international community

Since the end of the war in Bosnia and Herzegovina in 1995, international agencies and organisations have played a major role in running the country. The 1995 Dayton Peace Agreement established two entities – the 'Federation',[133] which comprises ten cantons, and the Republika Srpska (RS) – and one district (Brchko). Mandated by Dayton, SFOR is currently in control of many security-related areas, although these are gradually being handed over to national government authorities. Through an initiative called 'Operation Harvest', SFOR has been active in collecting arms from the population since January 1998, a project that has resulted in the collection of over 22,600 SALW to date.[134] SFOR is also involved in arms destruction, and in the reduction of the number of stockpiles, though downsizing in SFOR troop strength will adversely affect the force's ability to conduct collection and destruction operations in future.[135] There are also strong indications that SFOR will finish its mission in BiH at the end of 2004, and it is as yet unclear what policy its successor EU force will have with regard to collection.[136] The OSCE Mission to BiH, which is tasked with the establishment of an arms control programme and developing the legislative framework for arms control by the Peace Agreement, is currently expanding its staff to assist in SALW control programmes, with particular emphasis on assisting the drafting of new legislation. In addition, Dayton accorded the Office of the High Representative (OHR) responsibility for civilian implementation of the Peace Agreement, including the introduction of state-level legislation and harmonisation of legislation on entity or local, cantonal levels governing arms control. The OHR thus plays a role in terms of policy co-ordination and development of national institutional frameworks that will ultimately be responsible for arms and SALW control in the country.[137] Several embassies are also involved in SALW-related issues, particularly legislative reform, and the current lead agency for small arms issues, the UNDP Country Office, has recently started a Small Arms Reduction Project (SARP). Amongst other SALW control elements, it aims to focus on development of a state-level SALW commission, specialised training on SALW for public servants working on relevant issues, awareness-raising, and ammunition destruction, an area not comprehensively covered by SFOR.[138]

The complexity of BiH's governing structures mean inevitable challenges of co-ordination of responsibilities and action to combat SALW proliferation. The state government, the two entity governments and their police and military, the cantonal administrations, the Civil Protection Authority as well as the international community, all have different levels of responsibility for SALW control and regulation. Although progress has been made, there remains a need for improved co-ordination, both within and between the Government and international community, and for increased capacity

133 The Federation of Bosnia and Herzegovina is the legal successor of the Muslim-Croat Federation established in 1994.

134 'Summary of Regional SALW Collection Statistics (Weapons) – Bosnia and Herzegovina', www.seesac.org.

135 'Short Mission Report – SEESAC Consultation in Bosnia and Herzegovina, 05 – 07 February 2003, www.seesac.org

136 'SFOR plans new force structure in BiH', Antonio Prienda, Southeast European Times, 12 January 2004; correspondence with Mr Nikola Radovanovic, BiH National SALW Focal Point, 09 March 2004.

137 Ibid

138 For a more in-depth analysis of the roles and responsibilities for arms control allocated to different organisations, agencies and governments structures, a detailed overview is given in the CSS Needs Assessment 2003.

within both state and entity governments on SALW control issues.[139] The BiH Council of Ministers established a state-level SALW Co-ordination Board in 2002, and it is to be hoped that with additional support from UNDP, the Board will be able to begin to co-ordinate SALW-related policies and initiatives across the country effectively.[140]

The BiH Government is in the process of creating a number of new ministries at the state level. The Ministry of Security in particular has the potential for playing a co-ordinating role on SALW issues in the country, and the recent decision on the establishment of a unified defence ministry and military command structure are very promising.[141] Significant progress has also been made on downsizing the military forces - a very positive process, but, as noted above, one that will compound the challenges of destruction of surplus weaponry and ammunition. It is expected that BiH will be admitted to the NATO Partnership for Peace programme in summer 2004.[142] In the last year or so there has been 'a higher involvement of state authorities' as the international community has handed over competencies to national institutions and this process of strengthening state bodies has been accompanied by new legislation to regulate SALW. [143]

The progressive development of state-level institutions to assist coherent policy and implementation on SALW and related issues will vastly improve the situation in BiH. Capacity-building of institutions, and of entity and cantonal bodies, is also a challenge that will need to be addressed before comprehensive controls currently being put in place at higher levels will make any impact on the ground. The international community must consolidate the achievements so far in establishing frameworks that will facilitate implementation of effective SALW control, as ultimately domestic institutions must be responsible for these problems. In addition, amidst the many other pressing needs and issues, both international organisations and national authorities must maintain the political will to prioritise SALW control in the coming years if the problems in BiH are to be fully resolved.

Government SALW policy

Bosnia and Herzegovina has made commitments to the Stability Pact RIP, the UN PoA, and the OSCE Documents on Small Arms and Conventional Ammunition Stockpiles (see Table 8 below). BiH also participates in the OSCE SALW information exchange, but made only a statement, rather than delivering a report on progress towards implementation of the PoA at the UN Biennial Meeting of States in 2003. In terms of policy on SALW, the agenda remains influenced by the international community and agencies with responsibility in BiH. It is clear that national political will to tackle the problem also exists: national representatives have made commitments to progress in international fora, such as the 2001 UN SALW Conference, at which the representatives from BiH stated that, 'we strongly support every idea facilitating the process of disarmament and demobilisation of ex-combatants', and at the subsequent 2003 UN Biennial Meeting of States that, 'we are aware that we are at the very beginning and it is necessary to

139 Op cit, 'Short Mission Report – SEESAC Consultation in Bosnia and Herzegovina, 05 – 07 February 2003.

140 'SALW Activities in Bosnia and Herzegovina', Clearing Guns – The South Eastern Europe SALW Quarterly Newsletter, Issue 1, June 2003.

141 In late September 2003, all three ethnic groups (Serbs, Croats and Muslims) agreed to set up a state defence ministry and unified military command with: defence minister and army chief; soldiers wearing the same uniform with state insignia, swearing same oath and serving under same flag. Draft laws still have to be approved by Bosnian parliaments. 'Bosnian Defence Unified', 29 September 2003, Weekly Media Report 29 September – 06 October 2003, www.seesac.org.

142 'Serbia and Montenegro and Bosnia Herzegovina to Join Partnership for Peace in May 2004', Daily Media Review 03 December 2003, www.seesac.org.

143 Dervisbegovic, UN PoA statement 2003.

engage all state and entity authorities in implementing the programme for small arms and light weapons'.[144] However, it seems clear from these statements that regardless of national will, international assistance will be needed for any substantial action to combat SALW, as BiH representatives also highlighted that, 'For [disarmament], as well as for the standardisation and management of the stockpiles of small arms and light weapons significant financial resources are necessary, and could be the problem for the developing and least developed countries, especially in those recovering from recent conflict', and '[implementing the PoA] is not possible without the assistance of international and regional organisations'.[145]

Production

Described as having provided the 'backbone of the military industry in Ex-SFRY',[146] it is estimated that Bosnian factories represented approximately 42 percent of SFRY's military industry, employing some 38,000 workers at that time.[147] While the majority of SFRY's production facilities were located in Serbia, 'important centres existed in the towns of Banja Luka, Novi Travnik and Mostar',[148] as well as plants in Gorazde, Konjic, Sarajevo and Bratunac, in BiH.[149] The war saw the military production base split into two entities and this division exists to a significant level today. In general, the Republika Srpska possesses most of BiH's military servicing facilities (Bratunac, Banja Luka, Bijeljina), and the Federation the majority of production facilities (Gorazde, Konjic, Vogosca, Novi Travnik), and both entities have retained, or are in the process of renewing, close technological and business links with industry in Serbia and Montenegro.[150]

Military industry is currently organised on an entity level, and in both cases the state is the majority stakeholder in military production and export companies, with a focus on supplying the needs of the respective armed forces and exporting surplus. Factories are in general operating on a low level of technology with minimum staff, and 'problems related to the military industry are multi-faceted': the lack of organised marketing, and markets, combined with a lack of modern technology severely limit the competitiveness of Bosnian military products.[151] In addition, 'the industry also faces internal problems such as the price of electricity, inadequate investment capital and accumulated wartime debts'.[152] The closure of military production plants would cause significant problems in terms of the already-high levels of unemployment in the country, but plans are under development for the conversion of about 70 percent of the industry to civilian production.[153]

144 Respectively: Statement by HE Mr Husein Zivalj, Ambassador and Permanent Representative of Bosnia and Herzegovina to the UN, UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 10 July 2001 (hereafter 'Zivalj, UN SALW 2001 conference statement'), and Dervisbegovic, UN PoA statement 2003.

145 Ibid

146 Dervisbegovic, UN PoA statement 2003.

147 BICC Conversion Survey 2002, p131.

148 Ibid, p128.

149 Correspondence with Mr Nikola Radovanovic, BiH National SALW Focal Point, 09 March 2004.

150 Correspondence with Mr Nikola Radovanovic, BiH National SALW Focal Point, 09 March 2004.

151 CSS Needs Assessment 2003, p 55.

152 Ibid

153 Ibid p 53.

According to NISAT, since independence, five factories in BiH have produced various SALW, including grenades, rockets, landmines and a range of ammunition.[154] The Small Arms Survey also notes that since the end of the war, several military production facilities have recommenced production and small arms ammunition is produced at the Igman plant in Konjic and Pobedja plant in Gorazde, although the operational status of other plants is unclear.[155] BICC confirms that BiH still produces SALW and ammunition and notes that BiH industry has 'attempted to reorient its production towards global markets'.[156] Research conducted in 2003 by the Sarajevo-based Centre for Security Studies (CSS), gives information on fifteen main factories in BiH currently producing armaments ranging from SALW ammunition, mortars, artillery and explosives to armoured vehicles, tanks and components for military aircraft.[157] The Small Arms Survey estimates that total defence industry employment amounted to 5,000 in 2002; however, the more recent CSS research reports that Federation factories alone employed approximately 7,000 staff.[158]

Table 8 – Bosnia Herzegovina's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	BOSNIA AND HERZEGOVINA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	-
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	Incorporated into domestic legislation in 2003.[159]
EU Joint Action on SALW	-
Wassenaar Arrangement	-

154 The NISAT tables on small arms producers contain the following information on the activities of firms in Bosnia and Herzegovina: the Bratstvo facility produced mortars under 100mm and rockets/projectiles (information from 1997); the Unis-S.Rodic facility produced grenades, hand-fired/rifle-launched, and landmines (information from 1997); the Unis Preduzece Igman facility produced ammunition less than 12.7mm (information from 1997); the Unis Promex d.d. facility produced ammunition less than 12.7mm (information from 2000); the Unis Pobjeda facility produced ammunition less than 12.7mm (information from 1999); the Unis-Pretis facility produced ammunition greater than 12.7mm and rockets/projectiles (information from 1997), and the Zrak facility produced optical sights (information from 1997). www.nisat.org.

155 Small Arms Survey 2003, p 43.

156 BICC Conversion Survey 2002, p 131.

157 In the Federation entity of BiH the nine operational factories manufacturing military products are: UNIS GINEX, in the town of Gorazde (formerly Pobjeda); BINAS, in Bugojno; BNT (TmiH) plant, in Novi Travnik; TRZ, in Hadzici; Igman, in Konjic; Zrak; in Sarajevo; UNIS-Pretis, in Vogosca, and Vitezit, in Vitez. According to data from the Federation MoD the current capacities of these factories allow the production of: small arms ammunition of various calibres; mortar shells of various calibres; artillery ammunition of various calibres; anti-armour ammunition for hand-held grenade launchers and recoilless guns; fuses for mortars, artillery shells and rockets, hand grenades and anti-tank shells; mortars; artillery; rocket launchers; anti-armour weaponry; gun powder and explosives; service equipment for the military industry. In the Republika Srpska, out of 17 registered companies, and 11 active, information is available on the six largest: Famos, Cajevac, TRZ (in Bratunac), Pretis, Orao (in Bijeljina), and Kosmos. In addition to various dual-use products, RS factories have the capacity to produce: armoured vehicles and tanks; components for the air craft industry; engineering equipment; equipment for electrical distribution; rocket chambers. CSS Needs Assessment 2003.

158 Small Arms Survey 2003, p 43; CSS Needs Assessment, p 53.

159 Article 6 of the 2003 Law on Import and Export of Arms and Military Equipment (Official Gazette of BiH, No 5/03) rules that decisions on licensing must be taken in accordance with the EU Code. See Table 9 below for more detail.

Small Arms progress

Legislative and regulatory issues

The complexity of governance in the dual-entity and cantonal Bosnian state is mirrored in the legislative and regulatory systems employed at the three levels of state government, entity government and cantonal administration. The state established by Dayton was intentionally one of a very localised nature that preserved the authority of local government. However successful in other ways, until recently this structure posed significant problems for regulating SALW, and even after significant harmonisation of the relevant legislation it continues to present challenges to implementation and co-ordination of SALW control. [160]

Thankfully, new legislation and regulations on import and export have now been introduced,[161] largely as a result of the Orao scandal of 2002 (See SALW transfers below), which highlighted the inadequacies of the previous system, embarrassed BiH's international 'guardians' and brought with it the threat of sanctions. Many loopholes existed in the old legislative framework governing arms production, export and import: until January 2003 the entity Ministries of Defence were the highest authority for decisions relating to the production and transfer of arms and military equipment, with SFOR playing a role through its regulation of any movements of arms across the country's territory.[162] Now, four state-level ministries have responsibilities for arms control: the Ministry of Foreign Trade and Economic Relations (MoFTER), the Ministry of Foreign Affairs (MFA), the Ministry of Security and the Ministry of Defence (the former Standing Committee on Military Matters secretariat).[163]

Responsibility lies primarily with the new Ministry of Foreign Trade and Economic Relations, which drafted the new law governing arms import, export and transit, the January 2003 Law on the Import and Export of Arms and Military Equipment.[164] The 2003 Law on Import and Export specifies the conditions under which arms can be imported, exported and transited through BiH, the responsibilities of different institutions, conditions for registration, issuing permits and sanctions.[165] The implementation of the Law is progressing and MoFTER began issuing import and export permits in accordance with its provisions in early 2003.[166] A Law on the Manufacture

160 'The state of BiH is composed of two entities, ... While some powers remain at state level, many are devolved and the entities have responsibility for many key areas of government, including the military, police and various elements of arms import and export control. Local government at the canton level represents a third stage of devolution and another challenge to information exchange and consistency of policy on SALW... In practice, the deepest administrative division is between the two entities and there is little co-ordination between the authorities in the RS and the Federation. All state and entity level officials consulted by the SEESAC team felt that better co-ordination between the two entities on SALW control issues was badly needed. The suggestion of a state-level National Commission on SALW composed of state and entity ministers and officials was given unanimous support.' Op cit, 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002'.

161 An excellent overview of the legal framework relating to SALW in BiH can be found in the 'Needs Assessment on Small Arms and Light Weapons in Bosnia and Herzegovina', produced by the CSS, Sarajevo, July 2003

162 Op cit, 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002'.

163 Correspondence with Mr Nikola Radovanovic, BiH National SALW Focal Point, 09 March 2004.

164 Official Gazette of BiH, No 5/03. The Law on Import and Export was briefly amended (Official Gazette of BiH No 33/03) and is supported by a number of instructions and decisions on registration, customs obligations, and the issuing of import/export permits.

165 All physical and legal bodies must be registered with MoFTER, which is responsible for issuing export, import and transit permits. Accompanied by sub-acts regulating how customs and MoFTER implement control, the documentation process for export/import companies is also defined, and provisions include a Joint List of Military Equipment that encompasses EU Directives on arms export. The entity MoDs are still included in process but cannot issue licences. CSS Needs Assessment 2003, pp 19 and 36.

166 Ibid, pp 35–36.

of Arms and Military Equipment was also adopted by parliament in February 2004:[167] this will, alongside the January 2003 Law on Import and Export, govern the production and overhaul of arms and military equipment, complete the legislative framework and 'serve as a cornerstone for the improved work of military industry' in BiH.[168]

According to the 2004 Law on Manufacture, all manufacturers of arms and military equipment must be registered, and licensed by MoFTER, following approval from the relevant entity Government. Manufacturers are required to inform MoFTER of contracts and are responsible for the safekeeping and security of all materials, products and equipment, while MoFTER and the entity Ministries of Industry are responsible for inspection and supervision of manufacturing activities. The supervisory or inspection provisions of the Law on Manufacture are deemed some of the most significant, and although by-laws and regulations will need to be adopted before the new inspection regimes can begin to function, the Law represents 'the first and most significant step' in the introduction of state-level control over arms manufacture.[169]

Upcoming legislation will also substantially improve control of civilian weapons possession. Until the new laws are introduced in each entity, rather out-dated regulations governing firearms possession continue to vary – not only between the two entities, but also between cantons. The drafts currently under discussion will see a far greater harmonisation,[170] both between the two entities and with Brchko District, which passed a new Law on Arms and Ammunition in December 2002,[171] although some differences will remain. Under the current system the Ministries of Internal Affairs in each entity have responsibility for drafting and implementing legislation on civilian arms possession. The Federation Law on Arms and Ammunition, that was sent to the Parliament for consideration in August 2002, and the Republika Srpska Law on Weapons and Ammunition, that was submitted to OHR in April 2003, are similar on all key provisions, and overrule former lower level regulations covering the licensing of firearms and trade in firearms and spare parts.

In addition, a state-level Law on Testing, Stamping and Marking Small Arms and Ammunition was passed in March 2003,[172] making provisions for entity authorities to issue permits for the possession for SALW and ammunition that have been marked in accordance with provisions of law. Determining which arms and ammunition should be tested, stamped and marked and the required procedures, including accreditation with official bodies, and the implementation of the Law on Testing will be the responsibility of MoFTER.[173]

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167 Although the Law on Manufacture of Arms and Military Equipment passed through the final stages of parliamentary approval on 26 February 2004, at the time of writing it had not yet been entered into the Official Gazette, so no formal reference or final draft of the Law was available. Analysis of the 2004 Law on Manufacture is therefore based on a May 2003 draft of the Law, obtained from OHR Legal Department (via SEESAC), 05 February 2004.

168 CSS Needs Assessment 2003, p 36.

169 At present, entity MoDs are responsible for inspection, while also being majority shareholders in arms manufacturing bodies. The 2004 Law on Manufacture (and subsequent by-laws and entity legislative reform) will see this responsibility moved in the near future to the entity Ministries of Industry, as well as the state-level MoFTER, thus bringing military production under full civilian control. Letter 'BiH Law on Manufacture of Arms and Military Equipment', Mudzahid Hasanbegovic, Legal Officer for Public and Administrative Law, OHR Sarajevo, 10 March 2004.

170 The current system of cantonal legislation on arms possession results in a number of variance between cantons on substantive provisions, such as type of weapon permitted to be owned and/or carried: 'Sanctions for unlawful acts also greatly vary from canton to canton. For example, lending arms to another person in Canton Sarajevo is a criminal act, whereas in West Herzegovina Canton, it is petty crime. This is not only confusing for the citizens, but also for the police.' In addition to other inconsistencies, the current RS law on civilian possession provides for financial sanctions, to be paid in dinars, the former Yugoslav currency. CSS Needs Assessment 2003, pp 37–39.

171 Official Gazette of the Brchko District of BiH, No 17/02.

172 Official Gazette of BiH, No 21/03.

173 CSS Needs Assessment 2003, pp 36–37.

Table 9 – Features of Bosnia and Herzegovina's legislative and regulatory framework

Note: As new legislation will shortly be passed or come into force, the table below on BiH's legislative and regulatory framework has been completed with reference to the new draft possession laws in the RS and Federation and a draft of the 2004 Law on Manufacture of Arms and Military Equipment, though in lesser detail than other laws, as provisions in the possession law drafts may still change and the final text of the Law on Manufacturing was not available. The draft laws used for analysis, as with other legislation, were obtained from SEESAC.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	BOSNIA AND HERZEGOVINA
National	
National co-ordinating agency	Yes, although the activities of the state-level co-ordinating body so far have been minimal.
National point of contact	Yes
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes[174]
Production	Yes[175]
Export	Yes[176]
Import	As 'Export' above.
Transit	Yes[177]
National System of Export & Import Licensing or Authorisation	
System	Yes[178]
Diversion risk	Not specified, but licence decisions should be in accordance with the EU Code, whose criteria include risk of diversion.
End-user certificate	Yes[179]
Retransfers	See 'Transit' above.
Verification (pre/post)	No
Brokering controls	Yes[180]

174 The 2003 Law on Import and Export of Arms and Military Equipment (Official Gazette of BiH, No 5/03) and the Law on Manufacture of Arms and Military Equipment (adopted by parliament on 26 February 2004, but not yet published in the Official Gazette) govern, and will govern, respectively, activities in this area.

175 The 2004 Law on Manufacture of Arms and Military Equipment will, when in force, regulate the manufacture and overhaul of arms and military equipment. The main provisions of the Law are that: these activities can only be carried out by legal entities/persons licensed by MoFTER and with the agreement of their entity Government, and who are also registered for these activities; MoFTER must be informed of contracts for manufacture or overhaul; records of all manufacture, materials, products and semi-final products must be kept; the licensed manufacturer has a responsibility for safe-keeping and security of all materials and products according to a security plan; and, the entity Governments and MoFTER have responsibilities for supervision of manufacturing activities (May 2003 draft).

176 According to the 2003 Law on Import and Export, import and export of arms and military equipment is permitted by registered persons and legal entities who have obtained a licence for export from the MoFTER (see 'System' below for more details).

177 Under Article 2 of the 2003 Law on Import and Export, 'import, export and transit of arms and military equipment shall include the import and export trade of arms and military equipment across the borders of Bosnia and Herzegovina by terrestrial, maritime or aerial routes regardless of final destination'. Article 13 notes that, in the case of transit flights landing on BiH territory, the responsible customs authority is authorised to 'review the complete list of arms and military equipment and run a check on the arms and military equipment'.

178 Under the Law on Import and Export all persons and legal entities engaged in AME import or export, or 'trade mediation', including long-term co-operation agreements, must be registered with the MoFTER, which also issues licences for import, export, transit or 'mediation'; licensing by MoFTER requires consent from the BiH Ministries of Foreign Affairs and Security (in accordance with Amendment Official Gazette No 33/03) and the Standing Committee on Military Matters (Articles 4 and 5). In giving consent to licences, the MFA must in particular take in account of UNSC sanctions, BiH's international obligations and commitments, the EU Code of Conduct on Arms Export and the 'principle of prevention of production and use of mass destruction weapons'; licences shall also be issued when the activity is in support of UN SC and OSCE decisions, and any other peace-keeping operation carried out according to the principles of the UN Charter (Articles 6 and 7). Licences must contain: a deadline for realisation of the transaction; a waiver clause should conditions change; requirements for transport, such as itinerary, border crossings and security provisions; mandatory and immediate notification of the MoFTER once the transaction has been completed (Article 9). MoFTER has the responsibility of maintaining a database of records on licences issued and to provide information on licences and other data for the MFA, UN, and OSCE; the MFA is authorised to inform other countries of licence refusals and to consult with other countries on their licence refusals (Article 11). Penal provisions range from fines up to 10,000KM (approximately 5,000 equivalent) and prison sentences between 60 days and 10 years (Articles 14 and 15 and amendment No 33/03). 2003 Law on Import and Export, Official Gazette No 5/03.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	BOSNIA AND HERZEGOVINA	
Domestic Possession, Stockpiling & Trade		
Legislation	Federation	Yes[181]
	RS	Yes[182]
	Brchko District	Yes[183]
Manufacture	Federation	Repair and modification only;[184] see 'Production' above.
	RS	Repair and modification only;[185] see 'Production' above.
	Brchko District	Repair and modification only;[186] see 'Production' above.
Marking and tracing	Yes for 'hand firearms', eg rifles, handguns, revolvers.[187]	
Possession	Federation	Yes[188]
	RS	Yes[189]
	Brchko District	Yes[190]
Stockpiling	Not specified. There is only limited reference to safe storage of possessed weapons by civilians and trading entities in the possession legislation of the entities and Brchko District. However, the 2004 Law on Manufacture does include provisions on the responsibility of arms manufacturers to store products and materials safely and securely.	
Trade	Federation	Yes[191]
	RS	Yes[192]
	Brchko District	Yes[193]

179 Under Article 5 of the 2003 Law on Import and Export, end user certificates must be provided to the MoFTER prior to the issue of licences for export.

180 'Mediation in trade of arms and military equipment' requires licensing by the MoFTER (see above); 'mediation' is 'designated as an action wherewith a physical or legal person with a permanent or temporary abode within the borders of Bosnia and Herzegovina provides for or organizes the transport of arms and military equipment located outside Bosnia and Herzegovina to another country' (Article 2). 2003 Law on Import and Export, Official Gazette No 5/03.

181 The draft Federation Law on Arms and Ammunition, June 2002, covers possession, trade, repair and modification and transport of firearms in the Federation, and is significant in that it will overrule cantonal regulations or legislation on arms and ammunition.

182 The Draft RS Law on Arms and Ammunition, April 2003, covers purchase, possession and carrying of weapons and ammunition, and the repair and modification, trade and transport of weapons.

183 Weapons procurement, possession, confiscation, trade and transport are governed by the 2002 Brchko District Law on Arms and Ammunition, (Brchko District Official Gazette No 17/02). Provisions do not apply to the carrying or keeping of arms and ammunition by State Border Service employees or Brchko District Police in accordance with their service. Penalties range from 500 to 20,000 KM (approximately 10,000 equivalent), and confiscation of arms, ammunition and licences to possess or trade; no prison sentences are noted as penalties (Articles 64 to 67).

184 Repair and modification of licensed firearms is possible only by registered legal entities registered for business of this kind. Draft Federation Law on Arms and Ammunition, June 2002.

185 Repair and modification of licensed firearms is possible only by registered legal entities registered for business of this kind. Draft RS Law on Arms and Ammunition, April 2003.

186 Repair and modification of licensed firearms is possible only by registered legal entities registered for business of this kind (Article 56). 2002 Brchko District Law on Arms and Ammunition.

187 The Law on Testing, Stamping and Marking Hand Fire Arms and Ammunition (Official Gazette of BiH, No 21/03) rules that all 'hand fire arms', whether manufactures in BiH or imported from abroad, must be tested, stamped and marked according to its provisions (Article 1). Exceptions to this general rule are: imported hand firearms and ammunition already appropriately marked and tested; hand firearms and ammunition imported exclusively for research and study purposes; hand firearms and ammunition in transit; and, hand firearms and ammunition 'intended to be exclusively used by entity's military and police forces' (Article 4). Licences for possessing and carrying hand firearms and ammunition may only be issued for items which have been tested, stamped and marked in accordance with the provisions of the law (Article 6).

SALW transfers

The Small Arms Survey estimates that in 2001 defence exports were worth approximately US$10 million a year.[194] CSS research suggests a rather higher level of exports, with Federation factories alone making over US$20 million profit in the first half of 2001.[195] Less information is available on military production in Republika Srpska, but it seems clear that the size of Bosnian military industry and exports remains significant. A forthcoming report on BiH arms import and export in 2003, produced by MoFTER, is expected to be available by the end of March 2004 and will provide precise figures on levels of military exports and detail on the 220 export permits issued in 2003.[196]

BiH submitted a report on 2002 to the UN Register of Conventional Arms in June 2003, and there were no reports of arms exports.[197] NISAT databases contain no registered exports, although BiH imported SALW from the US in 1996 and 1998, including a range

188 It is forbidden for civilians to procure or keep military-style firearms and weapons (including automatic weapons, although certain semi-automatic weapons are permitted), and forbidden to procure, keep or carry firearms which are unmarked, arms equipped with silencers, and exploding and gas firearms (trade of which is also prohibited). Licences for the purchase of weapons or ammunition are issued, but not to those underage, with mental disabilities or illness, those without an official health certificate or with a criminal record, and according to police discretion. Following the issuing of procurement licence and the purchase of a firearm, a 5-year renewable weapons registration licence allowing possession and carrying of weapons must be applied for and obtained. Draft Law on Arms and Ammunition, Federation of Bosnia and Herzegovina, June 2002.

189 It is forbidden for civilians to procure or keep military-style firearms and weapons (including automatic weapons, although certain semi-automatic hunting weapons are permitted), and forbidden to procure, keep or carry firearms which are unmarked, arms equipped with silencers, and exploding and gas firearms (trade of which is also prohibited). Licences for the purchase of weapons or ammunition are issued, but not to those underage, with mental disabilities or illness, or with a criminal record, those who have not been trained in firearms handling and according to police discretion. Following the issuing of procurement licence and the purchase of a firearm, a weapons registration licence (valid for an indefinite period of time) allowing possession and carrying of weapons must be applied for and obtained; weapons may be carried for personal security by the licence holder with approval from the authorities. Draft RS Law on Arms and Ammunition, April 2003.

190 Civilians may procure, keep and carry arms and ammunition (including some firearms parts and trophy weapons and 'old arms') with a permit, including some kinds of semi-automatic and self-loading firearms (Articles 11 and 12); this is somewhat confusing, as the Law also states that it is forbidden to procure or keep military-style arms, including certain automatic/semi-automatic weapons, as well as hand grenades and launchers, anti-aircraft guns etc, or disguised firearms, or firearms that are unmarked (Articles 9 and 10). Non-transferable permits are issued on citizen's written request to the District Police – permits are not issued to persons who are underage, mentally ill or impaired, convicted of a crime or under investigation or who have been punished for disturbance of the peace in the last 5 years or more than three times in the last decade (Articles 16 and 34). Permits may also be issued to legal entities for the purposes of property protection, and authorised employees meeting the permit requirements may carry and keep these weapons on the property of the legal entity, with the exception of crop-keepers, foresters and game-wardens who may carry arms for the guarding of territory, crops and herds, and to and from their homes (Article 40). Shooting and hunting clubs may also lend weapons to members (Articles 41 and 42). After a permit has been issued and a firearm purchased, citizens must register the procured weapon with the District Police and a licence will be issued: 5-year renewable licences to keep and carry firearms are issued for a maximum of 5 hunting weapons per person, and to a maximum of 3 persons for one weapon (Although approved collectors may obtain more licences); the District Police must keep a register of all firearms licences (Articles 22–25). 'Old arms' may be kept and carried without a firearms licence, but it is illegal to purchase, manufacture or use ammunition for such arms, as it is for 'trophy' weapons, which do however require a permit and which may not be carried or used (Articles 26–30). Firearms must be safely stored in a lacked metal cabinet or case, may not be carried at public gatherings (except shooting competitions) and must be unloaded and holstered for transport (Articles 31 and 32). 2002 Brchko District Law on Arms and Ammunition.

191 Trade in firearms is permitted by companies, entrepreneurs and other legal entities which are registered as legal entities for procuring arms and ammunition; all traders have a responsibility to keep detailed records and to notify the police of all sales, which are only possible to civilians possessing a valid licence, to keep firearms and ammunition under specified safe storage conditions. Draft Federation Law on Arms and Ammunition, June 2002.

192 Retail trade in weapons and ammunition may be conducted by enterprises and shops which before registration as a trading enterprise obtain a license to trade weapons, parts for weapons and ammunition; such licenses will only be issued if storage conditions are met and the responsible person meets the conditions necessary for obtaining a weapons acquisition permit. Draft RS Law on Weapons and Ammunition, April 2003.

193 'Retail sale in arms and ammunition can be performed by entrepreneurs and other legal entities that are, in accordance with law, registered as legal entities engaged in trade in arms and ammunition'; data on traders must be entered into police registers and only those meeting the conditions for procurement of weapons and ammunition can be issued a licence to trade (Article 51). Weapons and ammunition may only be sold to citizens and legal entities with permits for procurement, and copies of permits and notes of all sales must be kept and reported to the district police within 5 days of any sale (Articles 52 and 53). Traders must keep weapons and ammunition 'at a specified place, out of reach of unauthorised persons' (Article 54). Brchko District Law on Arms and Ammunition, 2002.

194 Small Arms Survey 2003, p 43.

195 'During the first half of 2001, the Federations' nine armament factories had a profit of BAM 12 million [approximately 6 million Euro]. In the first half of 2003 they made a profit of BAM 23 million [approximately 11.5 million Euro].' CSS Needs Assessment 2003, p 53.

196 Correspondence with Mr Nikola Radovanovic, BiH National SALW Focal Point, 09 March 2004.

197 Reports were also submitted on the years 2001, 2000 and 1999, which also contained no registered export; however, imports of 18 large calibre artillery systems in 2000, and 25 armoured combat vehicles in 1999, were reported. http://disarmament.un.org:8080/UN_REGISTER.nsf, referenced 13 February 2004.

of small arms ammunition, grenades and handguns, assault rifles, machine guns, light anti-tank weapons and pistols.[198] It does however seem clear that the country is exporting arms and SALW. SAS notes that 'Bosnian small arms companies have reportedly sold various types of small arms to countries such as Azerbaijan, Croatia and Turkey' in the late nineties.[199] CSS research lists the primary markets for the Federation's exports as Croatia, Slovenia, Austria, Switzerland, Germany, US, Canada, Singapore, New Zealand and Thailand,[200] while the RS industry focuses more on Soviet-standard weaponry and servicing markets.[201]

In addition to production, another source of exports is the result of efforts to downsize military arsenals surplus to requirements. For instance, in September 2003, weaponry from the Bosnian Serb Army's 'once impressive military arsenal' was put to tender.[202] Described as 'a garage sale – of sorts', 11 foreign and regional companies applied to buy the weaponry through SFOR, which had the responsibility for ensuring the credibility and licensed status of all potential purchasers and end-users.[203] One deal approved was the sale of more than 15 tonnes of explosives to a Serbian firm, the Prva Iskra Baric chemical company, on 15 November 2003.[204] All weaponry that remained unsold by the end of 2003 is reportedly destined for destruction.

SEESAC reports indicate that the majority of the 'registered arms production facilities are now under private-public management but little supervision', and cases of illicit arms trafficking highlight the need for stricter controls, both over BiH military production, and the state borders, where 'the lack of rigorous border controls and indications of corruption within the customs service present additional obstacles to illicit SALW control across the region'.[205] Although arms smuggling on a low level is not a large problem, it does exist, and both entity customs administrations have been 'confronted with cases of arms and military equipment smuggling on BiH border crossings'.[206] The Trebinje-Herceg Novi-Adriatic route was previously a major artery for heavy weapons in the past decade; 'this historic route is not completely inactive, but overall border assessments from border policemen in BiH and Montenegro suggest that if weapons are smuggled across the border it is only in small numbers and mainly pistols now'.[207] However, weapons definitely present a threat in terms of their facilitation of other serious cross-border crime, such as drug and human trafficking, and the effective functioning of border control, evidenced by the use of a hand grenade against a State Border Service (SBS) officer near the Deleusa border in September 2002.[208] However, research conducted on the Bosnian-Montenegrin-Croatian border

198 www.nisat.org, referenced 13 February 2004.

199 Small Arms Survey 2003, p 43.

200 CSS Needs Assessment 2003, p 53.

201 Ibid, p 55.

202 The auction included 105 tanks, 20,000 machine guns, 13,000 sub-machine guns, 21 missiles and 13 million artillery pieces and ammunition; 'Weaponry via Tender' 16 September, Weekly Media Report 15 – 22 September, www.seesac.org: 'Bosnian Serb Republic Looking to Sell Weapons', Deutsche Welle, 15 August 2003, www.dw-world.de.

203 Ibid, Deutsche Welle.

204 'Bosnian Serb Army sells Surplus Explosives to Serbian Firm', Daily Media Review, 26 November 2003, www.seesac.org.

205 'Military production facilities are visited once every three years by the OSCE and twice a year by SFOR. SFOR admitted that they do not fully monitor the entire production, but stressed that this is primarily a responsibility of the Governments of the Federation and RS – the MoD is responsible for military production, the MoIA for civilian weapons', 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 1 – 3 July 2002', www.seesac.org

206 CSS Needs Assessment 2003, p 60.

207 'Cross-border trafficking in South Eastern Europe – assessing trafficking activities in the Southern Adriatic region', EastWest Institute, SEESAC APD 17, September 2003, p12.

208 Ibid

triangle in 2003 concluded that 'on a higher (political) level, smuggling in weapons and ammunition appears still to be present',[209] and BICC describes BiH as 'a substantial source of illegal weaponry entering the regional and western European markets'.[210]

A prime example of the risks posed by loose controls is provided by the Orao ('Eagle') factory in Republika Srpska, which in 2002 was discovered to have been sending military equipment to Iraq in violation of a UN arms embargo.[211] Technically owned by the state arms import/export company in the then Federal Republic of Yugoslavia (now Serbia and Montenegro), Jugoimport, the Orao aircraft engineering plant in Bijeljina sent arms across the border to Serbia and Montenegro and then by sea freight from Montenegro to Syria, bound for Iraq. A consignment was intercepted in October 2002, but it became clear that previous deliveries had reached Iraq successfully after a raid of Orao offices uncovered documents detailing illicit transfers and co-operation.[212] The scandal implicated politicians and government officials at the highest levels – top officials have since been forced to resign, in both BiH and Serbia,[213] and Orao staff and military personnel are currently standing trial. On a positive note, the extent of the Orao scandal lent substantial impetus to efforts to strengthen regulations over BiH's arms exports, and new, improved and harmonised, legislation has been passed at the state level.

SALW collection programmes and capacities

SFOR began to collect SALW from the local population across BiH through an initiative called 'Operation Harvest' in 1998, and the following year involved local police forces, the entity armed forces and the Civil Protection Authority (CPA) in the process.[214] As well as SFOR the police, SBS, CPA and entity armed forces are also engaged in weapons collection.[215]

Although SFOR are also involved in searching for and confiscating illegal arms, and continue to discover extremely substantial caches of weapons left over from the war,[216] Operation Harvest is a voluntary collection scheme, allowing citizens the opportunity to turn in weapons and ammunition to SFOR or the local police without the threat of prosecution. A further distinction, 'active harvest' is the term used to describe the more proactive approach SFOR developed to improve results, involving door-to-door visits to

209 Ibid

210 BICC Conversion Survey 2002, p 133.

211 Small Arms Survey 2003, p 43; 'The Belgrade-Baghdad Axis', Ian Traynor and Nicholas Wood, Bosnia Report No 32–34, December–July 2003, The Bosnian Institute, www.bosnia.org.uk.

212 As noted below in the Serbia and Montenegro chapter, documents discovered by NATO indicate that 'significant elements of the arms activity... were spread across borders to include not only the Serb entity in Bosnia but also the Federation', and these were traced back to the Belgrade-based state import/export company, Jugoimport; 'Arming Saddam: the Yugoslav Connection', ICG Balkans Report No 136, 3 December 2002, Executive Summary: Op cit, Deutsche Welle.

213 The Serb member of BiH's three-man, multi-ethnic presidency resigned to avoid the humiliation of being sacked by the international community's High Representative in BiH: Mirko Sarovic 'was found to have known about and done nothing to halt an elaborate scheme to smuggle military aircraft engines and spare parts to Baghdad, in league with Serbia's main arms trading company'. 'Bosnia's arms to Iraq scandal claims top political scalp', Ian Traynor, The Guardian, 03 April 2003.

214 The Civil Protection Authority in BiH is organised at entity level, and is primarily engaged in collecting UXO; it also facilitates SFOR Operation Harvest collection operations by securing specified locations, but does not collect SALW. CSS Needs Assessment 2003, p 19.

215 The CPA's 'function varies depending on the tasks that are set, as well as on the organisational level in various parts of BiH (in certain parts of RS the police are more engaged in collecting the SALW due to not existing military barracks or lack of existing office of the Civil Protection Authority)'. CSS Needs Assessment 2003, p 20.

216 SFOR troops 'collected approximately 120 tonnes of weapons and ammunition in the past three weeks': 115,557 rounds of small arms ammunition, 15,570 mortar shells, 2,755 grenades, 680 rockets, 19 kg explosives and other weapons, 953 rifles, 750 pistols and 777 mines, were discovered, mostly in the Prijedor area. 'NATO seizes 120 tonnes of illegal weapons in Bosnia', 24 September 2003, Weekly Media Report, 22 – 29 September 2003, www.seesac.org.

inform citizens and collect weapons voluntarily surrendered directly from their homes, rather than simply providing opportunities for surrender at collection points.[217] The general approach employed by the various national contingents within SFOR consists of several stages: a survey or needs assessment of the target area is conducted, often with the assistance of the CPA; SFOR, and in some cases local police, conduct a first round of information activity with the community, often going from door-to-door to explain the collection process and dates to people. Local radio and TV stations are also engaged to publicise the collection, community leaders are often involved, and posters and leaflets are distributed. On the day of the collection, there are further rounds of door-to-door visits to collect arms and ammunition, as well as common collection points.[218] Once weapons have been turned in, SFOR will take control of them for storage until destruction can be arranged (depending on numbers this happens approximately once every few months), although in some cases local police will take responsibility for storage until SFOR is able to transport them to more centralised storage sites.

The door-to-door, personal contact approach of 'active harvest' is one that SFOR believes to be vital to good results. The process of 'making friends with the locals', alongside good co-operation with local police and CPA, 'built up an important level of trust' and resulted in the good relations with the local population which officers believe determined the success of collection efforts.[219] These door-to-door visits also provide opportunities for local people to inform SFOR and the CPA of the location of unexploded ordnance (UXO), a continuing safety concern in BiH.[220] Although the intensive, 'active' harvest operations tend to be scheduled mostly in the spring and autumn in order to avoid over-saturation of citizens with media campaigns on arms reduction, activities within the Harvest framework continue year-round.[221]

In the northern Tuzla region of BiH,[222] a more novel approach took place between May and June 2003: 'Harvest Rewards', run by the US contingent within SFOR, involved the local community in a more inclusive way.[223] Local media, local government officials and businesses joined forces to offer incentives and advertise a raffle for voluntarily surrendered SALW – for each weapon handed in, citizens received a set number of tickets, giving them a chance to win one of several daily prizes and the grand prize of a car.[224] The initiative worked well, exceeding expectations and engaging a 'great response from citizens' in the opinion of the Brchko police station commander.[225] The raffle was particularly successful in terms of the surrender of hand grenades, and by the end of the campaign over 5,000 had been collected.[226]

217 'Active Harvest: Between Wishes and Hope', Capt Constantin Spinu, SFOR Informer, 21 November 2002, www.nato.int/sfor.

218 'Impressive Harvest for the Portuguese', Maj Viktor Nikolla, SFOR Informer, 31 July 2003, www.nato.int/sfor.

219 SFOR soldiers 'encourage the civilians to hand in weapons, ammunition and explosives by knocking on every single door and making friends with the locals'; such liaison tactics, conducted twice weekly in area of operations, 'built up an important level of trust'; 'Operation Harvest knows no limits', Lt Oystein Paulsen, SFOR Informer, 13 October 1999, www.nato.int/sfor. 'The success of our efforts is based to a large extent on the relations with the local population. We experienced good co-operation with them during the operation,' Maj Erdal Erbayraktar, S3 Turkish Battalion; 'Active Harvest for the Turkish', Capt Besnik Cukali, SFOR Informer, October 2003, www.nato.int/sfor.

220 Op cit, Nikolla, SFOR Informer; Op cit, Cukali, SFOR Informer.

221 CSS Needs Assessment 2003, p 71.

222 Srebrenik, Modrica, Odzak, Orasje, Samac and the Brchko District.

223 'Everyone is a winner in this raffle', 2nd Lt Dunphy Christopher, SFOR Informer, 01 August 2003, www.nato.int/sfor.

224 Local radio and television stations assisted with airtime on their broadcasts about the initiative and local businesses donated funding and in-kind support for the daily prizes, which ranged from free dinners to fitness centre membership. Funds for the grand prize, a new Volkswagen Polo, came from the Mayor of each municipality and a local car dealer. Ibid.

225 Ibid

226 CSS Needs Assessment 2003, p 75.

Banja Luka, October, 2000. Soldiers from Burma Company unload weapons collected during Project Harvest. Photo: MND-SW PIO.

Since 1998, SFOR has collected over 22,620 weapons of various types[227] and 7,500,000 rounds of ammunition, 98,208 hand grenades, 25,918 mines, 22,141 kg of explosive and 90,931 assorted mortars, rifle grenades, hand-made ordnance, etc[228] (see Table 10 below). Although it is hard to estimate the effectiveness of SFOR's Operation Harvest because of the lack of reliable estimates for the number of illegal SALW present in BiH before the collection began, the collection totals are high in relation to the rest of the region and activities have made the vast majority of Bosnian citizens aware of the collection process and the dangers of illegal weapons, ammunition and UXO. SFOR is confident that voluntary surrender will continue to yield results before there is a need for programmes involving incentives, such as the weapons in exchange for development approach.[229]

There are, however, various drawbacks and deficiencies in the Harvest process. Despite the much-lauded 'active' approach and efforts put into developing relationships with local communities, some BiH citizens still do not fully trust the 'amnesty' aspect of the collection, and are still 'reluctant to be recognised... still afraid of being punished if they are identified'.[230] Although in general people are friendly and willing to co-operate, the fear of identification lingers and the number of anonymous calls with information about arms for collection indicates that regardless of information campaigns people still fear the consequences of surrendering weapons.[231] Unfortunately, the very tactics that seem to prove most effective at overcoming this distrust, SFOR's active harvest house calls, are the most problematic in terms of the dwindling resources of time and personnel, another problem facing the force.[232]

There are also questions over the quality of the weapons surrendered, the majority of which 'are in a bad state. It is dubious whether more than 10 percent of them could actually be used': SFOR media reports note 'a persistent feeling that people just discard the rubbish they do not want anymore'.[233] Although these are valid concerns to raise, it is nevertheless important to bear in mind that apart from the psychological step forward that voluntary weapons surrender represents, the collection of any weapon is worthwhile, as even old and malfunctioning weapons can be repaired or used for spare parts.

227 'Summary of Regional SALW Collection Statistics (weapons) – BiH', SEESAC SALW Databases, www.seesac.org.

228 Unclassified data received from SFOR HQ; ref. 'Harvest total results 1998-2002', 02 July 2002. Op cit, 'Short Mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002'.

229 Op cit, 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002'.

230 Op cit, Cukali, SFOR Informer.

231 Although in general people are friendly and willing to co-operate, the fear of identification lingers and the number of anonymous calls with information about arms for collection indicates that regardless of information campaigns people still fear the consequences of surrendering weapons. Op cit, Nikolla, SFOR Informer.

232 As an SFOR officer commented, the ideal strategy is door-to-door relationship-building and awareness-raising among local communities, but this is extremely time consuming: 'We wish we could be everywhere that we are needed but, unfortunately, this is not possible... We cannot cover all areas, although we sincerely wish we could'. Op cit, Spinu, SFOR Informer.

233 'Weapon Out-processing', Lt Eric Bouysson, SFOR Informer, 28 February 2002, www.nato.int/sfor.

Human error on the part of an EOD Operator was found to be the cause of this UXO explosion in Rabic during 2003.

Safety issues are another serious concern. Casualties have been sustained during Operation Harvest activities, although not many,[234] but more serious questions arguably lie over the capacities of the local forces involved in the collection process. The CPA for example, have a role in 'prepping' collection sites, but also in collecting and destroying UXO. According to some commentators, CPA personnel are trained in 'Soviet-style' methods, which are not in compliance with European safety requirements; the transport of unexploded ordnance to destruction sites and the process of destruction itself (see SALW Destruction below) is unsafe, and a further problem is the inadequacy of their storage sites (see Stockpile Management below).[235] The role of the local police is to support SFOR Harvest activities in their areas and to collect various pieces of weaponry on an ongoing basis, to be handed over to SFOR after registration. There are consequent problems of storage, with a lack of training to deal with old and potentially dangerous arms and UXO, and a pressing need for adequate transport vehicles for material collected from rubbish tips and other 'dumping' sites used by citizens for unwanted weaponry.[236] Police stations have complained about infrequent collection of inadequately stored weaponry by SFOR and the uncertainty over procedures for written records.[237]

Overall, however, Operation Harvest continues to bring results and seems the best option at the current time. A potentially positive development is the handover of some responsibilities to local authorities. In addition to building capacities that will be needed following the withdrawal of the international organisations, the involvement of local institutions will assist in making up for the reduced resources for collection that will result from SFOR downsizing in both personnel and budget. Transfer of responsibilities to BiH authorities is foreseen in 2004, when the so-called 'National Harvest' will be carried out in both entities by the military, CPA and police. SFOR will continue to be involved in the near future in order to co-ordinate collection operations, to monitor the capacity of local institutions and assist in its development.[238] Partial handover of Harvest Operations to national forces has already begun. In December 2003 and January 2004, the local authorities and police conducted collection operations with the assistance of SFOR in the Srebrenica area.[239] SFOR sources note that to date the handover of collection responsibilities to local authorities is 'slow, but progressing',

234 The development of an educational campaign for children by the Combined Joint Psychological Operations Task Force (CJPOTF) on the dangers of handling explosives, weapons, ammunition etc was sparked by the deaths of one civilian and one SFOR soldier, the result of an explosion in a UXO safe area near Bugojno. 'Harvest Campaign for Children', Capt Jesus Campuzano, SFOR Informer, 16 September 1999, www.nato.int/sfor.

235 'At present UXOs are transported from and to sites in vehicles, placing both the driver of the vehicle and people in its immediate surrounding in danger'. CSS Needs Assessment 2003, p 67.

236 'One of the main problems faced by police in their collection endeavours is the widespread disposal by citizens of illegal-possessed arms and ammunition into rubbish containers, by riversides and similar places. This indicates that the population is either uninformed or does not believe that they will truly receive amnesty if they surrender their arms and weapons properly'. Ibid, p 65.

237 Police stations 'complained that SFOR does not visit their territory frequently (3–4 times per year) for the purpose of collecting the gathered arms and ammunition. They are not able to provide adequate storage place for the period of waiting for SFOR collection. Moreover, there is no agreed upon procedure about the form of a written record on the hand-over of weapons (SFOR members do not wish to sign documents certifying the amount of weapons and ammunition they take over from local police). The same complains have been expressed in few others police departments.' Ibid, p 64.

238 Ibid, p 73.

239 'Srebrenica Civil Protection Co-ordinator Maksimovic... said that the following items had been collected: ten rifles, 56 hand grenades, 13 rifle grenades, 0.5 kg of explosive, 1,156 rifle bullets and 25 rounds of ammunition'. 'Operation Internal Harvest in Srebrenica', Daily Media Review, 06 January 2004, www.seesac.org.

and that they are happy with achievements so far.[240] It is of paramount importance that local authorities do take up the responsibility of collection, and that their levels of commitment and capacity for the task are high. Despite the positive results of Operation Harvest, comparison with estimates of the thousands of illegal weapons remaining diffused throughout BiH leads some commentators to describe collection totals so far as 'no more than the proverbial drop in the ocean'.[241]

Table 10 – Summary of SALW collection in Bosnia and Herzegovina 1998 – 2003[242]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
SFOR activities and operations (January 2000 – November 2003)	22,620		
SFOR activities and operations (January 2000 – November 2003)		20	Bulk explosives.
TOTALS	**22,620**	**20**	

240 Telephone interview with Maj Ron Carson, Brigade Spokesman, MNB Northwest – Banja Luka, 13 February 2004.

241 BICC Conversion Survey 2002, p 133.

242 SALW Databases, www.seesac.org, referenced 08 February 2004; data on collections before 01 January 2000 is unfortunately not available.

SALW destruction programmes and capacities

As discussed above, SFOR's Operation Harvest and additional illegal collection activities result in fairly large numbers of weapons designated for destruction. Added to these are the military surpluses of the entity armed forces, which are substantial, particularly in terms of ammunition and UXO, and which will grow as downsizing continues.

Zenica, collected weapons are crushed before smelting. Photo: Turkish Battalion Task Force.

Weapons collected through Operation Harvest are currently destroyed at Zenica steel mill, the plant belonging to BH Steel, once the biggest steel producer in the former Yugoslavia. Weapons are first crushed, and then smelted in a furnace according to OSCE guidelines. BH Steel gets relatively high-quality recycled raw steel from the melted-down scrap weapons and offers the service for free to SFOR. SFOR EOD teams check that no ammunition or explosives remain in the weapons and SFOR monitors the safety of the whole process.[243] Weapons are usually destroyed in batches of 200 to 1,000, following post-collection storage by SFOR until a destruction date can be scheduled. More recently, destruction events have also been used to promote the collection and destruction actions, with representatives of the entity armed forces, local government officials and local media attending to observe the process, and there is potential for further exploiting these opportunities to raise awareness.[244]

Despite the 'good deal' for both sides (free destruction in return for raw steel), there are questions over the use of Zenica: according to a BH Steel engineer, Berislav Djukic, Zenica processes '10,000 tonnes of metal every month in order to produce recycled steel, whereas we only support the destruction of weapons twice a year on average. This is very little weight for us but it is a hazardous material'.[245] However, there is a possibility that the amount of small arms processed by Zenica could increase with the downsizing of armed forces, making it more efficient for BH Steel to continue offering this destruction 'service'. In March 2003 for example, over 3,000 small arms previously belonging to the Federation Army were destroyed at Zenica, monitored by SFOR.[246]

A Dutch EOD Officer from SFOR prepares small arms ammunition, mortars, grenades and mines for open detonation. Photo: CPO Tim Adams.

SFOR also carries out on-site destruction of ammunition, UXO and some weapons because of safety risks of transport or storage.[247] Demolition pits on unused land or rifle ranges are commonly used, and local observers have also attended such events.[248] This is also the method used to destroy the surplus and/or unsafe ammunition and ordnance in armed forces' storage sites[249] – a huge challenge with the limited manpower and EOD expertise currently available considering the large amounts involved. The armies of both entities

243 'Comprehensive Destruction of "Harvest Weapons"', 2nd Lt Oliver Rolofs, SFOR Informer, September 2003, www.nato.int/sfor.

244 'Harvest Weapons Destruction', 2nd Lt Bruno Menard, SFOR Informer, 11 July 2001; Op cit, Rolofs, SFOR Informer.

245 Op cit, Bouysson, SFOR Informer.

246 'A dream comes true', 2nd Lt Agustin Lopez Marin, SFOR Informer, 31 March 2003, www.nato.int/sfor.

247 Op cit, Cukali, SFOR Informer.

248 'Harvest Campaign: the days after', 1st Lt Giovanni Lobuono, SFOR Informer, 26 May 2003; 'Iron Harvest', Capt Russell Craig, SFOR Informer, 14 November 2001, www.nato.int/sfor.

249 The destruction arrangement SFOR has with Zenica steel mill is unsuitable for ammunition destruction: the returns for BH Steel are negligible compared to the difficulty and risks involved in destroying ammunition and therefore they cannot offer this service for free.

have substantial surplus ammunition and 'many of the munitions are in poor condition', with a large quantity of unsafe, unserviceable and obsolete ammunition requiring destruction.[250] SFOR is supporting the entity armed forces to dispose of this ammunition under 'Operation Armadillo', the 'main effort' to help deal with this problem which began on 11 November 2003.[251] NATO has reinforced SFOR with two Belgian and three US EOD teams for this operation, which aims to deal with over 5,000 MANPADS, 75 percent from the RS military and the rest from the Federation forces. Future plans involve building the capacity of BiH soldiers to dispose of their own ammunition.[252] Despite these efforts, the rate of destruction remains relatively slow in relation to the very substantial quantities of ammunition requiring destruction, and additional resources for the disposal of unstable surplus in BiH would be welcome.

Some SFOR methods of destruction, however, and those employed by the CPA to destroy UXO, do pose problems: citizens living nearby often complain about noise, tremors, flying debris and the increasing concentration of heavy metals which pose a health hazard.[253] CPA practices have been criticised, in terms of unsafe transport and storage practices, and for the low levels of safety around destruction sites, as 'at present, neither depots nor destruction sites for example have safety fencing to prevent access to the sites of flying debris in case of explosion. This is particularly concerning given the proximity of the sites to settlements'.[254]

Some sources argue that the best method of ammunition destruction in BiH has proven to be disassembly, conducted at the Vitezit factory in Vitez, where limited Federation Army stocks have been disposed of in a safe and environmentally sound manner; however, current facilities for disassembly in the country are limited.[255] Despite the need, and the large amount of existing military plant in the country, facilities are low technology and there are only 'limited capacities for destruction of mines, ammunition and arms'.[256] Yet it appears that a certain amount of investment could change the situation and equip BiH facilities properly for the destruction of various types of weapons and ammunition: 'potentials and a will to expand destruction facilities do exist'.[257]

The current total of weapons destroyed by SFOR is 23,145 (see Table 11 below), and official figures give an estimate of over 4 million rounds destroyed by the end of May 2003.[258]

250 'Summary of regional SALW projects', Project Reference 0055, SEESAC Database, www.seesac.org.

251 Currently scheduled to continue until 01 April 2004.

252 'Summary of regional SALW projects', Project Reference 0055, SEESAC Database, www.seesac.org.

253 'In Mostar, citizens recently cut off access with truckloads of sand to an area surrounding a destruction polygon in protest of destruction activities, which left houses in the vicinity of the polygon damaged'. CSS Needs Assessment 2003, p 54.

254 Ibid, p 67.

255 Ibid, p 54.

256 Ibid, p 53.

257 'According to Mr. Mensur Secerovic, Director for Development of Unis Pretis from Vogosca, the present capacities for destruction in this factory are 200-300 pieces per day, depending on the calibre... Additional investments for one short period of time could extend their capacity for the destruction of hand grenades and ammunition. Those capacities already exist in Unis Binas from Bugojno and Unis Gineks from Gorazde... Vitezit from Vitez is ready to, with additional investment, extend its scope of action regarding the destruction of all kind of arms and ammunition.' Ibid, p 54.

258 Dervisbegovic, UN PoA statement 2003.

Table 11 – Summary of SALW destruction in Bosnia and Herzegovina 2000 – 2003[259]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
SFOR activities and operations (January 2000 – November 2003)	22,068	NA[260]	
SFOR activities and operations (11 November 2002)	1,077		Surface-to-Air Missiles
TOTAL	**23,145**		

SALW stockpile management programmes and capacities

The Dayton Agreement mandated SFOR with responsibility for storage of military equipment belonging to the different entity forces. When the war ended, much of weaponry and ammunition held by the entity armed forces and other armed factions were gathered for storage in over 500 Weapons Storage Sites (WSS) under SFOR control and later guarded by entity armed forces. In partnership with the entity armed forces, SFOR is in the process of reducing their numbers for easier management. This vital process of consolidating and reducing stockpiles in the country will be lengthy and challenging. Crucial if thefts and accidents are to be prevented, improved stockpile management is arguably one of the top SALW control priorities in BiH.

As part of the overall military re-structuring and downsizing, the numerous stockpiles of weapons and ammunition across the country will be reduced from the current 169 sites to only nine. This entails a significant challenge, particularly in the context of SFOR troop reduction and the large amount of potentially unsafe ammunition and EOD contained in these stockpiles that needs to be either transported safely and/or destroyed. SFOR has begun a programme of destruction and reduction of these 'very dangerous' stockpiles,[261] but is hampered by lack of funds and, perhaps most importantly, lack of technically skilled EOD officers.[262]

Although SFOR monitors the storage facilities concerned, and has a responsibility for accounting, the WSSs are far below NATO standards – many sites are filled too full, containing unstable ammunition stored in an unsafe way and with inadequate security.[263] Ammunition is a particular problem, as 'a great proportion of ammunition in military storage in Bosnia is no longer safe and requires destruction',[264] and storage sites are 'overloaded' with such ammunition. 'The military storage sites are… not fully maintained according to international standards. Security is a big problem – the storage sites are located in close proximity to populated areas. In terms of human security, another great concern is also the lack of detailed knowledge of the stockpiles

259 SEESAC SALW Destruction Database, www.seesac.org, referenced 10 February 2004.

260 As noted above, no information on tonnes of ammunition destroyed exists; however, official figures estimated over 4 million pieces were destroyed by the end of May 2003.

261 Telephone interview with Maj Ron Carson, Brigade Spokesman, MNB Northwest – Banja Luka, 13 February 2004.

262 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002', www.seesac.org

263 'Each room is full with ammunition boxes up to the roof'; almost 20,000 rounds out of the five million stored at the Federation Army site at Slimena are unsafe and therefore unusable. In addition to the ammunition, the site contains explosive ordnance and mines, which are not safely stored in boxes, but 'spread all around the site, making the whole area very hazardous'. 'Counting the bullets', Lt Anne-Claude Gouy, SFOR Informer, 05 December 2002, www.nato.int/sfor.

264 CSS Needs Assessment 2003, p 72.

in terms of stability.'[265] Safety of weapons storage sites is also a concern of the OSCE, which feels that sites are located in unsafe areas and are not well guarded due to a lack of manpower.[266] The SFOR Operation Armadillo noted above will help solve this problem as its destruction of surplus ammunition stocks will assist the Ammunition Storage Site reduction programme, 'a key element of the Defence Reforms Committee's restructuring package', and will also reduce the burden on the entity armed forces of maintaining storage site security.[267]

In addition to the armed forces' stockpiles, the storage of collected or confiscated weapons remains an issue. Despite the CPA's arguably valuable contribution to tackling the problem of UXO, problems remain with the safety of their current methods, in particular of UXO stored prior to destruction. 'One of the greatest problems pertaining to the capacity of the CPA is the absence of containers for the safe storage of UXOs by the CPA. At present UXOs are stored in carton boxes... in Civil Protection Authority offices or in other similar places, all of which are located in populated areas'.[268] Police stations are also not properly equipped, nor police properly trained, for the storage of arms or ammunition. Several sources, including the EU Police Mission,[269] indicate that storage conditions are unsafe, and certain police stations have made complaints about the length of time they are forced to store weapons, in inadequate conditions, before SFOR arrives to remove them (see above SALW collection).[270]

In addition to the many official stockpiles, there remains a problem with illegal stockpiles or caches of SALW and ammunition, a legacy of the civil war, which present a much greater threat than those at least within the SFOR system of control and reduction. For example, in October 2003, NATO troops discovered 36 illegal arms caches around the RS town of Prijedor in the space of a month, comprising approximately 120 tonnes of weapons.[271]

SALW awareness activities

The SFOR-led Operation Harvest collection process has been accompanied by media campaigns, public information distribution and door-to-door awareness-raising activities. SFOR funds the media campaigns that support Operation Harvest, which are designed and co-ordinated by the media operations teams of five to ten people in each multi-national brigade (MNB). Activities range from weekly news conferences and press releases to poster campaigns and daily announcements or advertisements on radio and television and in the

SFOR setting up information panels showing the dangers of landmines and SALW during a school visit. Photo: Pfc. Gina O'Bryan.

265 Ibid

266 Ibid p 76.

267 'Summary of regional SALW projects', Project Reference 0055, SEESAC Database, www.seesac.org.

268 CSS Needs Assessment 2003, p 67.

269 EUPM and local inspection unit carried out inspections at local police stations and found that 'there were neither adequate storage facilities nor safe and secure cabinets available for confiscated items and firearms'. 24 February 2002, 'A Few of Many Events', www.eupm.org.

270 Police stations 'complained that SFOR does not visit their territory frequently (3-4 times per year) for the purpose of collecting the gathered arms and ammunition. They are not able to provide adequate storage place for the period of waiting for SFOR collection... The same complains have been expressed in few others police departments.' CSS Needs Assessment 2003, p 64.

271 'Former Army Officers hiding stockpiles', 08 October 2003, Weekly Media Review, 06 October – 13 October 2003, www.seesac.org.

print media, including the SFOR magazine *Mostovi*. Messages encourage people to hand in weapons for the sake of their family's safety, and many focus on celebratory fire, warning of the risks this poses to bystanders.[272] In line with the handover to Internal Harvest and co-operation with local police and authorities, SFOR is working on releasing joint press statements and combining other media work; TV spots are also beginning to be developed by local government bodies responsible for collection. Although local collection actors have little experience of working with media, they are slowly gaining capacity in this area.[273] SFOR troops have found that increased outreach work with local communities and media has had a very positive impact on collection rates and it is now fairly standard for SFOR battalions implementing collection to involve local community figures and media as well as local police and CPA. As one SFOR officer commented on a local Harvest activity in September 2003, 'The success of this particular harvest was in part due to the participation of the local media, from newspapers, TV and radio'.[274]

There are, however, indications that awareness-raising has not gone far enough, evidenced by the reluctance of some citizens to publicly surrender weapons.[275] SFOR do accept that public awareness on SALW could be further improved and are reasonably open to assistance and new input in this area, including the involvement of NGOs and other actors in future campaigns.[276] It is difficult to assess SALW awareness campaigns when there is no opportunity to refer to pre-campaign opinion surveys, but it is fair to conclude that SFOR have achieved a great deal, and that there are now few citizens in BiH who are unaware of SALW collection activities.

The challenge of increasing risk education and information campaigns remains to be met comprehensively, and the new legislation on firearms possession will also require promotion to ensure that BiH citizens are aware of their new obligations and rights. The Bosnian Red Cross societies have undertaken substantial work on awareness-raising campaigns on the dangers of mines, and it is hoped that this knowledge and experience will be converted into SALW awareness-raising capacity under the new UNDP SAP. Training of Red Cross representatives on the problems surrounding SALW proliferation and methods for raising awareness of the dangers of SALW among school children was held in June 2003.[277] A subsequent BiH Red Cross Training of Trainers has produced a number of staff who are currently preparing to begin awareness-raising activities in schools and disseminate printed campaign materials across BiH within the framework of ongoing mine awareness activities. This small pilot project will run from February to December 2004, funded with approximately US$22,000 from UNDP. Based on its success and field-testing of SEESAC-developed awareness raising tools (the SALW Awareness Support Pack, SASP 2003), it is hoped the project will be expanded and a larger-scale awareness-raising campaign will be developed by UNDP later in the year following input from the ongoing SALW survey research.[278]

June 2003, a group of Mine Risk Education specialists from the Red Cross Society of BiH receive preliminary training in SALW Awareness from SEESAC in preparation for a project with UNDP BiH.

272 For example, the poster published on the SFOR website shows a picture of weapons, asking 'Do you want SFOR to find this... or your children?', www.nato.int/sfor.

273 Telephone interview with Maj Ron Carson, Brigade Spokesman, MNB Northwest – Banja Luka, 13 February 2004.

274 Op cit, Cukali, SFOR Informer.

275 See above SALW Collection.

276 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002', www.seesac.org

277 'UNDP and SEESAC SALW Awareness Training for Bosnia Red Cross Society', SEESAC Activity Report, 27 June 2003, www.seesac.org.

278 Telephone interview and correspondence with Nedim Catovic, Human Security Portfolio Assistant, UNDP BiH, 13 February 2004.

Table 12 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
SFOR	1998 – 2004	General public	Local radio and television, posters, print media, pamphlets, door-to-door community outreach; also promotion of destruction events.	NA	SFOR
BiH Red Cross, SALW AR as part of MAC activities	February – December 2004	School children, general public	Presentations and activities in schools; billboard advertisements.	NA – just started.	UNDP, with funds of approx US$22,000.

SALW survey activities

No surveys on SALW have been conducted in BiH, although the UNDP commissioned a detailed survey from BICC, and preliminary research activities had begun in February 2004; the report is scheduled to be completed by the end of April 2004.[279]

The UNDP Country Office funded the local NGO, the Centre for Security Studies (CSS) to conduct a needs assessment on SALW in BiH in 2003. CSS's 'Needs Assessment on Small Arms and Light Weapons in Bosnia and Herzegovina' was published in July 2003 and is a valuable reference point for any analysis of the SALW problem and capacities in the country. Covering SALW collection and awareness activities so far, the complex legal framework, the military industry, government capacities and role of the international community, the report also provides a number of recommendations for policy development.[280]

Civil Society involvement in SALW interventions

Due to the lead role of SFOR in SALW collection and awareness-raising in BiH, there has been little involvement of NGOs in this more traditional area of NGO activity in the sphere of SALW. However, the CSS report represents a valuable contribution in terms of non-governmental research on the issue, and there is potential for NGOs to play a role in both capacity-building and lobbying of government, as well as advocacy on policy development and transparency.

Capacities also exist for awareness-raising, in the form of the Red Cross, the primary implementer of mine education, and now SALW risk education (see note on SALW awareness above), and in other local NGOs, such as Conscientious Objectors BiH, a large network which has lobbied successfully for an end to military service for Bosnian citizens and promoted pacifism in general. Both these NGOs have also played a significant role in regional NGO SALW activities and network development.

279 Ibid

280 The report is available from both UNDP BiH and CSS: www.undp.ba; www.css.ba.

The media has played a significant role in promoting SALW awareness. Partnering with SFOR in many of the activities detailed above, Bosnian radio, television and print media have given a substantial amount of coverage to SALW control issues and have therefore helped to promote weapons surrender. The knowledge and education of the media on SALW and wider security issues is, however, still fairly limited. Efforts are underway to improve reporting of SALW issues, and the NGOs Saferworld and the Institute for War & Peace Reporting held a media training seminar in Sarajevo in September 2003, part of an ongoing programme of regional media capacity-building activities.

Cross-border SALW control initiatives

The Bosnian system of border control has substantially improved with the introduction of the State Border Service (SBS), a state-level service that began to take over from the entity services in 2000, bringing additional and welcome coherence to the BiH system. The formation of the SBS was agreed in the New York Declaration of 15 November 1999 by the BiH's tri-partite presidency, a declaration which 'sought to combat widespread smuggling across the country's loosely guarded borders', and which indicates the challenges facing the new service.[281] Different services still have different competencies in the border area (SFOR, the entity militaries, the entity customs services and police forces), but the advent of the SBS, which now operates along all Bosnian borders has greatly assisted co-ordination.[282]

Described as 'the most modern border police service in the Southern Balkans',[283] the SBS is a young multi-ethnic force with a mission to supervise state border security, control cross-border traffic, prevent and investigate certain border-related crime and search for wanted persons.[284] With the introduction of new legislation on arms import, export and transit, the SBS now also has responsibility for controlling consignments of arms and military material crossing the border and checking the validity of accompanying documentation.[285] The SBS also has responsibility for confiscating the relatively few illegal arms carried by persons crossing the border, and within the border zone, where 'heightened quantities of arms' were disposed of or handed over to SBS personnel in the first few months of 2003.[286]

The establishment of the SBS, alongside that of the State Information and Protection Agency (SIPA), has greatly assisted co-ordination outside as well as inside BiH and 'made regional police cooperation possible'.[287] Cross-border operations take place within the framework of the UN Mission in Bosnia and Herzegovina (UNMIBH) Regional Task Force, through which Bosnian, Croatian and the Serbian and Montenegrin police forces launched joint operations to strengthen borders, combat arms smuggling and illegal migration and intensify actions against organised crime and terrorism.[288] The

281 'An Unprecedented Experiment: security sector reform in Bosnia and Herzegovina', Jeremy King, A Walter Dorn and Matthew Hodes, Saferworld/BICC, September 2002, p 21.

282 For example, illegal migration though Sarajevo airport from over 25,000 in 2001 to a few hundred by the end of 2002. 'Police Reform and Re-structuring in Bosnia and Herzegovina', Presentation by Jacques Paul Klein, Special Representative of the Secretary General and Co-ordinator of the UN Operations in BiH, CIVPOL Contributing Countries, New York, 11 December 2002, www.unlos-bih.org.

283 Ibid.

284 Op cit, SEESAC APD 17, Annexes B and C.

285 CSS Needs Assessment 2003, p 59.

286 Ibid.

287 Tasked with co-ordinating national law enforcement, SIPA has been described as 'the final building bock necessary for the country to become fully integrated into international police crime fighting'. Op cit, Presentation by Jacques Paul Klein.

288 'Ibid.

UNMIBH handed over policing responsibility to EUPM in January 2003, and the new EU agency is now providing support and advice to the SBS as well as focussing on encouraging cross-border and international police co-operation as one of its priorities.

Various anti-trafficking and anti-organised crime initiatives are ongoing and regional co-operation is growing with new initiatives and increased effort. Alongside other countries of the region, BiH committed to the Ohrid Border Security and Management Common Platform in May 2003; BiH plans to undertake several activities by the end of 2004, including implementation of a single information system, stronger communications links with police forces, harmonisation of current legislation with EU standards, drafting of co-operation protocols with customs, police and Interpol, and signing of agreements on co-operation with neighbouring police services.[289] In October 2003, high-ranking officers from BiH and its neighbours convened a meeting of the Committee for the Fight Against Organised Crime, set up as part of the Southeast Europe Police Chiefs Association (SEPCA), to discuss 'the first results of regional co-operation in fighting organised crime… especially crack-downs on networks of criminals involved in trafficking of humans, money forgery and theft of cars as well as arms smuggling'.[290] Both Customs and SBS officers have participated in international operations aimed at combating arms as well as human trafficking involving EU member states and agencies such as Europol and the SECI Regional Center, and BiH police have apparently acquitted themselves well.[291]

However, the complex nature of BiH's governing structures poses challenges for border control as it does for many other issues.[292] Information and intelligence sharing continues to be a problem,[293] and differences in structures and unclear delineation make co-operation across, as well as inside, Bosnian borders complicated. A confusing framework of agreements and competencies mean that, 'in reality inter-agency co-operation both on intra-state and inter-state levels is still hampered'.[294] Some level of information sharing is in place, but despite positive examples, a systematic level of co-operation, such as the co-ordination of joint patrols has yet to be achieved.[295]

The SBS still faces problems of division of competencies with entity police and customs.[296] The variance of regulations and laws governing arms possession and carrying also poses problems, and SBS officers have made a number of requests for

289 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22 – 23 May 2003.

290 'Southeast European police cooperation in combating organized crime', Press release, Croatian Embassy, www.croatiaemb.org.

291 'The Law Enforcement Agencies of the EU Member States and states participating in SECI, supported by EUROPOL, carried out and Anti-Human Trafficking Operation in South-East Europe, named 'Leda'… to combat human trafficking through simultaneous coordinated actions of the LEAs of the participant countries… BiH police came up with some of the best results in the region', 05 May 2002, 'A Few of Many Events', www.eupm.org; CSS Needs Assessment 2003, p 60.

292 As Dragan Mektic, the Deputy Minister of Security commented, 'We have too many boundaries in our country. Police Officers respect boundaries; criminals do not respect them'; 'In BiH, you have 14 Ministries of Interior: at State, Entity and Cantonal level, plus Brchko District. Fourteen, it is 13 too much. And 17,000 Police Officers working with almost 20 different Law Enforcement Agencies (LEAs), it is also too many… We have to re-organise and build a more efficient system'. 'Security at State Level', Thierry Domin, 08 January 2004, www.eupm.org.

293 Jean-Michel Cadenas, Deputy Chief Adviser to the MoS: 'No information is forwarded from the Entities to our Ministry. As an example, an anti-terrorist meeting was held recently, presided over by the MoS. It looked like all the participants wanted to keep secret their own intelligence; but at the same time, they required others' intelligence'. Ibid.

294 'Inter-agency cooperation at the Croatian, BiH and Montenegrin borders in the region [South Adriatic], especially operating procedures and competencies of the individual agencies, is based upon numerous regulations, agreements, memoranda of understanding and other documents. However in reality inter-agency co-operation both on intra-state and inter-state levels is still hampered by unclear dividing lines between competencies of different agencies and within their subordinate elements and missing legislation, treaties, protocols agreement, etc. This is compounded by individual tensions over salary differences, war grievances, and various levels of corruption in the ranks and has created a system where inter-agency and cross-border cooperation is possible, but not systematic.' Op cit, SEESAC APD 17, p2.

295 Ibid, p 3.

296 'At the same time, clear breaks in communication between SBS officials, either from the Federation or the RS and municipal level police, were cited by the police officials themselves in Trebinje region as a point of concern'; 'Even with the newly created SBS in BiH, the pamphlets distributed confuse he duties of the SBS and of the customs officers'. Ibid, pp 4 and 5. SEESAC also notes the 'need for improved co-ordination of the SBS and Customs Services'. Op cit, 'Short mission Report – Clearinghouse Consultation in Bosnia and Herzegovina, 01 – 03 July 2002'.

additional education on the different legislation; however, the advent of harmonised legislation should help to resolve this issue.[297] A more long-term problem is the lack of suitable equipment for detection of arms at borders, such as x-rays and metal detectors, and lack of suitable storage space for confiscated arms.[298] Customs control could also benefit from increased capacity and better co-ordination: 'Customs officers believe that control of arms and military equipment could be improved through better co-ordination and information exchange in between all relevant bodies and strict following of regulations'.[299]

SALW management information and exchange systems and protocols

The different competencies of international and Bosnian institutions in BiH do confuse issues of national information exchange, as do the war-shattered relations with neighbouring countries. However, co-ordination within the country has improved recently with inter-agency and government meetings organised by international agencies (the UNDP has held regular meetings to update and co-ordinate SALW activities since early 2003) although the recently-formed state-level SALW Co-ordination Board seems to play a very weak or minimal role in co-ordination. In addition, substantial improvements in the field of cross-border police co-operation (as noted above) and engagement in international fora have been facilitated and supported by the international organisations operating in the country.

BiH is a member of Interpol and is negotiating a co-operation agreement with Europol;[300] it is also involved in the Stability Pact framework and the SECI Regional Centre, to which it seconds one law enforcement officer. Representatives have attended and presented on the SALW situation in BiH at the UN SALW conferences, although the level of information reporting has been relatively low. At present, transparency in many areas is limited, possibly not so much from a desire to conceal information as the poor organisation of information held by government and other authorities. BICC notes that, 'as a result of the prevailing mistrust and lack of co-operation among the authorities of the various 'entities', there is very little reliable information' on SALW available, and that this lack of transparency and mistrust represents 'a stumbling block for large-scale disarmament'.[301] Public discussion of policy on SALW or related issues is very limited, and local civil society is not consulted, and only involved on a very limited basis, in discussions or policy development on SALW control.[302] It is to be hoped that as the state institutions take over more responsibility for SALW control activities, they will participate more fully in the relevant regional and international mechanisms, that transparency will be encouraged by the international community and that parliamentary oversight will be developed on SALW policy and decision-making.

297 CSS Needs Assessment 2003, p 60.

298 Ibid

299 Ibid, p 60.

300 'Europol annual report and work programme for 2004', News article May 2003, www.statewatch.org, referenced 22 January 2004.

301 BICC Conversion Survey 2002, p 133.

302 Interview with Sarajevo-based civil society representative, 13 February 2004.

Table 13 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	BOSNIA AND HERZEGOVINA
International	
Reporting to the UN DDA on the Programme of Action	To a certain extent.[303]
Reporting to the UN Register of Conventional Arms	To a certain extent.[304]
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	NA
Interpol/Europol	Yes/Yes[305]
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	NA
SECI Regional Centre intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	To a certain extent – public report on 2003 arms imports and exports forthcoming.[306]
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	No

303 The BiH statement at the UN Biennial Meeting of States in 2003 did not go into any substantial detail in terms of reporting on the PoA implementation in the country and no specific report was submitted to UNDDA. Dervisbegovic, UN PoA statement 2003.

304 See SALW Transfers above.

305 As noted above, BiH is currently negotiating a co-operation agreement with Europol.

306 See SALW transfers above.

Bulgaria

Small arms problem

Bulgaria has remained outside of the instability and conflicts affecting much of the Western Balkan region in the last decade. Being a large producer and exporter of SALW, the SALW dynamics in Bulgaria are different from those of some of its neighbouring countries. In contrast to the mainly political rationale of the SALW problem in the Western Balkans, in Bulgaria SALW issues have also a clear economic dimension. This explains why in recent years, in addition to the focus placed on arms export controls and the international community's worries about weapons sales to countries of concern, the debate has also concentrated on the challenges Bulgaria faces while restructuring and downsizing its once mighty defence industry.

The roots of the current problems relating to Bulgarian production and trade in SALW can be traced back to the days of communist rule, when the defence industry was one of the pillars of Bulgaria's national economy.[307] Notwithstanding the important progress that Bulgaria has achieved so far in tightening up legal controls on SALW and improving enforcement practice, there are areas that continue to pose some challenges.[308] Presently, Bulgaria has a developing economy with low competitiveness and a high level of unemployment.[309] Such an environment strengthens the dependence on arms production as a means for preventing the rise in unemployment. The trend is particularly manifest in the areas where defence companies are the mainstay of the job market. These are the areas around the towns of Kazanlak, Sopot and Karlovo, Veliko Tarnovo, Lyaskovets and Gorna Oryahovitsa. Many of the current producers are afraid to lay-off more workers and many defence companies, such as Arsenal, Beta-Cherven Briag or some units of Terem, work only a few days a week.[310]

Although the privatisation of the defence industry has been extensive, conflicts of interests in state regulation have not been completely removed, as a number of production, trade, and repair companies remain state-owned. At the same time the state institutions that oversee these companies, such as the Ministry of Defence or the Ministry of the Economy, also participate in the decision-making process on arms

307 'Arms Production, Exports and Decision Making in Central and Eastern Europe', Bernardo Mariani and Chrissie Hirst, Saferworld, June 2002, p 19.

308 'Weapons Under Scrutiny – Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria', (hereafter 'Weapons Under Scrutiny'),CSD/Saferworld, March 2004, Executive Summary.

309 12.9% according to government statistics, with trade union claims that it could be as high as 30%. See also , Defence Economics [in Bulgarian], T Ivanov, Sofia, University Publisher Stopanstvo, 2002, pp 182–184.

310 Weapons Under Scrutiny, Chapter 3.

transfers. This merging of control activities with production and trade may put control bodies in a position of possible dependence on business.[311]

Another challenge is posed by the large quantities of arms, including SALW and ammunition, which the process of military modernisation and streamlining have made surplus to requirement. According to the latest military plans, the peacetime strength of the Bulgarian army will be reduced by half in 2004 and will total 45,000 personnel. Moreover, military reservists have been reduced from 500,000 to 100,000.[312] It is unclear whether the huge quantities of SALW that will become surplus due to the restructuring of the armed forces will be destroyed or put out for sale on the international market.

Although the absolute number of registered firearms is much smaller than in neighbouring countries, the last few years have seen a notable increase in the number of firearms owned by civilians and public security firms. In 2003, there were 302,366 registered firearms in Bulgaria.[313] This has been explained by the increased sense of insecurity among private citizens and the growth of private security companies. Today there are 301 private security firms in Bulgaria, whose growth is usually ascribed to the stark increase in crime in the 1990s.[314] Traditional and organised crime, and the accumulation of illegally acquired funds are factors which contribute to SALW trafficking. Although the rise in the number of illegal arms has to do mainly with the circulation of weapons within Bulgaria, there is naturally a correlation between the availability of firearms within Bulgaria and the regional market for illicit arms.[315] The number of illegally owned firearms is largely unknown and the police have no firm estimates. The relatively strict and lengthy procedure for obtaining arms permits encourages many, especially criminals, to obtain arms illegally. A large number of firearms are produced in illegal workshops around the country, or smuggled into Bulgaria from parts of the Western Balkans.[316]

The wide distribution network of over 100 stores that offer low-priced domestically produced handguns also exacerbates the spread of firearms in Bulgaria. An Arsenal-made Makarov pistol can be bought for US$130 and Arcus-made pistols cost around US$250. Black market prices for Kalashnikov assault rifles are as low as US$120.[317] Another factor, which may contribute to the increased circulation of weapons, is that new amendments to the Law on Control of Explosives, Firearms and Ammunition have placed fewer restrictions on private ownership of firearms.[318]

Despite Bulgaria's important progress in improving border control, there are several outstanding issues, which continue to provide favourable conditions for the illicit trafficking of SALW.[319] The most acute problem is the security of border facilities and the need to upgrade equipment for border control. Of particular concern is the security around airports and seaports, from where most of the export of Bulgarian arms takes

311 Ibid, Executive Summary.

312 Ibid

313 Ibid

314 National Police Service Directorate, http://www.dnsp.mvr.bg/ohranfirmi.htm, accessed 16 October 2003.

315 Ibid

316 Weapons Under Scrutiny, Chapter 3.

317 The quoted prices are based on investigation by CSD.

318 Information drawn from Weapons Under Scrutiny, Chapter 3.

319 '2003 Regular Report on Bulgaria's progress towards accession', EU Commission, p 104–106, http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_bg_final.pdf

place, in particular in the towns of Varna and Burgas, the two biggest ports on Bulgaria's 320-kilometre Black Sea coastline.[320] Sofia Airport also generates concerns because it has multiple entry and exit points with lax security. It is alleged that goods have been stolen or removed without Customs authorisation from the airport's cargo facilities.[321]

Another problem in combating arms trafficking is the lack of equipment and lax controls over small boats. Although Bulgaria's Black Sea coast has numerous small fishing ports, only two Border Police boats patrol the entire coastline.[322] The Bulgarian Customs Agency does not have its own boats and is dependent on the Border Police. The Border Police is in the process of building radar stations along the coast but there are still sections of the coast that are not covered by radars. There are concerns that small boats coming from neighbouring countries can load illicit cargoes at Bulgarian ports or from Bulgarian small boats without being detected.[323]

Small arms policy and practice

Bulgaria's official policy on SALW was outlined at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was held in New York in July 2001.[324] Acknowledging the urgent need for collective international efforts, Bulgaria called for 'an integrated and holistic spectrum of measures designed to address manufacturing and implementation of an effective regime of export control, marking and tracing, security and safe management of stockpiles, destruction of excess arms, enforcement of arms embargoes, organised crime, border control, disarmament, demobilisation and reintegration'.[325] Bulgaria is committed to ensuring the conduct of a responsible national policy with regard to transfers to sensitive states and regions. The Bulgarian Government is also committed to a consistent and responsible policy of export controls[326] and maximum restraint when evaluating applications for the export of SALW, as well as of other arms and sensitive dual-use goods to destinations where risks are judged greatest, in particular to regions where conflict is occurring or is threatening. Bulgaria regularly updates the list of countries and organisations towards which it applies prohibitions or restrictions on the sale and supply of arms and related equipment in accordance with UN Security Council (UNSC) resolutions and decisions of the EU and the OSCE.

Bulgaria is also committed to arms transfer restraint in the context of regional and international control regimes, including the EU Code of Conduct on Arms Exports, the EU Joint Action on SALW and the OSCE Document on SALW. On 03 August 1998, Bulgaria formally aligned itself to the EU Code of Conduct on Arms Exports and has

320 Reportedly, the security of the cargo areas at both ports is lax. Neither port's customs facilities has x-ray equipment for inspecting cargos. Nor does either port have examination sheds in which to inspect containers in adverse weather conditions. At the Kapitan Andreevo border crossing with Turkey, Customs conduct thorough inspections on about 2% of the entering trucks, and an even smaller proportion of those exiting the country. This inspection ratio is achieved because the crossing's facilities include x-ray equipment. In Varna and Burgas, where no such equipment is available and where the total amount of cargo is significantly higher, the percentage is probably even lower. Weapons under scrutiny, Chapter 3.

321 Interviews with Customs officials, October – November, 2003.

322 Two more boats have been donated by the EU PHARE project but they are not yet in use.

323 Ibid

324 Bulgaria participated in the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects and has made a political commitment to implement the Conference's Programme of Action.

325 Statement by Ambassador Vassiliy Takev, Deputy Minister of Foreign Affairs of the Republic of Bulgaria, New York, 12 July 2001.

326 Welcoming address by HE Dr Solomon Passy, Minister of Foreign Affairs of the Republic of Bulgaria at the opening of the First Preparatory Seminar of the 11th OSCE Economic Forum, Sofia, 11 – 12 November 2002.

committed itself to abide by all guidelines, decisions and positions related to arms transfers adopted by the EU. In December 1998, Bulgaria made a political commitment to the EU Joint Action on SALW and in November 2000 it signed the OSCE Document on SALW.

In recent years, the Bulgarian defence industry has been heavily hit by recession. The country's current weapons output is at about 10 percent of its mid-1980s peak and employment in the defence industry has fallen from 110,000 – 115,000 at the end of 1980 down to around 25,000 in 2003.[327] The difficult transition to democracy and a market economy, characterised by financial and economic crisis, a weakening of state control, and political instability, had a substantial impact on the Bulgarian arms industry. Bulgaria's defence exports declined rapidly for a number of reasons. Firstly, the loss of state subsidies and military downsizing across Europe meant the loss of many traditional clients; secondly, some traditional markets outside Europe were also lost because of international restrictions and UN embargoes; thirdly, many arms importers, especially those from former communist countries, shifted demand to weapons produced to NATO standards, thus reducing the demand for old soviet-style weaponry.[328]

In the 1990s, the Government tried unsuccessfully to implement a number of conversion policies. There were two approaches to conversion.[329] The first tried to use the existing facilities and production lines.[330] The second approach involved the purchase of new technologies and production lines. However the lack of an adequate financing instrument proved a significant obstacle.[331] This problem was further compounded by the lack of marketing or research and development resources, as well as insufficient technological expertise in the production of civilian products. Moreover, the conversion process lacked clarity over which companies needed to preserve their capability to convert back to arms production. Consequently, parallel defence and civil production capacities were retained at great expense.[332]

After what has been described as an inconsistent and long-winded policy process, which deterred potential foreign investors and reduced the financing opportunities of the industry,[333] most of the arms industry has now been privatised. The privatisation process, however, has not been an immediate economic success. According to defence experts, most of the defence companies can hardly survive.[334] The social and economic effects on towns like Sopot, Kazanlak, and Karlovo has been markedly severe.[335]

327 Weapons Under Scrutiny, Chapter 1.

328 'Managing Defence Industries in Transition: Ensuring Compliance with Export Controls', a presentation by Bernardo Mariani, Saferworld, at the Fifth International Conference on Export Controls, held in Budapest, Hungary, on 15 – 17 September 2003.

329 Restructuring and Conversion, D Dimitrov, BICC 2002, p 75.

330 This process proved difficult, because facilities and equipment often had narrow, defence-oriented technical specifications. Most factories were built with a high level of specialisation and with a capacity for civilian production not surpassing 10 – 20% of total output. 'BICC Conversion Survey 2001: Global Disarmament, Demilitarization and Demobilization', Baden-Baden, Nomos Verlag, 2001, p 68.

331 'Lessons learned from Conversion in Russia and Western Europe', K Gonchar and H Wulf, Journal of Defense and Peace Economics, vol 9 (4), 1998, pp 339–367.

332 As described in Weapons Under, Chapter 1.

333 G Georgiev, T Ivanov, T Tzvetkov, D Dimitrov, Common European Defence: Economic Aspects, [in Bulgarian], University Publishing House 'Stopanstvo', Sofia, 1998, p 196.

334 'The Bulgarian Defense Industry Strategic Options for Transformation, Reorientation & NATO Integration', J Bialos, The Atlantic Council of the United States, Policy Paper, July 2001, p 12.

335 Ibid, p 11.

The Bulgarian defence industry continues to produce a range of weapons, munitions and related military equipment, especially SALW, which are the country's main defence export items.[336] Although most of the small arms produced in Bulgaria are of old Soviet design, in the 1990s the country began moving towards production of NATO-standard equipment. The industry's average is US$100 million per year.[337]

Often criticised in the past for violating international arms trade restrictions and for its willingness to supply arms to countries in conflict and human rights crisis areas,[338] Bulgaria has made important progress towards improving its arms controls and the disposal of surplus small arms and ammunition.[339] A new political will combined with the country's aspiration to join the EU and NATO and sustained pressure from the international community have resulted in serious actions to improve arms export policy and practice.[340]

Bulgaria has also taken important steps to control SALW proliferation within its borders. The Law for Control on Explosives, Firearms and Ammunition (LCEFA) and its Regulations allow private individuals and companies to possess, store and use non-military style firearms[341] and ammunition for protection, self-protection, production, hunting, sport and cultural purposes.[342] An important development has been the establishment of a Central Registry of Firearms at the National Police Headquarters. According to the Goverment of Bulgaria all confiscated or collected illicit small arms are usually destroyed as soon as possible, subject to any legal procedures associated with criminal prosecution.[343]

In its 2003 Regular Report on Bulgaria's progress towards accession, the European Commission noted the progress made by Bulgaria in updating its Schengen Action Plan, whose implementation has led to 'positive changes in Bulgaria's policy towards the establishment of a high level of control at the external borders'.[344] In particular, the former practice of employing conscripts in the border police has been discontinued, while specialised border police training courses started in April 2003 for newly appointed officers. It was also reported by the European Commission that Bulgaria was in the process of upgrading its high-tech equipment for border control, with priority being given to the external borders with Turkey and the Black Sea Coast.[345] Bulgaria is also increasing the capacity of its Customs officers to deter and detect customs offences. Mobile customs teams are being trained and between 2002 and 2003 five new teams were added to the existing five. Crucially, amendments to the legislation in 2003 introduced the legal framework for undercover operations.[346]

336 Bulgaria's main SALW manufacturers are: Arsenal Joint Stock Company (JSC) in Kazanlak; NITI JSC in Kazanlak; VMZ JSC in Sopot; Arkus Co. JSC in Lyaskovets; Dunarit JSC in Rousse; and two branches of the MoD Terem Company in Veliko Tarnovo and Kostenetz. 'Disposal of surplus small arms – a survey of policies and practices in OSCE countries', A joint publication by BICC, British American Security Information Council, Saferworld and Small Arms Survey, January 2004, p 98.

337 Data provided by the Bulgarian MFA.

338 'Money Talks, Arms Dealing with Human Rights Abusers', Human Rights Watch, April 1999, vol 11, No 4 (D).

339 'Short mission report – SEESAC Consultation in Bulgaria, 08 – 10 July 2002, SEESAC, www.seesac.org/about/bulg.htm

340 Op cit, 'Disposal of surplus small arms – a survey of policies and practices in OSCE countries'.

341 Revolvers, self-loading pistols, rifles and carbines only. Op cit, 'Disposal of surplus small arms – a survey of policies and practices in OSCE countries', p 98.

342 Ibid

343 Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 7.

344 '2003 Regular Report on Bulgaria's progress towards accession', p 99.

345 Ibid, p 99–100.

346 Ibid, p 103.

Table 14 – Bulgaria's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	BULGARIA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001[347] Letter Report in 2003
UN Firearms Protocol	15 February 2002[348]
OSCE Document on Small Arms	November 2000[349]
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	August 1998
EU Joint Action on SALW	December 1998
Wassenaar Arrangement	July 1996[350]

Small Arms progress

Legislative and regulatory issues

Bulgaria's normative framework is rather comprehensive. The 1995 Law on the Control of Foreign Trade Activity in Arms and in Dual-Use Goods and Technologies, last amended in July 2002 (SG No 102/1995, as amended in SG 75/2002), and a Government Regulation on its Implementation (SG No 115/10.12.2002) constitute the legal foundation of Bulgaria's arms export control system. The amendments to the above Law and Regulation, which became effective in the second half of December 2002, include comprehensive provisions to control the activities of middlemen or brokers, requirements to improve the identification of end-users and prevent diversion of weapons shipments and increased penalties in case of violation.[351]

Crucially, brokering activities carried out in and from the territory of Bulgaria are now treated as direct arms trade activities and, as such, they fall under relevant legislative provisions. This has resulted in the introduction of a licensing regime for brokers and the establishment of a register of companies and persons performing brokering activities in arms and dual-use goods and technologies.[352] Several other amendments

347 On 07 March 2002, the Council of Ministers adopted a Decision for the approval of the United Nations Programme of Action on SALW, which tasks different government institutions with the implementation of the principles, norms and requirements contained in the PoA. 'All involved institutions have designated an authorised point of contact, thus creating an effective mechanism for its implementation'. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 2.

348 The Protocol was ratified by the National Assembly on 19 June 2002 and the instrument of ratification was deposited on 6 August 2002. Ibid.

349 'On 01 February 2001, the Council of Ministers approved the OSCE Document and its nationwide implementation', Op cit, 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries', p 106.

350 Bulgaria became a founding member of the Wassenaar Arrangement in July 1996.

351 A person who illegally manufactures, processes, repairs, develops, keeps stockpiles, trades in, transports or exports explosives, firearms, chemical, biological or nuclear weapons or ammunition may be imprisoned for one to six years. If the person is an official who abused his or her position, or if the person is a repeat offender (in cases other than a minor), he or she may be imprisoned for two to eight years. Depending on the magnitude and severity of the crime, the offender may be imprisoned for up to fifteen years. Ryerson University, Toronto, Ontario, Canada. http://www.research.ryerson.ca/SAFER-Net/regions/Europe/Bul_JY04.html

to the basic legal framework on SALW have recently been introduced.[353]

According to the Law, companies are first required to obtain a licence to perform foreign trade activities in arms and dual-use goods. The licence is issued by the Interministerial Council on the Issues of Military Industrial Complex and Mobilisation Preparedness of the Country within the Council of Ministers. The Deputy Prime Minister and Minister of Economy chairs the Interministerial Council and members include the Deputy Ministers from several government departments.[354]

The request by licensed companies for permits to export, import, re-export, or transit are considered on a case-by-case basis by the Interdepartmental Commission on Export Control and Non-Proliferation of Weapons of Mass Destruction within the Ministry of Economy. The Commission is chaired by the Minister of Economy and also includes representatives from the Ministries of Defence, Interior and Foreign Affairs. The assessment of export licence applications is in compliance with restrictions imposed by UN Security Council resolutions, the decisions of the EU, the OSCE, the Wassenaar Arrangement and other multilateral and regional instruments of non-proliferation.[355]

Companies are subject to a number of additional controls and permits that include:

- A permit from the Control of Hazardous Devices Office of the National Police Service.
- An inspection by the Customs Agency and National Security Service at specific border crossings.
- Monitoring of the export by the export control specialist that every licensed company is required to have.
- The cargo shipping company also needs to be licensed by the Interministerial Council to transport arms to and from the territory of Bulgaria.
- Defence and arms trade companies under the MoD are obliged to obtain personal approval for all transactions from the Minister of Defence.

An analysis conducted in 2003 by a Bulgarian expert group concluded that despite the evolution of Bulgaria's arms export controls, there remains scope for improvement.[356] In particular, the report calls for improving the work of the Interdepartmental Commission through the introduction of appropriate mechanisms that would help resolving conflicts of interest, diminish the concentration of discretionary powers held by single individuals,[357] counteract the risks of corruption and devote more attention

352 Reply of the Republic of Bulgaria to operative paragraphs 5 and 6 of UN General Assembly resolution 57/72 entitled 'The illicit trade in small arms and light weapons in all its aspects', p 3.

353 These include: Amendments in 2002 to the Penal code of the Republic of Bulgaria; Law on the Control of Explosive Substances, Firearms and Ammunition (SG No 133/1998 as amended in SG 85/2000) and the Regulation on its implementation (SG 78/1999 as amended in SG 58/2001, 1/2002); Amendment to the Decree No 91 of 09 April 2001 on the approval of a list of countries and organisations with regard to which the Republic of Bulgaria, in accordance with resolutions of the UN Security Council and with the decisions of the EU and the OSCE, applies prohibition or restrictions on the sale and supply of arms and related materiel (SG 37/2001, 70/2002, 22/2003); a number of procedural regulations and internal standards issued by the competent authorities.

354 The Council standing members are the Deputy Ministers of Economy, Foreign Affairs, Defence, Finance, Interior, Transport and Communications, Regional Development and Public Works, the Head of the National Intelligence Service and the Deputy Chief of General Staff of the Bulgarian Army. The Prime Minister designates the Secretary of the Council who is responsible for controlling the implementation of the Council's decisions. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 4.

355 Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 5. In April 2001, the Bulgarian Government adopted a list of states and organisations that are placed under embargo according to the resolutions of the UN Security Council, or decisions by the EU and the OSCE. This list is updated on a regular basis. See Weapons Under Scrutiny, Appendix IV.

to the impact of arms transfers on conflict, instability, human rights and development goals.[358] The report urges the Bulgarian Government to consider the creation of a National Agency responsible for co-ordinating all aspects of the control of trade in arms and dual-use goods and technologies.[359]

The possession of firearms and ammunition is regulated primarily through the *LCEFA* and the *Regulation on its implementation*. In July 2003, the Bulgarian Government amended the Law in order to relax some of its restrictive provisions. Applicants for firearms permits are no longer required to pass mental health tests. Moreover, the reasons for denying such a permit no longer include 'misuse of drugs and alcohol', 'systematically disturbing the peace' or 'putting national security in danger'.[360]

Table 15 – Features of Bulgaria's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	BULGARIA
National	
National co-ordinating agency on SALW	No, however relevant points of contact exist.[361]
National point of contact on SALW	Yes[362]
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes
Production	Yes
Export	Yes
Import	Yes
Transit	Yes
National System of Export & Import Licensing or Authorisation	
System	Yes
Diversion risk	Yes
End-user certificate	Yes[363]
Retransfers	Yes
Verification (pre/post)	Yes, post-shipment[364]
Brokering controls	Yes
Domestic Possession, Trade and Stockpiling	
Legislation	Yes[365]
Manufacture	Yes
Marking and tracing	Yes[366]
Possession	Yes
Stockpiling	Yes
Trade	Yes

356 Ibid, Chapter 5.

357 In particular, the Secretary of the Commission.

358 Weapons Under Scrutiny, Executive Summary.

359 Ibid, 'Recommendations to the Bulgarian Government', Chapter 5.

360 'Bulgaria Banned Guns in Entertainment Clubs', Novinite, 16 July 2003.

361 All relevant institutions have designated an authorised point of contact, thus creating a network of experts competent on different aspects of SALW, such as export control, customs control, stockpile management and destruction of surplus and control over manufacture and record keeping. Reply of the Republic of Bulgaria to operative paragraphs 5 and 6 of UN General Assembly resolution 57/72 entitled 'The illicit trade in small arms and light weapons in all its aspects'.

SALW transfers

In contrast to the mainly political rationale for Bulgarian SALW exports in the Soviet era, the motives for arms sales in the country's post-Cold War experience have become purely economic. In 2002 Bulgaria exported around US$30 million worth of SALW.[367] The state-owned arms trading company Kintex, and the less active Teraton, as well as close to 70 smaller brokering companies are involved in exporting Bulgaria's arms and dual-use goods.[368] It is not clear, however, how many of them are specialised in SALW. Kintex is the only broker authorised to export to India, which appears to be Bulgaria's biggest client.[369]

In 2000, there were reports claiming that Bulgaria had concluded one of the largest SALW deals in recent years, a contract to supply India with 200,000 Kalashnikov rifles.[370] It is unclear whether or not this deal has been completed, as no additional information has been made public.[371] Despite a dubious history of arms transfers to conflict regions, Bulgaria's new and strengthened export controls do seem to have resulted in improvements in arms control practice. In the past two years no cases of significant illicit trade in SALW have been detected.[372] In May 2002, there were reports that the Bulgarian authorities had discussed revoking the licence of a defence company following its alleged involvement in arms transfers to Sudan.[373] Bulgaria's restraint seems to have been rewarded with small but symbolic contracts, such as a contract in 2002 to supply 400 AK-47s and other SALW and ammunition to the Afghan National Army, as part of the US-run training programme.[374]

During the 1990s, there were frequent accusations that Bulgarian SALW exports had found their way, through unscrupulous international brokers, into countries in conflict or regions of instability. Whether knowingly or not, this would have provided Bulgarian exporters a means to stay in business when traditional markets were lost and the country became incapable of competing with other arms exporters on a global scale.[375] The long transitional period that Bulgaria experienced contributed to the 'criminalisation of weapons sales', with an increase in the number of brokers and

362 The Director of NATO and International Security Directorate at the MFA has been designated as the National Point of Contact. Reply of the Republic of Bulgaria to operative paragraphs 5 and 6 of UN General Assembly resolution 57/72 entitled 'The illicit trade in small arms and light weapons in all its aspects', p 3.

363 Every transaction requires an end-user certificate. The exporting company or broker needs to provide a certificate that the end-user has obtained from its own national authorities. This certificate is verified by the MoE, the MFA, the MoI and the MoD.

364 The Commission requires a certificate (Delivery Verification Certificate) to confirm that each delivery has taken place. The certificate is issued by the respective authority of the end-user country. When considered necessary, the Commission is authorised to do on-the-spot delivery verifications in the end-user country. Such inspections are rarely carried out as resources are quite limited.

365 Law on the Control of Explosive Substances, Firearms and Ammunition (SG No 133/1998 as amended in SG 85/2000) and the Regulation on its implementation (SG 78/1999 as amended in SG 58/2001, 1/2002).

366 Civilian and military SALW produced in Bulgaria are marked according to OSCE requirements. The markings provide information indicating: the year of manufacture, country of manufacture, manufacturer's name and a serial number. In line with Bulgaria's compatibility with NATO all arms and ammunition of the Bulgarian armed forces will need to bear the standard marking for NATO armaments. This is likely to become standard for the production of all Bulgarian defence companies.

367 Interviews with government officials, 05 October 2003.

368 'Who is Trading with Arms in Bulgaria,' [in Bulgarian] 24 Chasa, 04 December 2002.

369 Weapons Under Scrutiny, Chapter 3.

370 Small Arms Survey 2001, p 158.

371 Ibid, p 108.

372 Weapons Under Scrutiny, Chapter 3.

373 Small Arms Survey 2003, p 108.

374 Ibid, p 109.

375 'Light Weapons, Long Reach: Bulgaria's Role in the Global Spread and Control of Small Arms', Suzette R Grillot and Dessie Apostolova, February 2003.

middlemen focussing in particular on African markets.[376] A 1999 report by Human Rights Watch[377] denounced Bulgarian exports to war-torn countries such as Angola, Rwanda, the Democratic Republic of Congo, Uganda, Sierra Leone and Burundi. A report published by the UN Security Council in March 2000 stated that the evidence collected by a UN Panel of experts overwhelmingly pointed 'towards Bulgaria as the source of origin for the majority of the arms purchased by UNITA – at least since 1997'.[378] The final report of the UN Monitoring Mechanism on Angola Sanctions issued in December 2000 provided further evidence of large supplies of Bulgarian weapons, mainly SALW, to UNITA forces between 1996 and 1998.[379] The weapons were supplied on the basis of end-user certificates listing Togo as the country of final destination. In addition to the large quantities of SALW reaching UNITA rebel forces, Bulgaria was repeatedly involved in transfers to regions of instability, which were often facilitated by foreign individuals acting as arms brokers or transportation agents. In November 1999, a British cargo company transported 42 tons of Bulgarian SALW, including surface-to-air missiles, from Burgas to Harare in Zimbabwe. Allegedly, the weapons were later transferred to the Democratic Republic of Congo.[380] In February 1998, a British private military company shipped several tonnes of small arms from Bulgaria through Nigeria to Sierra Leone, in possible violation of an existing UN arms embargo.[381]

SALW collection programmes and capacities

There have not been any government programmes for the collection of illicitly held arms or any amnesty laws. In 2002 MP Nonka Matova proposed an amnesty law for illegally owned firearms. However, this initiative struggled to gather political support and there was no follow up to it.[382]

SALW destruction programmes and capacities

Bulgaria has vast surpluses of SALW and the adopted Programme for Restructuring the Bulgarian armed forces will result in additional surpluses. Consequently, the Ministry of Defence Logistic Command is working on determining the requirements for SALW. The surplus weapons will be located at the 137th Central Base for Storage and Technical Maintenance and Repair (CSMRB) in the town of Veliko Tarnovo awaiting destruction.[383]

In accordance with a Decision of the Interministerial Council at the Council of Ministers, an interagency group for the coordination of SALW destruction has been established.[384] The MoD is the main authority responsible for the disposal of surplus SALW and, as such, it has a leading role in the identification of surpluses, registration, storage,

376 Ibid

377 'Bulgaria: Money Talks - Arms Dealing with Human Rights Abusers', New York, Human Rights Watch, 1999.

378 'Letter dated 10 March 2000 from the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola addressed to the President of the Security Council (S/2000/203)', paragraph 41.

379 'Final Report of the Monitoring Mechanism on Angola Sanctions', S/2000/1225, http://www.globalpolicy.org/security/sanction/angola/0012rprt.htm, paragraph 54.

380 Ibid, p 28-29.

381 Ibid

382 Weapons Under Scrutiny, Chapter 5.

383 'Stockpile Management and Security of Small Arms and Light Weapons', Republic of Bulgaria - Ministry of Defence, United Nations Sub-Regional Conference on the Illicit Trade in Small Arms and Light Weapons in South-East Europe, 10 - 12 March 2003.

384 Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 6.

transfer, transportation, record keeping and site inspections.[385] These activities are also monitored by military counter-intelligence and the military police.[386] In December 2001, the Council of Ministers prepared a 'National Programme for the Utilisation and Destruction of Surplus Ammunition on Bulgarian Territory'.[387]

June 2003, 4,500 weapons awaiting destruction by cutting and hydraulic deformation at the Veliko Tarnovo industrial facility of TEREM SHC in Bulgaria. The resultant scrap metal was converted into approximately 16 tonnes of molten steel.

Bulgaria has made important progress towards the destruction of its SALW surpluses with the support of the international community. The first destructions of surplus SALW started in 2001 when Bulgaria signed an agreement with the US Government for the destruction of 150,000 small arms. So far, Bulgaria has destroyed around 96,000 SALW and nearly 6,700,000 rounds of ammunition under this agreement.[388] From 20 – 27 June 2003, 4,500 AK-74s, 750,000 rounds of ammunition and 2,474 rounds of light weapons were destroyed in a project implemented by the Government of Bulgaria in co-operation with UNDP and SEESAC.[389] This project was deemed very important given that the weapons were new and had a clear market value.[390] The Veliko Tarnovo branch of Terem, the company being appointed to perform the actual destruction of surplus SALW, has developed technologies for destroying weapons of all kinds, including the whole range of SALW. The process is based on crushing some SALW components through plastic deformation and oxy-fuel or saw-cutting others. Usually, small components are crushed and large or heavy components are cut. Detailed process steps have been developed for each type of weapon.[391]

It is expected that significant stocks of SALW will be rendered surplus as part of the process of restructuring and downsizing of the army. The Bulgarian Government is seeking financial assistance for additional surplus destruction projects.[392] Bulgaria has also expressed its readiness to become a regional centre for the destruction of surplus SALW from throughout South Eastern Europe.[393]

Table 16 – Summary of SALW destruction in Bulgaria 2000 – 2004[394]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
Bulgarian MoD, UNDP, SEESAC	4,500		(AK-74 assault rifles) 10 October 2002 – 27 June 2003
Bulgarian MoD	97,593		(Various) 10 October 2002 – 27 June 2003
TOTAL	**102,093**		

385 Op cit, 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries', p 103.

386 Ibid

387 Council of Ministers' Decision 842/20.12.2001.

388 Weapons Under Scrutiny, Chapter 3.

389 'Activity Report: Support to Republic of Bulgaria Weapons Destruction', SEESAC, 27 June 2003, http://www.seesac.org/reports/ar008.htm.

390 'Summary of Regional SALW Projects - Bulgaria', SEESAC, http://www.undp.org.yu/salw/reports/Projects1hnizci45jcsy3245aoy0bmbv.doc.

391 Op cit, 'Stockpile Management and Security of Small Arms and Light Weapons'.

392 Short Mission Report - SEESAC Consultation in Bulgaria, 08 - 10 July 2002, http://www.seesac.org/about/bulg.htm.

393 'Controlling small arms proliferation: the view from Bulgaria', 07 - 08 March 2002, Seminar report compiled by Chrissie Hirst, Saferworld/Bulgarian Red Cross.

394 Statistics taken from the SEESAC SALW Database, www.seesac.org, referenced 17 February 2004.

SALW stockpile management programmes and capacities

A system of stockpile management and security of SALW has been in operational use in Bulgaria for more than 40 years. According to the Bulgarian authorities, the system has proved reliable.[395] However, the system is being constantly developed and elaborated, especially with regard to safe storage, inventory control and security.[396]

Bulgaria is committed to promoting and ensuring security of SALW stocks by means of:

- Constantly reviewing current practices;
- Establishing effective management and accountability systems;
- Ensuring adequate and detailed standards and procedures, good record-keeping and regular stocktaking;
- Ensuring that any losses are properly reported and investigated and the weaknesses are rectified;
- Regularly reviewing holdings to ensure timely identification and disposal of surpluses; and
- Developing SALW destruction technologies and capacities.[397]

All significant SALW stockpiles in Bulgaria are operated by the MoD. According to the MoD, international inspections conducted by a joint group of American and Norwegian experts in October 2000 concluded that the Ministry's SALW storage facilities were secure and that all arms were accounted for. Another visit conducted in Summer 2002 by the SEESAC noted that the Bulgarian Government has informed them that 'the Bulgarian Army has introduced an effective system for safe storage and record-keeping of SALW, preventing thefts and uncontrolled movement of arms and ammunition'.[398] However, some cases of theft persist, while the security of stockpiles during transportation to different warehouses has also caused concerns.[399] Such transportations have been more frequent during the past years of reorganisation of the Bulgarian Armed Forces.

No information is available on the current levels of Bulgaria's stockpiles of SALW.

SALW awareness activities

The final initiative in the destruction process of 4500 SALW in 2003 (see above) was the unveiling on 27 October 2003 of a monument dedicated to peace, which now stands outside the Information Centre of the Bulgarian MoD. The winning design was

24 October 2003: Bulgaria proudly unveils its 'Bird of Peace' monument outside the Defence Ministry's Information Centre. The sculpture was made from weapons and ammunition destroyed in summer 2003.

395 Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 7.

396 Ibid

397 Op cit, 'Stockpile Management and Security of Small Arms and Light Weapons', p 4.

398 Short Mission Report: SEESAC Consultation in Bulgaria, 08 - 10 July 2002, H Van der Graaf, C Rutherford, SEESAC 2002, http://www.seesac.org/about/bulg.htm, referenced 06 October 2003.

399 Weapons Under Scrutiny, Executive Summary.

determined via a competition between students at the Bulgarian National Academy of Fine Art. The monument took the form of a sculpture of a dove made from the destroyed Kalashnikov rifles.[400] The aim of the project was to draw public attention to the destruction initiative in line with the doctrine that symbolic demonstration of destruction efforts is a major element in building public perceptions of personal security.

Since 1999, the Bulgarian Red Cross has undertaken different activities related to SALW awareness. As part of the International Red Cross and Red Crescent Movement's involvement in the issue of non-proliferation of SALW and addressing the humanitarian aspects of misuse of SALW, the Bulgarian Red Cross has integrated the SALW issue in its campaign against violence. Through publications and media activities, the Bulgarian Red Cross has contributed to raise public awareness about the heavy humanitarian cost, both at home and abroad, of the misuse of SALW. SALW concerns have also been integrated into the Bulgarian Red Cross Programme for Dissemination of International Humanitarian Law (IHL), involving all aspects of IHL training, including courses and seminars, with and for the Bulgarian military and police forces, military and police missions abroad, public authorities, students, and Red Cross members and staff. With the active participation of the Bulgarian Red Cross, the issue of SALW was addressed at the 28th International Conference of the Red Cross in Geneva in 2003 and was included in the Resolutions adopted by the Conference.

Table 17 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
Bulgarian Red Cross	1999 - ongoing	Bulgarian military and police forces, public authorities, students, Red Cross membership and staff, the general public.	Publications, seminars, roundtables, as part of the Red Cross' Anti-violence campaign.	There are no exact figures on the number of persons reached by this awareness initiative and no evaluation has been carried out.	External donors, including the Norwegian Red Cross and the Norwegian Government, and Bulgarian Red Cross funds

SALW survey activities

A national assessment of existing arms export controls was undertaken by a team of Bulgarian experts from governmental institutions and non-governmental groups from January to May 2003. Building on previous NGO research work on Bulgaria, this new assessment, which was co-ordinated by the Center for the Study of Democracy (CSD) in collaboration with Saferworld, provided in-depth analysis of the key challenges posed by the Bulgarian arms control system and outlined ways to overcome such problems. The assessment focused on a range of issues, including the implementation of policy and legislation on arms export controls, the mechanisms, routes and circumstances involved in proliferation, trafficking and transport of SALW and the economic impact of stricter

400 'From Small Arms to Peace in Bulgaria', UNDP, http://www.undp.bg/en/homepage_files/salw/monument_of_peace.pdf.

arms export controls on the regions where SALW production is an important source of income. The project was based on continuous partnership between governmental and non-governmental sectors. CSD formed a working group that included experts from the MoD, the MFA, the Ministry of the Interior (MoI), the Ministry of the Economy (MoE), and the University of National and World Economy.[401] However, the assessment of the small arms problem in Bulgaria and policy responses have not included efforts to map the perceptions of key actors, such as the law enforcement community and the general public, nor to shed light on the distribution or impact of SALW in Bulgaria.

Civil Society involvement in SALW interventions

There has been some involvement of civil society in the SALW field, thanks mainly to the work of the Bulgarian Red Cross and the more recent involvement of the Center for the Study of Democracy and the Atlantic Club of Bulgaria. All of these organisations have been involved in organising seminars and roundtable discussions on various aspects of SALW.

On 01 – 02 October 2000, with the assistance of the Norwegian Initiative on Small Arms Transfers (NISAT), the Norwegian Red Cross and the Norwegian Government, the Bulgarian Red Cross hosted a regional conference of the Red Cross/Red Crescent National Societies from South Eastern Europe on the proliferation of small arms. The meeting discussed the role of the Red Cross Movement as a key driving force in highlighting the humanitarian impact of SALW.[402] On 07 – 08 March 2002, the Bulgarian Red Cross and Saferworld co-organised a seminar in Sofia on 'Controlling Small Arms Proliferation: The View from Bulgaria'. The seminar was attended by 50 governmental and non-governmental experts from Bulgaria, other European countries and the United States who discussed Bulgaria's official policy on SALW and reviewed amendments to the arms export law and their implications in combating the excessive accumulation and trafficking of SALW. The seminar helped to generate momentum for advocacy, coalition and network building in Bulgaria, in addition to awareness-raising and media coverage.[403]

On 14 May 2003, a strategy seminar on developing 'A Bulgarian National Programme to Implement Arms Export Controls and Combat Small Arms Proliferation' was hosted by the Atlantic Club of Bulgaria and Saferworld. The meeting highlighted some of the challenges associated with the development and implementation of effective arms export controls in Bulgaria. Participants also discussed the feasibility of a Bulgarian National Action Programme.[404]

On 05 April 2004, the CSD and Saferworld will co-host a seminar in Sofia to coincide with the launch of the research report 'Weapons Under Scrutiny – Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria', which is based on the findings of the national assessment conducted in 2003 (See SALW survey activites above). The meeting will bring together governmental and non-governmental experts, parliamentarians, and practitioners from the law enforcement community.

401 The findings of the national assessment, on which this chapter has drawn significantly, are scheduled for publication by CSD and Saferworld in March 2004. See Civil Society Involvement in SALW interventions below.

402 http://www.redcross.bg/news.html

403 Op cit, 'Controlling small arms proliferation: the view from Bulgaria'.

404 'Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria' seminar conclusions, 14 May 2003.

Cross-border SALW control initiatives

Bulgaria participates in a number of regional initiatives tackling cross-border illicit trafficking and organised crime, including Interpol, the European Police Office (Europol), the Stability Pact for South-Eastern Europe, BSEC, the CEI and the SECI Center for Combating Trans-Border Crime. On 17 June 2003, Bulgaria signed a co-operation agreement with Europol in connection with the fight against international organised crime. The agreement will allow Bulgaria to appoint a liaison officer to work at Europol headquarters in The Hague.[405] Like most of the other agreements between Europol and non-EU countries, the agreement allows for the exchange of personal data and the improvement of strategic links through the appointment of a national contact point and liaison officers.[406]

International and regional co-operation between the police force, the intelligence services and the customs authorities aimed at combating the smuggling of SALW is based on multi- and bi-lateral agreements.[407] The Bulgarian Customs Agency periodically receives information on stolen firearms from the Interpol National Bureau and this allows the Agency to improve the performance of its duties to combat and prevent illicit arms trafficking.[408] Bulgarian law enforcement officers exchanged intelligence data on illicit arms trafficking with neighbouring countries during 'Operation Ploughshares', the SECI Center's initiative to tackle SALW trafficking in South Eastern Europe.[409]

There is high-level co-operation between the governments of Bulgaria, Greece, Serbia & Montenegro, Romania and Macedonia on measures to improve border control. Such efforts have led to the creation of a Regional Joint Commission for Border Policing.[410] In April 2003, the Bulgarian Council of Ministers approved new Agreements with Greece and Romania based on the Convention implementing the Schengen Agreement.[411] The Bulgarian government and the EU have been increasing their focus on security of EU and non-EU borders and border crossings in light of Bulgaria's expected accession to the EU in 2007. Some European governments and the EU have donated equipment and have worked with the MoI in improving the capabilities and the quality of the Border Police. A forthcoming training initiative with the Bulgarian and Macedonian border police forces, supported by the German Bundesgrenzschutz aims to improve services along this crucial border.[412]

405 Europol press release - 17 June 2003.

406 House of Commons, the United Kingdom, European Security, Fifth Report, 09 January 2003.

407 Co-operation between customs authorities takes place on the basis of: Protocol No 6 on Mutual assistance in Customs activity, in accordance with Art. 93 (3) of the Europe Agreement establishing association between the European Commission and the Member States on the one part and the Republic of Bulgaria on the other part (SG No 33/1993, in effect since 01 February 1995); Bi-lateral agreements on international co-operation and mutual assistance in customs activities between Bulgaria and the governments of Austria, Turkey, Greece, Romania, the Russian Federation, Ukraine, Macedonia, Mongolia, Federal Republic of Yugoslavia; and a MoU with the UK Government. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', pp 7-8.

408 Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 8.

409 According to the data provided to the SECI Center, November 2002 - May 2003, Bulgarian law enforcement authorities seized the following weapons: 46 pistols, 37 hunting guns, 5 small calibre rifles, 21 assault rifles, 3 RPGs, 19 hand grenades and significant quantities of landmines and explosives. Data provided by the SECI Regional Center, June 2003.

410 Short Mission Report - SEESAC Consultation in Bulgaria, 08 - 10 July 2002, http://www.seesac.org/about/bulg.htm.

411 '2003 Regular Report on Bulgaria's progress towards accession', European Commission, p 100.

412 IbidHYPERLINKHYPERLINK

SALW management information and exchange systems and protocols

Bulgaria participates in international information exchange and transparency mechanisms relating to conventional weapons, including the UN Register on Conventional Arms, the Wassenaar Arrangement and information exchanges on SALW within the OSCE. The Law on the Control of Foreign Trade Activity in Arms and in Dual-Use Goods and Technologies provides for an annual report on the implementation of the Law to be submitted by the Council of Ministers to the National Assembly. However, there are no reporting mechanisms that provide the public with information on the authorisation of arms exports and their consignments.[413] Any information on weaponry, military preparedness, arms deals and defence industrial capacity is classified according to the new Law for the Protection of Classified Information (April 2002).[414] There is very limited publicly available information on sales and exports of SALW and therefore public accountability and monitoring in this field is severely eroded.

Table 18 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	BULGARIA
International	
Reporting to the UN DDA on the Programme of Action	Yes
Reporting to the UN Register of Conventional Arms	Yes
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	Yes
Interpol/Europol	Yes
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	-[415]
SECI Regional Centre intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	Yes, but quite limited
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	No

Additional SALW-related activities

Developing and implementing a National Action Programme to address comprehensively the small arms problem and assist Bulgaria in developing actions across a range of areas remains high on the agenda for discussions with the Bulgarian Government. Such a programme would boost Bulgaria's credentials as a reliable producer and exporter of arms while joining NATO and seeking membership of the European Union. It

413 According to Dimitar Dimitrov, an Economist at Sofia's University of National and World Economy, 'The spirit of secrecy regarding military and security affairs inherited from the communist era is still strong'. Op cit, 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries', p 98.

414 The lack of regulations on the implementation of the Law is seen as further complicating the matter. Ibid.

415 In March 2003, the Bulgarian Government submitted a report to the EU Working Group on Conventional Arms (COARM) on Bulgaria's progress in implementing its export control system.

would also put Bulgaria at the forefront of the Stability Pact's efforts to tackle SALW in South Eastern Europe. It is envisaged that the main elements of an Action Programme would cover areas including:[416]

- Furthering normative and regulatory requirements;
- Strengthening the operational capacity of the government departments and law enforcement agencies to implement and enforce arms controls;
- Overcoming the economic challenges;
- Combating illicit arms trafficking;
- Enhancing public transparency;
- Destruction of surpluses;
- Improving domestic dialogue on export controls;
- Strengthening international co-operation to enhance Bulgaria's capacity to implement and enforce the new arms control policy and normative provisions.

416 'Bulgaria's Achievements and Challenges in Implementing Arms Export Controls and Combating Small Arms Proliferation' a seminar organised by Saferworld/Atlantic Club of Bulgaria, in collaboration with the Bulgarian MFA and the UK FCO, Sofia, 14 May 2003, seminar's conclusions.

Croatia

Small Arms problem

The Republic of Croatia broke away from the former Yugoslavia following the locally-termed 'Homeland' or 'Patriotic' War, which began in 1991 and saw bitter fighting across much of the country's territory as Croatian armed groups fought against the Yugoslav Army and other, opposed armed factions. The presence of substantial Serb and other non-Croatian ethnic communities in Croatia meant that secession was not a simple business; thousands were killed and displaced before fighting receded and UN peacekeepers arrived in January 1992.[417] The nature of the conflict in Croatia resulted in a militarisation of society as SALW diffused throughout communities. Domestic production substantially increased to equip the war effort and large quantities of SALW flooded into Croatia:[418] '...locally produced, seized from the enemy or imported from other countries... firearms became largely available to the civilians. The negative impact of sudden proliferation became obvious very soon. The rate of tragic incidents increased almost simultaneously'.[419]

A decade after the war, Croatia is now peaceful, the security situation 'is on the whole good, crime levels are relatively low and violence is limited to sporadic incidents'.[420] There are now few ethnically-related incidents, though these are apparently often not prosecuted with due rigour; there are also similar problems with law enforcement control over mafia and war crime.[421] This notwithstanding, crime levels are relatively low for the region, and, with the exception of Slovenia, Croatian citizens have enjoyed the fastest progress towards normalisation and economic recovery of all the former-SFRY states.

However, there is consensus that 'there is widespread civilian possession of SALW, including military-style weapons and ordnance such as hand grenades'.[422] Despite

417 'The wartime casualties and massive displacement of population caused an absolute decline in numbers. It is estimated that from 1991 to 1998 the population fell by 3 per cent, but taking into account only the population residing in the country, numbers fell by 6.2 per cent'. Statement by Prof Alicia Wertheimer Baletic, Head of Delegation to the Committee on Population and Development, UN, New York, 24 March 1999.

418 The sources of weapons imported remain unclear due to the illegal nature of these shipments in contravention of the UN arms embargo; some reported sources are discussed below in SALW transfers.

419 'Developing weapons collection programmes in a society with a pronounced firearms proliferation', presentation given by Chief Inspector Lav Kalda (hereafer 'Kalda presentation 2002'), Croatian MoI, at a seminar on 'Combating Illicit Trafficking in Central Asia: Regional Follow-up Meeting, Almaty, 21 - 22 May 2002.

420 'Short Mission Report - Clearinghouse Consultation in Croatia, 20 - 24 May 2002, www.seesac.org.

421 'The general level of security in Croatia remains satisfactory. There are only few ethnically related incidents. Nevertheless, the prosecution of such incidents is hampered by a lack of adequate legal provisions characterising such behaviour as criminal acts'; 'The security of witnesses in major crime and war crime cases remains a weak point in the judicial process in Croatia. The Missions provided expert advice on the draft Law on Witness Protection which was adopted by the Parliament in September 2003'. 'Status Report No 13', OSCE Mission to Croatia, December 2003, p 4.

422 'Short Mission Report - Clearinghouse Consultation in Croatia', 20 - 24 May 2002, www.seesac.org.

substantial amnesty and collection efforts undertaken by the Croatian Government (and early on by the UN forces in Eastern Slavonia) from 1992 – 2002 that have achieved very positive results, it is commonly acknowledged that more remains to be done to reverse the extremely high levels of possession following the war. Research in Croatia in 1994 – 1995 found that a third to a fifth of children consulted could access small arms and explosive devices at home,[423] and although there will have been improvement since, the situation in Croatia is similar to that in Bosnia and Herzegovina and Kosovo, where the traumatic memories of hand-to-hand fighting have resulted in a deeply-felt need for self-protection. Even before the war possession levels were significant. In 1989, 299,586 weapons were registered for a population of 4.6 million.[424] This has since increased and official statistics outline a high level of registered possession, with 385,000 licensed firearms and 230,000 licensed owners in the country in 2002, indicating that 19 percent of households possessed registered weapons.[425] However, many unregistered firearms remain in communities, and even Croatian officials have admitted proliferation remains high and that 'every household still has some kind of weapon'.[426] It is apparently easy to obtain illegal weapons, and official statistics estimate that 90 percent of criminal activities involving firearms are committed with illegal weapons.[427] There is also a problem with illicit trafficking, and Croatian weapons have been supplied to criminal groups in Western Europe (see SALW transfers below).

Small Arms policy and practice

Croatia has made substantial progress towards rebuilding its economy and political system in the years following the war. With the 'overriding goal' of EU membership,[428] the Croatian Government has undertaken many reforms and achieved a significant level of post-conflict recovery.[429] NATO membership is the country's second priority and under the PfP, Croatia has prepared a draft plan for military downsizing that will see a 17,000 reduction of military personnel to 25,000 by the end of 2005. In the meantime, the MoD is preparing troops for peacekeeping support to future UN and NATO operations.[430] Other security services are also undergoing reform. The OSCE is working closely with the Croatian police, community policing pilot projects started in April and July 2003 and Croatia has also made commitments to improved cross-border policing and management.[431] ICITAP has also been active on police reform and support in Croatia. In 1996 it assisted the UN Transitional Administration in Eastern Slavonia (UNTAES) in establishing a multi-ethnic transitional force in Eastern Slavonia which has

423 'Evaluation of Community Based Intervention for the Protection of Children from Small Arms and Explosive Devices During the War: Observational Study', Andrija Stampar School of Public Health, Zagreb University, www.cmj.hr/index.php?P=1050, referenced 20 January 2004.

424 Figure T3.1: Small Arms Ownership in the former Yugoslavia, 1989. BICC Conversion Survey 2002, p 127.

425 Kalda presentation 2002. This is a substantial increase on the previous year, when 379,000 firearms were registered, indicating that even as the war recedes and normalisation continues, Croatian society continues to feel the need to possess firearms, Small Arms Survey 2003, p 65.

426 'Small Arms Control in Central and Eastern Europe', Suzette Grillot, Eurasia Series No 1, International Alert, June 2003, p 12.

427 'US officials knowledgeable about civilian gun ownership in Croatia assert that 'if someone wants a weapons, they can get one'', Ibid; Kalda presentation 2002.

428 'Status Report No 13', OSCE Mission to Croatia, December 2003, p 2.

429 The UNHCR for example, closed its last three offices in Croatia at the beginning of 2004, stating that this move reflected 'the profound changes in the country that have made it possible for the government and local relief agencies to take over the task of repatriating remaining refugees'. 'UN closes last three offices in Croatia', Daily Media Review, 07 January 2004, www.seesac.org.

430 Statement by Vice Skracic, Head of Section for Arms Control and Disarmament, First Committee, General Assembly fifty-seventh Session, 03 October 2002, www.un.int/croatia/statement57/ga/firstc/021003.htm.

431 Op cit, OSCE Mission to Croatia, p 3.

since been re-integrated into the MoI; ICITAP now works mainly on training and police education, also providing assistance on the development of internal accountability mechanisms and technical equipment such as computers.[432]

Elections on 23 November 2003 returned centre-right Croatian Democratic Union (HDZ) leader, Ivo Sanader, who was mandated by the president to form a new government. Formerly an extreme right-wing party, 'the HDZ seems to have excluded a coalition with the extreme right [so] the new government is likely to depend on MPs representing the national minorities for support in Parliament'; however, concerns over the maintenance of policies and the liberal, reformist trend set by the previous government remain.[433]

Production

The Croatian military industry did not escape post-war reforms, and has changed greatly since the end of hostilities, when 'the new government cut the defence budget and scaled back the active promotion of the defence industry. The MoD put increased emphasis on quality and regularised production, while defence-related companies were expected to struggle like their civilian counterparts'. [434]

When the war began in 1991, the Croatian factories represented approximately seven percent of the Yugoslav military industrial complex.[435] Croatian industry grew from these roots, with an immediate and substantial impetus from the war, during which approximately 15 percent of the national budget was spent on defence, so that by 1992 over 62 military-related firms had a contract with the MoD, including seven or eight small arms producers.[436] Reduced government spending and lack of orders and markets forced many firms to close down and few survived the transition to a peacetime economy. Approximately 10,000 staff worked in the military industry in Croatia during the peak production period in 1993: output is now reduced to 15 percent of 1993 levels, and only 1,500 are employed by around 25 companies that have military production capacity.[437] Although the remaining military enterprises 'continue to suffer from a lack of orders, markets and resources', and the industry has shrunk to the point where it is 'no longer a significant part of the economy', analysts note that 'most of the productive capacities developed during the war still exist'.[438]

Croatia produces various larger conventional arms and components, such as the M-84 battle tank,[439] and also various SALW. The majority of arms exports take place under the auspices of RH Allen, which is both state-owned and the largest arms trading company, although several producers have their own export licences. RH Allen co-ordinates nearly all defence-related exporting and importing for the Ministry of Defence, and is described as the 'most important producer of SALW', producing rifles, sub-machine guns and mortars.[440] One of the largest small arms producers and exclusive supplier of the

432 'Croatia', ICITAP Project Overview page, www.usdoj.gov/criminal/icitap.

433 Op cit, OSCE Mission to Croatia, December 2003, p 2.

434 Small Arms Survey 2003, p 44.

435 Ibid

436 'When the hostilities started, many Croatian engineers and workers employed by the federal defence industry in other parts of the former federation returned home to Croatia, taking documentation and know-how with them. This formed the base of the independent Croatian defence industry'. Ibid.

437 Ibid

438 Ibid; Op cit, Grillot, p 11.

439 Produced by the company DD Special Vehicles. www.hr/www.nr/business/industry.

Croatian defence and security forces, the HS Product company manufactures the 'first Croatian pistol', 'PHP' and subsequent models designed for the Croatian security services and foreign markets, including the US. By 2002 HS Product had enlarged and increased its exports to about 90 percent of the company's output.[441] Other manufacturers operate under licence with foreign manufacturers, and, according to BICC, some weapons companies reportedly produce other foreign weapons designs, such as the 9mm Uzi, without a licence to do so.[442] Available information on small arms producers also lists IM Metal, which produces pistols, and KK Metallic, which produces grenade launchers.[443]

However, most military production is aimed at the domestic market, with limited foreign sales. 'Total small arms exports are valued at less than US$1 million annually, indicating that production is largely for the domestic market'.[444] Ranked as a 'small' producer of SALW by Amnesty International,[445] a range of SALW is manufactured in Croatia, including pistols, rifles, sub-machine guns, mortars, and ammunition.

Government SALW policy

Croatia's arms control policy is now influenced by various international control regimes and mechanisms, to which the Government has made commitments as part of its policy of greater assimilation into Western European structures, and also by the recent adoption of a package of new measures on national security and defence strategy, which have NATO membership as an overall goal. According to presentations at international fora, the Croatian Government 'fully supports and actively implements' the UN PoA and the Stability Pact's RIP,[446] expressing a wish to 'significantly contribute to the future work of the Clearinghouse'.[447] In addition to hosting several regional meetings on security issues,[448] Croatia also hosts the Regional Arms Control and Verification Implementation Assistance Centre (RACVIAC), a Stability Pact initiative based near Zagreb which brings together military officials from SEE countries to build capacity and assist compliance of SEE countries with OSCE Code of Conduct on Politico-Military Aspects of Security and other provisions aimed at fostering transparency and co-operation in the region.

A signatory of the Ottawa Convention, the Croatian Government is also very active on the issue of anti-personnel mines, having suffered considerably from the problem in the wake of the 1991 war.[449] Having taken the decision to align itself with the EU Code of Conduct in advance of its scheduled 2006 EU accession, and having progressed in terms of its commitments to other regimes on chemical and biological weapons, Croatia has also indicated that it wishes to go further in terms of its international commitments in this area.[450] The Government has applied for membership in two more export control regimes, the Wassenaar Arrangement and the Missile Technology Control Regime, and

440 BICC Conversion Survey 2002, p 133; Information on production in 2001 from the NISAT databases, www.nisat.org.

441 Small Arms Survey 2003, p 44.

442 BICC Conversion Survey 2002, p 134.

443 Information on production in 2001 and 2000 respectively from the NISAT databases, www.nisat.org.

444 Small Arms Survey 2003, p 44.

445 'Proliferation: global growth in small arms', Terror Trade Times, June 2001, http://web.amnesty.org/web/ttt.nsf/june2001/proliferation.

446 Statement by Mr Vice Skracic, Head of Department for the United Nations, Ministry of Foreign Affairs of the Republic of Croatia, at the First Biennial Meeting to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 08 July 2003 (hereafter 'Skracic, UN PoA statement 2003').

447 Report of the Republic of Croatia on Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate Trade in Small Arms and Light Weapons in All Its Aspects, First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (hereafter 'Croatia UN PoA report'), p 10.

448 Ibid, p.9.

while it waits for a decision on its membership, it 'plans on unilaterally applying the provisions of these abovementioned initiatives until such time as we become member countries ourselves'.[451] Croatia is also preparing to accede to the Firearms Protocol, having ratified the UN Convention Against Transnational Organised Crime in December 2002.[452]

In terms of public commitments, Croatia is 'fully devoted to work on SALW issues', which it sees as 'one of the most dangerous challenges and threats to global stabilisation and security',[453] and regularly stresses its willingness to contribute to efforts to combat the problem, even underlining the specific responsibilities of other states in this regard.[454]

Table 19 – Croatia's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	CROATIA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	No, but intention to sign and ratify.[455]
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	2001[456]
EU Joint Action on SALW	-
Wassenaar Arrangement	No, but application to join.[457]

449 Although still a mine-affected state, mine contamination is gradually decreasing (with only 6 incidents in 2003) as Croatia has undertaken substantial de-mining and educational activities; the Government hopes the country will be mine-free by 2009, but notes a decrease in funding contributions. 'Croatia actively participates in the work of the Ottawa Convention on Anti-Personnel Mines, including through various formal and informal groups that operate within the scope of the Convention'. The destruction of all APL stockpiles is ongoing. Statement by HE Vladimir Drobnjak, Ambassador, Permanent Representative of the Republic of Croatia to the United Nations, Item 22 - Assistance in Mine Action, General Assembly Fifty-eighth Session, 06 November 2003, www.un.int/croatia/statement/58/ga/plenary/031106.htm; Statement by Vice Skracic, Head of Section for Arms Control and Disarmament, First Committee, General Assembly fifty-seventh Session, 03 October 2002, www.un.int/croatia/statement57/ga/firstc/021003.htm (hereafter 'Skracic General Assembly statement 2002').

450 'In 2001 the Croatian Government adopted a Decision whereby it undertook to apply the principles of the EU Code of Conduct of Arms Exports', Croatian Statement to First Biennial Meeting of States, July 2003, http://disarmament2.un.org/cab/salw-2003/statements/States/Croatia.pdf; Skracic General Assembly statement 2002.

451 Skracic, UN PoA statement 2003.

452 Croatia UN PoA report, p 12.

453 Skracic, UN PoA statement 2003.

454 The Croatian representative to the UN 2001 SALW conference, while noting that assistance to implement the PoA 'plays a very important role', went further than many others in her statement, emphasising that, 'It is us, each and every member state, that has to do its part'. Statement by Jasna Ognjanovac, Charge d'Affaires, Head of Croatian Delegation, The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 11 July 2002.

455 Croatia singed the UN Convention Against Transnational Organised Crime in December 2000, and ratified it in January 2003; the Government has expressed its intention to ratify the third, 'Firearms Protocol'.

456 Croatian representatives to the UN announced in July 2001 and October 2002 that the Government has taken the decision to apply the EU Code's Criteria in advance of its EU accession. See SALW Policy and Practice above.

457 See SALW Policy and Practice above.

Small Arms progress

Legislative and regulatory issues

The main piece of legislation covering the military industry and trade in the country is the Law on Production, Overhaul and Trade in Arms and Military Equipment, adopted on 25 March 2002.[458] The Law on Production regulates:

- 'the planning as well as the production and development of arms and military equipment;
- criteria for the determination and use of capacities for producing and refitting arms and military equipment;
- trade in arms and military equipment;
- safety and protection of methods of producing and refitting arms and military equipment;
- confirming that the relevant regulations on arms and military equipment have been adhered to; and,
- the production and refitting of arms and military equipment in time of war or in situations of clear and present danger to the independence and sovereignty of the Republic of Croatia'.[459]

Additional regulations govern the production of military equipment and a new Decree on Conditions and Criteria That Must be Fulfilled by Producers of Arms and Military Equipment, based on Article 6 of the Law on Production, Overhaul and Trade, is expected to be passed soon and producers will then need to abide by its provisions.[460]

The process of export and import control is different for commercial and state actors. Import licences for the Croatian Army and Police are issued by the Ministry of Defence and Ministry of Internal Affairs respectively,[461] and it seems government-to-government weapons deals also require a reduced administrative process for permission.[462] Independent trade falls under a more thorough licensing system, where 'export and import licences covering weaponry for commercial purposes [is] issued by the Ministry of the Economy, subject to previous approval by the Commission'.[463]

458 Official Gazette 33/2002.

459 Croatia UN PoA report, pp 2-6.

460 See Table 20 below for detail on additional regulations on production.

461 Article 4, Decree on Goods Subject to Import and Export Licensing. Report of the Republic of Croatia on Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate Trade in Small Arms and Light Weapons in All Its Aspects, First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, pp 2-6.

462 'Officials admit, however, that military imports for the Ministry of Defence are not subject to licensing - and neither are government-to-government weapon deals'. Op cit, Grillot, p 13.

463 Croatia UN PoA report, pp 2-6.

464 Each member of the Licensing Authority for the Import and Export Control of Weapons for Commercial Purposes is authorised to give an opinion on the issuance of licenses, eg: the MoD representative is responsible for determining whether 'the goods in question are military in nature and if these goods, as such, can be used for military or civilian purposes'; the MoIA representative is responsible for 'controlling the type and the purpose, as well as the amount of the goods in question, and for controlling the enclosed specifications and contracts'; the MFA representative is 'responsible for ensuring that the process of approving a request does not bring Croatia's security into danger, as well as ensuring that the request does not violate international legal obligation that Croatia has undertaken to uphold'; the MoE representative 'gathers formal requests submitted by parties interested in importing and exporting weapons; contacts those parties and gives them instructions relating to their requests... ensures that requests follow legal requirements', in addition to managing the administration of the Authority's meetings themselves. Croatia UN PoA report, pp 2-6.

The multi-ministerial Commission or 'Authority' with decision-making responsibility for arms import and export licensing is appointed and regulated by the Ministry of Economy (MoE) and representatives of each ministry are authorised to contribute to decision-making by confirming information in their respective competencies (eg the MoD representative will confirm the military nature of the goods in question, the MFA representative is responsible for ensuring the transaction will not damage Croatia's security or commitments to international control regimes).[464] The Authority will not consider any requests which are not accompanied by full and correct documents, including an original end-user certificate (EUC) and copy of the import licence,[465] and makes decisions only on the basis of total approval: 'if even one member of the Authority does not give his/her consent for issuing a licence, the request cannot be accepted/approved'.[466] As administrator of the Licensing Authority, the MoE is responsible for issuing the licences and the Ministries of the Interior and Defence are required to notify the MoE of any import or export they issue for police or military transactions in order to maintain a central register or database.[467]

The MFA is responsible for ensuring all competent authorities in Croatia are regularly informed of any UN Security Council arms embargos, and as of May 2002 has committed to apply the criteria and principles of the EU Code of Conduct when making decisions; no information was available on how the Croatian authorities are incorporating the Code's criteria into their decision-making process.[468] The EU Code criteria are, however, not incorporated into domestic legislation, and there appears to be no list of controlled items or destinations existing, though 'officials stress that the Ministry of Foreign Affairs (MFA) is charged with making sure the appropriate criteria are followed. The MFA's involvement in the licensing process, officials suggest, is evidence of and imperative for ensuring the country's interest in abiding by international ideas about responsible arms practices'.[469] However, officials also admit that difficulties remain with their ability to determine who is an acceptable partner and what is an acceptable export.[470] Another potential weak point in the Croatian export control system is the lack of any legislation covering brokering activities.[471]

There are also lower standards over control of transit of arms shipments through Croatian territory, which is the responsibility of the MoI and does not require permission from the multi-ministerial Licensing Authority, only a valid copy of the import licence issued by the relevant national authority in the country of destination. Following consultation with the MoD, the MoI will issue a transit licence.[472] Retransfer is, however, considered with the same rigour as any normal commercial import or export, and standard import-export requirements and licences have to be obtained from the Licensing Authority for companies wishing to import and then retransfer arms and military equipment from the country.[473]

465 Applications including documents which have not been translated into Croatian by an official interpreter are refused consideration. Croatia UN PoA report, pp 2-6.

466 Croatia UN PoA report, pp 2-6.

467 'The Arms Export Regime - Croatia', Materials, SEESAC Arms Law Roundtable November 2002, www.seesac.org.

468 On 9 May 2002, the Croatian Government 'adopted a Decision whereby it agreed to accept the principles contained in the European Union Code of Conduct for Arms Exports'. The Decision states: 'The Republic of Croatia announces that it shares the objectives contained in the European Union Code of Conduct for Arms Exports, formally adopted by the European Union on 8 June 1998, and that it shall follow the criteria and principles contained in the Code, which shall guide it in its arms control export policies'. Croatia UN PoA report, pp 2-6.

469 Op cit, Grillot, p 13.

470 Ibid

471 Croatia UN PoA report, pp 2-6.

472 Ibid

473 Ibid

Civilian possession in Croatia is governed primarily by the Law on Arms and various amendments, under which citizens are allowed to possess, and in certain cases carry, firearms for reasons of self-protection, hunting or sport.[474] Civilian possession is regulated by the police, who administrate a two-stage licensing procedure. In order to acquire arms a time-limited licence to possess arms is required. Once a person has acquired an appropriate weapon, this is registered with the police and, all being in accordance with the Law, an arms permit is issued, authorising the owner to possess and/or carry their weapon (see Table 20 below for more detail).[475] The Croatian Government has carried out a series of amnesties – six in all – with the last ending on 31 December 2002. With the excuse of amnesty over, citizens in possession of illegal firearms can now face fines up to 6,500 and compulsory prison sentences from six months to three years, and five years in grave cases.[476] The current Law on Arms does not define the marking of weapons, although the Law does give the relevant police authority the right to deny a permit to carry arms 'for which the origin cannot be traced, or which have no engravings or markings'.[477]

The question of implementation is, as always, crucial to effective control. In addition to the questions over capacity, both in terms of personnel resources and education in the country's arms control obligations, it appears that various officials are unclear of the nature or legal basis of penalties for breaking arms laws, and many report that 'they believe the legal penalties available for prosecution of those who break the arms trade law are too weak and do not provide a strong-enough deterrent'.[478] There are also issues relating to the control of arms exports, and imports, at borders (see Cross-border SALW control initiatives below).

474 Law on Arms, Official Gazette 46/97; amendments, Official Gazette 27/99, 12/01, 19/02. Ibid.

475 Ibid

476 Kalda presentation 2002.

477 Croatia UN PoA report, pp 2-6.

478 'The specific penalties for the violation of arms trade laws, however, are unknown, as officials interviewed for this report did not know what the penalties were. Moreover, some officials claim that penalties are mentioned in the law governing the weapons trade, while others say that specific punishments are listed only in the country's penal code.' Op cit, Grillot, p 13.

479 Croatia UN PoA report, p 1.

480 Ibid

481 The primary statute governing arms production, export, import and transit is the Law on the Production, Overhaul and Trade in Arms and Military Equipment, adopted 25 March 2002 (official Gazette 33/2002).

482 As 'Legislation' above. The Law on Production regulates: 'the planning as well as the production and development of arms and military equipment; criteria for the determination and use of capacities for producing and refitting arms and military equipment; ... safety and protection of methods of producing and refitting arms and military equipment...'. In addition, Producers are 'required to abide by the Regulation on Special Measures for Securing and Protecting the Production, Overhaul and Trade in Arms and Military Equipment' January 2003 (Official Gazette 5/2003) and a regulation governing, the Regulation on Special Conditions for Defense Equipment Development (Official Gazette 67/2003), which governs the application of safety measures in the production of military equipment. Croatia UN PoA report, pp 2-6.

483 Under the 2002 Law on Production, the multi-ministerial Licensing Authority for the Import and Export Control of Weapons for Commercial Purposes (referred to as 'the Agency' in the text of the Law on Production)decides on the issuing of licences for commercial import and export; licences for the import or export of weaponry or equipment for the Croatian Army or Police are issued by the MoD or MoI respectively. The import and export aspects of the Law on Production are also supplemented by the Decree on Goods Subject to Import and Export Licensing (Official Gazette 67/03), which specifies the commodities subject to import and export licensing, alongside accompanying customs tariff numbers. Articles 15-21, Law on Production.

484 As 'Export' above.

485 Arms consignments must use only international border crossings, 'unless otherwise provided under interstate agreement'; Article 20, Law on Production. The Law on Weapons also contains provisions on the transport of weapons within the country, for which permission must be obtained from the police for more than 12 firearms or 500 pieces of ammunition; for transport across state borders, the Law states that permission from the MoI is required (Articles 63-65).

486 See 'Export' above.

487 Croatia UN PoA report, p 5.

488 The report of Croatia on the UN PoA to the UN DDA notes that EUCs are part of the documents necessary for an export or import licence to be issued; however, there is no direct reference in the Law on Production to EUCs. Croatia UN PoA report, p 4.

489 Ibid, p 5.

490 Ibid, p 8.

Table 20 – Features of Croatia's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	CROATIA
National	
National Co-ordinating Agency	No, however 'guidance and policy are determined by the MFA'.[479]
National Point of Contact	Yes, but the MFA as a whole rather than an individual.[480]
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes[481]
Production	Yes[482]
Export	Yes[483]
Import	Yes[484]
Transit	Reduced licensing requirement; licences issued by the MoI after consultation with MoD.[485]
National System of Export & Import Licensing or Authorisation	
System	An administrative process exists for both state and commercial licensing, it is however more stringent for non-state exporters or importers.[486]
Diversion risk	Not specified in law, but should be taken into consideration if commitments to implement the EU Code criteria applied as of May 2002 are met.[487]
End-user certificate	Not specified in law, but the Government reports that an EUC is a procedural requirement for commercial export licensing.[488]
Retransfers	No specific legislation or regulations exist, but the Government reports that retransfer is treated as import and export.[489]
Verification (pre/post)	No information available.
Brokering controls	No[490]
Domestic Possession, Stockpiling & Trade	
Legislation	Yes[491]
Manufacture	Yes[492] (see 'Production' above).
Marking and tracing	No, but a firearms licence not be issued for a firearm without any marks to indicate its origins.[493]
Possession	Yes: Croatian civilians can possess firearms for self-protection and sport, but must have a licence to acquire an arm and a permit to possess it.[494]
Stockpiling	To a certain extent – army and police stockpiles are governed by regulations of the MoD and MoI respectively.[495]
Trade	Yes[496]

491 'The acquisition, keeping, carrying, collection, manufacture, repair and alteration, circulation and transport of weapons and ammunition' (Article 1) are governed by the Law on Weapons (Official Gazette 46/97) and its amendments (Official Gazette 27/99).

492 See 'Production' above. The Law on Weapons also contains provisions for manufacture: manufacturers of weapons and ammunition must have a permit, 'issued by the MoI in consultation with the MoD', which may only be issued if trading companies meet certain conditions, including secure premises (Articles 55-58).

493 There is no mention of marking at point of production in the Law on Production. The current Law on Weapons does not stipulate the marking of weapons, but does give the relevant police authority the right to withhold a licence for 'a weapon the origin of which cannot be proved, which, before being put into circulation, has not been marked with a seal or marked in accordance with the regulations on trial and testing' (Article 30).

SALW transfers

Croatia submitted a report on 2002 to the UN Register of Conventional Arms; no exports or imports were registered.[497] The NISAT databases recorded no registered SALW exports from Croatia, despite significant levels of trade, but contained reports of SALW imports from Germany, the UK and the US in 1996, 1997, 1998 and 1999, comprising pistols and revolver parts, rifles and non-military shotguns from the limited information available to the database.[498]

According to BICC, 'while legal exports of small arms are fairly limited, Croatia has become an important center for illegal trade, with smugglers relying on skills, contact networks and surplus stock built up during the war, and taking advantage of Croatia's geographic location and its ineffective cooperation with the customs authorities of neighbouring Bosnia and Serbia'.[499] The 'flourishing black market in military hardware' in the countries of the former Yugoslavia is, according to Jane's analysts, controlled largely by the Croatian and Albanian mafia, who utilise the 'porous' border with Bosnia and Herzegovina and the many small ports along the Croatian coast to ship illegal weapons across the Adriatic to Italy.[500] The long border with Bosnia and Croatia's rugged and islanded coast present real logistical challenges to combating trafficking and, 'Croatian territory has been highlighted as a place where arms smugglers operate with few constraints – even transiting illegal arms shipments "under the guise of humanitarian aid deliveries"'.[501]

Jane's reports that a criminal supply chain from Croatia to the Real IRA in Ireland was uncovered in Ireland, and in July 2000 Croatian police seized a consignment near the port of Split containing seven anti-tank RPG-18s, AK-47s, ammunition and military

494 'Citizens may be issued a permission to obtain weapons for the purposes of personal protection, hunting and sports shooting', (Article 14) if they are over 21, have a clean criminal record, good record of behaviour is medically fit, has the required technical knowledge, a justified reason for possession and 'the space for safe storage and keeping of a weapon'; persons over 18 may possess weapons if they are employees of certain ministries or are members of competitive shooting clubs or hunting associations (Articles 18-22). A permit to obtain a weapon expires after 6 months, and, once a weapon has been obtained legally, are issued either a firearms licence for possession or possession and carrying, valid for ten years (Articles 23, and 27-30); it is not possible to inherit firearms permits (Article 45). All registered firearms must be kept in secure, locked cabinets, accessible only by the person holding the license (Articles 36 and 37). Possession, trade, manufacture, repair or transport of military-style weapons are largely forbidden (Article 11), and citizens may keep up to three 'old weapons' without a firearms licence, though they are prohibited from using them, carrying them or keeping ammunition for them (Articles 31-34). Law on Weapons.

495 The Law on Weapons gives the police authority to confiscated illegally held weapons and ammunition and to 'carefully keep' them 'at the police administration in the territory' concerned (Article 51), and the MoI has the responsibility for determining their 'disposal', which can mean using the weapon for their own purposes, selling it or destroying it (Article 53). Beyond this the Law gives no details of storage regulations however, although it does refer at several points to accompanying regulations on storage, which it envisions will follow the Law - in the meantime, Article 97 rules that old regulations, or 'Rule Book' provisions on storage conditions should be followed; no copies of regulations or Rule Book provisions were available for analysis. Further to this, Croatia's report to the UN DDA notes that, 'Croatia's Armed Forces and the Ministry's of Internal Affairs weapons and ammunition are stored and kept in accordance with Regulations and instructions developed by the Armed Forces General Staff and Ministry of Internal Affairs respectively. According to these regulations, inventory is controlled monthly, and one detailed inventory is undertaken every year. Technical inspection of ammunition is conducted annually on a required percentage for different types of ammunition'; Croatia UN PoA report, p 8.

496 The Law on Production states that 'Circulation of AMH [armaments and military hardware] may be undertaken domestically by manufacturers in accordance with commercial regulations' and with the Law, and manufacturers are required to keep records of every transaction and submit excerpts from these records to the MoD and MoI (Article 16). The Law on Weapons goes into more detail: 'trading companies and shops for the circulation of weapons and ammunition', and, companies undertaking repair, may operate on the basis of a permit issued by the MoI, and their premises and storage facilities must comply with safety regulations (Articles 59-62). The Law on the Production, Overhaul and Trade in Arms and Military Equipment.

497 Reports were also submitted for the years 2001, 2000, 1999, 1998, 1997, 1996, 1994, 1993, and 1992; the only export registered in these reports was in 2000, when 40 mortars (120mm) were exported to 'PECOS' in Guinea. http://disarmament.un.org:8080/UN_REGISTER.nsf, referenced 13 February 2004.

498 www.nisat.org, referenced 16 February 2004.

499 BICC Conversion Survey 2002, p 134.

500 'Real IRA arms purchasing in Croatia indicates a change of tactics', Jane's Terrorism and Security Monitor, 23 August 2003, www.janes.com.

501 Op cit, Grillot, p 13.

explosive.[502] Croatian arms have also reached the Basque ETA terrorist group in Spain, and a smuggled Croatian pistol was used to assassinate the president of the Aragon People's Party in 2001.[503] More recently, in November 2002 UK customs found 30 sub-machine guns, silencers and ammunition concealed inside the spare wheel of a Croatian-registered truck carrying frozen pizzas; interestingly the guns were not marked with serial numbers, making them untraceable, although they have since been identified as the Croatian manufactured 'Mini-Ero' 9mm sub-machine pistol.[504] The Croatian Government has also been criticised for illegal arms activities: International Alert notes that aside from wartime imports against the UN embargo, the Government has also been implicated in weapons transfers to the Occupied Palestinian Territories.[505] BICC reports that although 'the illegal trade in small arms is alleged to have had the tacit approval of the former nationalist government', the trade has survived the change in administration, and that retired officers have been implicated in various cases of illicit trafficking, 'suggesting the continuing existence of shadowy networks, which were used by the government for embargo-busting during the conflict and which are now being "privatised"'.[506]

The problem of arms export control does appear to be at least partly linked to a lack of capacity, rather than political will, as government statements above (see Small Arms Policy and Practice) indicate; apparently a very small number of officials work on non-proliferation – only one or two per ministry.[507]

SALW collection programmes and capacities

To combat the serious problem posed by very high levels of proliferation following the war, in 1992 the Croatian Government launched the National Programme for Increasing General Security by the Voluntary Submission of Arms, Ammunition and Explosive Ordnance Devices. The aims of the National Programme were multiple, but primarily to improve security by reducing the number of illegal weapons in circulation and raising awareness of the dangers of firearms possession.[508] A Working Group, co-ordinated by the MoI and consisting of representatives of relevant ministries, met at least once a month to oversee the implementation of a series of six amnesty and collection periods, accompanied by media public information campaigns, from 1992 to the end of 2002.[509]

502 'Real IRA arms purchasing in Croatia indicates a change of tactics', Jane's Terrorism and Security Monitor, 23 August 2003, www.janes.com.

503 'Organised Crime, corruption and illicit arms trafficking in an enlarged EU - challenges and perspectives', Ian Davis, Chrissie Hirst and Bernardo Mariani, Saferworld, December 2001, p 23.

504 'Balkan gun traffickers target UK', Darius Bazargan, article based on the BBC2 'Correspondent' documentary broadcast at 1900 hours, 07 December 2003, www.bbc.co.uk, referenced 25 January 2004.

505 Op cit, Grillot, p 129.

506 'BICC Conversion Survey 2002, p 134.

507 Op cit, Grillot, pp 12-13.

508 The Aims of the National programme are outlined as: 'raising the level of general security... ; collecting and putting under police control as many pieces of firearms, ammunition and EOD as possible which are currently illegally owned by citizens; raising the level of public awareness that firearms when not used for sport, hunting and collection purposes are neither acceptable nor necessary in the households of responsible Croatian citizens; informing citizens of their rights to legalise arms and of their liabilities regarding holding and handling registered firearms; building new trust among citizens towards the police forces (police do not disarm former soldiers of the Patriotic War, but protect their families from dangerous war 'trophies' by complying with the promise that voluntary submission of firearms, ammunition and explosive ordnance devices shall not be sanctioned'; compliance with international obligations re firearms control; compliance with terms of membership and participation of MoI officials in international associations dealing with firearms issues; decreasing the number of criminal acts and accidents with firearms and EOD; decreasing the availability of firearms on the illegal market. 'National Program for Increasing General Security by Voluntary Submission of Arms, Ammunition and Explosive Ordnance Devices', report of the Croatian MoI given to SEESAC in May 2002.

509 Amnesty periods ran as follows: 30/10/1992 to 30/4/1993; 10/5/1993 to 10/5/1994; with financial compensation, 5/1/1996 to 5/1/1997; 19/2/1997 to 19/8/1997; 1/1/1999 to 2/8/1999; 22/2/2001 to 22/2/2002 [in the event, extended to end on 31/12/2002], Ibid.

Although collection started early, and got good results, it was clear there was a need for the Programme to continue and go further. In 1996 the third amnesty phase was combined with a 'buy-back' financial incentive for surrender. Overlapping with a collection implemented in co-operation with UNTAES, which managed the logistics of an 18-month 'buy back' in Eastern Slavonia, collecting approximately 10,000 weapons,[510] the Croatian Government funded the buy-back initiative across the country at a cost of over 4 million.[511] Despite the potentially negative aspects of offering financial incentives when collecting weapons, not considered best practice in the international community and therefore not supported by an international donor, it was felt necessary to implement a buy-back phase as there was a flourishing black market at the time. Many citizens had spent large sums of money to buy weapons during the war and as the 'value of a Kalashnikov rifle often exceeded six monthly salaries of an average worker' at that time, Government collection without any monetary incentive was inevitably a worse option than illegal sale.[512] 'Price lists' for different weapons were elaborated carefully in correlation with black market prices, and citizens were offered anonymous cash in return for their arms. Police calculations estimate the majority of the surrendered weapons were collected during this phase of the Programme.[513]

Further phases of the Programme incorporated more awareness-raising and media activity in order to sustain impetus without monetary compensation. In early 2001, the Government launched the 'Zbogom Oruzje' (Farewell to Arms) collection initiative. 'This action promoted the handing over of weaponry retained by civilians following the armed conflict in Croatia, in a media friendly way and most importantly achieved great popularity and a high level of recognition among the general public'; and in the words of the Government, 'an excellent example of co-operation between relevant ministries, NGOs and the media, and the need to combine these efforts in order to achieve a common goal'. [514]

The amnesty and collection programme ended with the last day of the sixth amnesty, on 31 December 2003, and 'registration and licensing procedures according to the Croatian law on civilian possession of firearms are now in full effect across the country'.[515] Totals as of May 2002 were impressive: 'The total number of SALW collected in the period from 1992 until now is as follows: 33,598 automatic and semi-automatic weapons voluntarily surrendered and 27,413 automatic and semi-automatic weapons seized; 1,670,355 mines and explosive ordnances voluntarily surrendered and 235,041 seized; 7,601 kilos of explosives voluntarily surrendered and 7,935 kilos seized; and 5,080,693 pieces of ammunition voluntarily surrendered and 737,955 seized. This is in addition to the weapons legalised and put under control according to our very stringent laws'.[516] Nearly 58,000 additional weapons were brought under police control through 'legalisation' or licensing: of this number, approximately 46 percent are registered for possession, 4 percent as 'war trophies', and 50 percent

510 UNTAES oversaw the collection of approximately 10,000 firearms, 50,000 explosive arms such as grenades, and 2.5 million rounds of ammunition, all worth approximately US$6 million; 'Small Arms Control in Central and Eastern Europe', Op cit, Grillot, p 11. Op cit, 'Short Mission Report - Clearinghouse Consultation in Croatia', 20 - 24 May 2002.

511 Kalda presentation 2002.

512 Ibid

513 'Short Mission Report - Clearinghouse Consultation in Croatia', 20 - 24 May 2002, www.seesac.org.

514 Croatia UN PoA report, p 9.

515 Preliminary discussions about a possible extension of the amnesty, and / or additional and continuing public information and education activities seem to have fallen by the wayside as the Croatian Government has undertaken no further activities since the end of 2002. Op cit, 'Short Mission Report - SEESAC Consultation in Croatia', 16 December 2002 - 31 January 2003.

516 Croatia UN PoA report, p 9.

are registered for possession and carrying, apparently a relatively high figure because, in addition to guns registered for hunting and shooting, this category includes arms carried by police, army and penal correction officers, who have a professional right to carry as well as possess firearms.[517]

Unfortunately, the Croatian efforts in SALW collection did not result in high figures of destroyed weapons (see below SALW Destruction) and there seems to be no systematic destruction of all collected weapons. It is also clear that despite such large numbers collected, Croatia still has a problem with illegal SALW. Although no reliable estimates exist of the remaining numbers of illegal weapons in the country, all SEESAC contacts interviewed 'expressed their belief that there is widespread illegal possession of SALW in Croatia, and that the various efforts to collect SALW have not been entirely successful' and 'it was noted that SALW-related crime figures were rising'.[518] Even MoI officials will admit 'that despite their successes in collection over the last six years there are still a substantial number of illicit SALW in civilian possession and more work should be done on SALW control'.[519]

Table 21 – Summary of SALW collection in Croatia 1991 – 2003[520]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
UNTAES-implemented	14,439		10 February 1996 – 3 July 1997
UNTAES-implemented		100	Various explosive ordnance devices and ammunition 10 February 1996 – 3 July 1997
Croatian MoI-implemented	61,011		1 March 1992 – 31 December 2002
Croatian MoI implemented		15	Bulk explosives 1 March 1992 – 31 December 2002
TOTALS	**75,450**	**115**	

SALW destruction programmes and capacities

There seems to be no systematic programme of destruction in Croatia. Some weapons have been destroyed, but available evidence points to infrequent and minor destructions of obsolete confiscated weapons following long periods of storage.

As noted above, the Croatian authorities began collection very promptly after the war, and there are various references to the destruction of some of these weapons, following a sifting process during which the MoI and MoD took charge of weapons with potential for use by their forces. 'During the Homeland War in Croatia the Croatian Armed Forces did seize a substantial amount of weapons, ammunition and military equipment. Serviceable items were recorded and incorporated into the Croatian Armed Forces inventory. Obsolete and damaged items went through the regular procedures

517 'National Program for Increasing General Security by Voluntary Submission of Arms, Ammunition and Explosive Ordnance Devices', report of the Croatian MoI given to SEESAC in May 2002.

518 Op cit, 'Short Mission Report - Clearinghouse Consultation in Croatia, 20 - 24 May 2002, www.seesac.org.

519 Ibid

520 Statistics taken from the SEESAC SALW Database, www.seesac.org, referenced 15 January 2004.

for disposal'.[521] A similar process was employed for weapons collected through later activities under the MoI National Programme: 'The seized and voluntary surrendered firearms are submitted to the Committee for Firearms Management with MoI HQ in Zagreb. After the thorough record check of a shipment firearms that the Committee finds to be interesting to the Police Forensic Institute, to the Museums or to Movie Houses are separated' before destruction.[522]

It is however unclear what 'regular procedures' mentioned above involve. Aside from 'ceremonial destruction', public breaking of weapons for public awareness-raising purposes, there are sparse records of real destruction activities. Information on the fate of collected firearms states that, following storage by the MoI, weapons are smelted 'in the electric furnace of a steel factory, a procedure that is performed about 3 to 4 times a year'.[523] Croatian reports to the UN refer to the 'established procedure for the disposal of surplus stocks of small arms and light weapons, as well as ammunition' within the armed forces, based on continuous analysis of current stocks and requirements and according to the Regulation on Sales of Obsolete Weapons and Defense Equipment (Official Gazette 95/02): 'if surplus stocks are not to be sold on the market, they will be destroyed according to established procedure, using Armed Forces facilities'.[524] Weapons are apparently 'destroyed in declared maintenance shops and then melted down in steel plants. Ammunition is destroyed at declared sites on military testing grounds'.[525]

Despite these references to regular destruction, the only confirmed report of weapons destruction is the smelting of 15,000 weapons in the steelworks at Sisak (Zeljezara Sisak), and SEESAC has not received any destruction totals for its regional databases.[526] Other research has found that 'surplus arms in Croatia are reportedly not targeted for destruction' and that 'although some officials report that collected weapons are "usually destroyed", others say that they "keep and store the surplus because it is cheaper than destruction"'.[527] In SEESAC discussions with officials in Croatia, it appears that 'funding constraints were an issue' in the destruction of SALW.[528]

SALW stockpile management programmes and capacities

Little information is available on stockpiles and stockpile management practices in Croatia. The only information available was that in the July 2003 report of Croatia on the implementation of the UN PoA.

The Report states that: 'Croatia's Armed Forces and the Ministry's of Internal Affairs weapons and ammunition are stored and kept in accordance with Regulations and instructions developed by the Armed Forces General Staff and Ministry of Internal

521 Croatia UN PoA report, pp 2-6.

522 Kalda presentation 2002.

523 Ibid

524 Croatia UN PoA report, p 7.

525 Ibid, pp 7-8.

526 'National Program for Increasing General Security by Voluntary Submission of Arms, Ammunition and Explosive Ordnance Devices', report of the Croatian MoI given to SEESAC in May 2002.

527 Op cit, Grillot, p 12.

528 Op cit, 'Short Mission Report - Clearinghouse Consultation in Croatia', 20 - 24 May 2002, www.seesac.org.

Affairs respectively. According to these regulations, inventory is controlled monthly, and one detailed inventory is undertaken every year. Technical inspection of ammunition is conducted annually on a required percentage for different types of ammunition'.[529] Surplus weaponry stored in military warehouses is apparently regulated by the same rules and procedure as normal stored military equipment, which include 'regulations on the maintenance of safety, fire prevention and environmental standards. There are no exceptions, regardless of possible changes in status or ownership'.[530] No copies of regulations were available for comment.

It should be noted that although Croatia has made great progress on collecting illegal arms, if these, and other military stocks and surplus, are not destroyed, and stockpile management practices are not of the highest order, there is a risk that weapons could seep back into circulation and fuel both illicit trafficking and crime.

SALW awareness activities

Croatia's 'Farewell To Arms' campaign materials seen here in public toilets.

Various awareness-raising and public information activities accompanied the Croatian Government's amnesty and collection. Unfortunately no detailed information on these activities was available, but it seems that public campaigns were substantial. The media provided 'active support and advertising free of charge', with national television channels broadcasting campaign advertisements and messages at peak viewing times. The MoI established co-operation with the Ministry of Education and various civil society organisations, including veterans' and hunters' associations, in order to help raise awareness.[531] Educational sessions in schools were organised, during which police officers visited elementary and secondary schools to make SALW risk education presentations and advocate the collection initiative to both children and parents, 'telling them how much better it would be to surrender "father's hand grenades from the attic and the rocket launcher hidden under the matrimonial bed"'.[532] Public events were also organised in key public spaces in major cities in order to promote the amnesty campaign and encourage a re-education in terms of attitudes to weapons. Activities included public breaking of weapons in 'ceremonial destructions' as noted above and distribution of campaign materials.[533] Informed observers note

SALW Risk Education campaigner Dubravko Gvozdanovic (DELTA shooting club) works in schools, introducing children to the 'Don't Touch' message using cartoon characters.

529 Croatia UN PoA report, p 7.

530 Ibid, p 8.

531 'The Ministry of Interior established the cooperation with the Ministry of Education, Ministry of Defence, Veteran Associations, national Shooting Union, hunters Confederation, Women's and other Non Governmental Organisations. It was felt that these institutions were natural allies that would help to raise the public voice against the possession of firearms and toward its voluntary surrender.' Kalda presentation 2002.

532 Ibid.

533 'The ceremonial destruction, performed in frequented public places is found to be a very popular awareness raising activity. Several dozen of selected firearms and big tree stump with fixed blacksmith's anvil are brought into the pedestrian area and bystanders can 'destroy' any chosen gun by striking it with a heavy sledgehammer. Such 'destruction' attracts the media and public attention. It also strengthens the social commitment against firearms, having a high educational impact on bystanders and their children.' Ibid.

that the campaign was 'clear, concise and effective', one of the most successful in the region, and that it was unfortunate it has not been continued.[534]

The only awareness-raising currently ongoing is through a relatively small-scale project (limited by funding constraints) implemented by the DELTA Shooting Club, which is undertaking firearms safety work in schools and gun clubs.

Table 22 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
Croatian MoI 'Farewell to Arms' AR campaign	1992 – 2002	General public	Media (national TV and radio) announcements, promotion in communities, public events.	There are no figures on the number of people reached by the campaign, and no evaluation has been done, but the use of national television will have meant the vast majority of the population saw campaign broadcasts, and individual opinions are generally very positive.	Croatian Government funded.
DELTA Practical Shooting Club 'Let Us Tame the Strength' programme	2002 ongoing	School children and adult firearms owners	Presentations in schools and at shooting clubs, dissemination of campaign materials such as colouring books.	NA	Private contributions from shooting club members and local businesses.

SALW survey activities

No survey of SALW has been conducted in Croatia.

Civil Society involvement in SALW interventions

Civil society in Croatia is in various ways more advanced than that in other SEE countries. The liberal and inclusive policies of the previous government have encouraged its development, and, more importantly, its involvement in the process of government. As the OSCE comments, 'the state of civil society in Croatia has benefited from improved working relations between the Government and NGOs. Encouraging steps have recently been taken by the Government to establish institutional structures and organisational

534 Interview with Craig Rutherford, current SEESAC Deputy Team leader and former Mine Co-ordinator with the OSCE Mission in Croatia, 10 February 2004.

networks to support the development of civil society', although, 'progress at the regional and local level has not kept pace with the national level'.[535]

With this in mind, and given the lively debate within the media and NGO sectors on issues such as military service and Croatia's accession to NATO, it is somewhat surprising that there has been little significant involvement of NGOs in SALW activities so far. Although civil society organisations were involved in the MoI-run SALW collection as noted above (see SALW awareness activities), and the media played a large role in publicising the amnesty campaign, NGO involvement seems to have been mostly limited to representation on a committee linked to the National Programme. It seems that certain hunters' or shooters' associations, such as the DELTA Club, played a rather more active role during the collections and amnesties, but no information was available on the details of this. One of the largest of the many shooters' associations in Croatia, the DELTA Club for Practical Shooting, has undertaken awareness raising on SALW risk education, both within clubs and in schools, but this has unfortunately been on a relatively small scale due to lack of funds.

The situation may be improving as civil society networks begin to increase awareness and capacity in the context of implementing the UN PoA,[536] and the increased participation of Croatia in international mechanisms such as the PoA offer increased opportunities for civil society and government action on transparency and accountability on SALW issues. In addition, Croatian NGOs have been involved in regional NGO SALW Networks and training events organised by Saferworld.

Cross-border SALW control initiatives

With a long and complex coastline on the Adriatic and a similarly long and potentially problematic land borders, Croatia faces multiple challenges to effective border control. Comprising '150 border crossings with little or no control', the long and porous border with Bosnia and Herzegovina, is 'obviously a huge problem' and said to be the greatest source of smuggled goods.[537] The many ports and islands off the Dalmatian coast then provide various opportunities for retransfer of contraband by sea. Other borders, including that with EU accession country Slovenia are also not without problems.[538] Improved regional co-operation and border security are policy priorities, however, and co-operation on border control with neighbouring states and internationally is 'stepping up'.[539] Visa regimes have been relaxed, while co-ordinated action on cross-border crime such as illegal migration and drug smuggling, as well as arms trafficking is increasing. Croatia's border control system is arguably the strongest in the region, and 'strengthening border security and management is an established priority for the government'; the country committed to the Ohrid Border Security and

535 A promising development is the upcoming Council for the Development of Civil Society, which will serve as an advisory body to the Government and NGO sector. 'Status Report No. 13', OSCE Mission to Croatia, December 2003, pp 3 and 17.

536 The Croatian Government has expressed its support of the role of NGOs in the UN 2001 SALW conference process: 'Croatia views their part in the process as an essential one, and especially so when it comes to the follow up to the Conference. Vigour and enthusiasm expressed in their work so far, will be needed furthermore if we want to accomplish results'. Statement by Jasna Ognjanovac, Charge d'Affaires, Head of Croatian Delegation, The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 11 July 2002.

537 'Porous Borders and Corrupt Customs Officials', Ivan Lovrecek, Beta, 31 October 2002, www.beta.co.yu.

538 'Police seized a variety of weapons at border crossings in 2001... The great majority of weapons and ammunition were seized on the border with Croatia.' 'Annual Report on the Work of the Police 2001', Chapter 4 - Border Control and the implementation of Regulations on Foreign Persons', Slovenian Ministry of Interior, www.policija.si/en/statistics/report01/border2001.htm.

539 'The Partnership's Role Addressing the New Security Challenges', Address by HE Zeljka Antunovic, Minister of Defence of the Republic of Croatia, EAPC, Brussels, 13 June 2003, www.nato.int/docu/speech/2003/s030613c.htm.

Management Common Platform in May 2003 and has undertaken various activities within this framework.[540] These include the implementation of a 'TWINNING' project on integrated border management, whose aim is to approximate national legislation with EU standards, and the development of a National Border Management Information System under the EU CARDS 2002 programme.[541]

International organisations and donor states have been active in advising and assisting reform in the area of border control. The OSCE Mission includes support for police reform in general, and has a number of key objectives for police assistance in Croatia, including cross-border policing, for which the Mission proposes 'specific changes to methodology of the Police that will harmonise with border components of Croatia's regional and international neighbours to fight against organised crime and anti-terrorism. Thus, eliminating so called weak links, or safe havens for criminal networks to thrive'.[542] US assistance programmes are also getting underway to help improve border security and customs. However, it appears that much of this support will be focused on weapons of mass destruction, not SALW, though this will benefit from any tightening of control.[543]

Such assistance should continue, as it appears that problems of border control are not limited to geography. Corruption is a problem, 'several members of the police force were reportedly arrested for selling Ministry of Interior weapons with false licenses',[544] and there are reports of other instances of corruption in the customs service.[545] International Alert notes that, 'the border security and customs authorities in Croatia are in great need of improvement. Officials suggest that they are working on strengthening their border controls and enhancing their ability to engage in verification activities, but presently they are very limited in what they can achieve'.[546] Checks on complex goods such as weapons shipments are particularly problematic: 'procedures for conducting checks may be there, officials say, but they are unable to implement them. Officials stress they are short on personnel, skills, technology, equipment and money. Ultimately, they say, "Croatia is resource poor"'.[547]

These challenges notwithstanding, the capacity of the Croatian authorities and level of co-operation with neighbouring police forces continue to improve, and there are various examples of successful apprehensions of smugglers. Illegal arms shipments have been seized, such as the consignment destined for Northern Ireland noted above, and criminals duly arrested and prosecuted.[548]

540 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22 - 23 May 2003.

541 The EU Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme. 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22 - 23 May 2003.

542 'Police Affairs - Overview of Police Objectives', www.osce.org/croatia/police.

543 Op cit, Grillot, p 13.

544 Ibid

545 Op cit, Lovrecek.

546 Op cit, Grillot, p 13.

547 Ibid

548 'Individual arms smugglers have also been arrested, prosecuted, and sentenced for engaging in illegal arms deals. Arms shipments going to the Provisional IRA in Northern Ireland were halted by Croatian authorities, and five people accused of smuggling arms to the Ushtira Clirimtare E Kosove (Kosovo Liberation Army, KLA/UCK) in Kosovo, Yugoslavia, were charged and sentenced.' Ibid.

SALW management information and exchange systems and protocols

In terms of information exchange on SALW, the Croatian MoI does not have a specific department dealing with weaponry, but is active in regional initiatives, such as the SECI Regional Center in Bucharest, to which it seconds one law enforcement officer. In addition, the development of new methodologies on weapons handling and databases is apparently underway, and will be presented to SECI for support and participation.[549] There are, however, no SALW specific cross-border or regional mechanisms in operation between the Croatian customs service and any other, nor does Croatia have any bi-lateral agreements on cross-border SALW control, which is regulated by non-specific treaties on customs assistance.[550]

Co-operation with international police mechanisms is also ongoing. The MoI has a section dealing exclusively with Interpol, 'responsible for acting on and implementing INTERPOL warrants and requests, and for communicating with other governments and non-government bodies and institutions in Croatia as well as abroad on INTERPOL issues',[551] and with negotiations on a co-operation agreement with Europol ongoing,[552] Croatia has also submitted a request for entry into the institution.[553]

Government statements note that Croatia also submits regular reports to the UN register on conventional weapons,[554] and to the OSCE as required by its commitment to the OSCE Document on SALW, 'including information on the import and export of small arms and light weapons, as well as the exchange of information on national procedures for the control of the manufacture of SALW, national legislation on SALW and stockpile management and destruction procedures'.[555] However, in terms of public information access, transparency remains a problem. Little official information has been published on SALW in Croatia, and researchers have reported difficulties obtaining copies of legislation and regulations pertaining to arms control.[556] There also appear to be no reporting requirements for parliamentary transparency on arms export or general arms control policies.

549 Croatia UN PoA report, p 10.

550 Ibid

551 Ibid, p 13.

552 'Europol annual report and work programme for 2004', News article May 2003, www.statewatch.org, referenced 22 January 2004.

553 Croatia UN PoA report, p 13.

554 Statement by Vice Skracic, Head of Section for Arms Control and Disarmament, First Committee, General Assembly fifty-seventh Session, 03 October 2002, www.un.int/croatia/statement57/ga/firstc/021003.htm.

555 Croatia UN PoA report, p 9.

556 'Although there appears to be a legal basis for the control of weapons in Croatia, no official was able or willing to produce the legislation - and no database currently includes the laws for public use.' Op cit, Grillot, p 12.

Table 23 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	CROATIA
International	
Reporting to the UN DDA on the Programme of Action	Yes[557]
Reporting to the UN Register of Conventional Arms	To a certain extent.[558]
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	Yes, according to PoA report.
Interpol/Europol	Yes/application for membership.[559]
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	No, but should be forthcoming if Croatia applies the EU Code fully.
SECI Regional Centre intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	No
Publication of national reports on arms /SALW transfers	No
Publication of SALW national strategy	No

557 Croatia UN PoA report.

558 See SALW transfers above.

559 As noted above, in addition to its membership application, Croatia is currently negotiating a co-operation agreement with Europol.

Macedonia

Small Arms problem

Background

The Former Yugoslav Republic of Macedonia (FYRoM, hereafter 'Macedonia') became independent in 1991. It inherited relatively little of the Yugoslav state infrastructure in many areas, including the military and police, and 'local' governance mechanisms and existing institutions faced the challenge of becoming 'national'. Although economic performance continued to be poor, relations between FYRoM's ethnic Macedonian majority and substantial ethnic Albanian minority remained stable, and the country was lauded as a peaceful, multi-ethnic state in contrast to the turmoil elsewhere in the region.

This stability was compromised in early 2001. Possible causes are disputed, but the 'Kosovo catalyst' was clearly important, resulting in an influx of refugees and the spillover of armed resistance, as was the instability in southern Serbia in early 2001.[560] Demanding greater minority rights, an Albanian armed group, the National Liberation Army (NLA) began an insurgency campaign against the Macedonian state. According to commentators, the Macedonian security forces, remnants of the former Yugoslav services, 'had little experience… their responses were both inappropriate and ineffective', and helped to galvanise support for the NLA among the ethnic Albanian population.[561] In the seven months of low-level fighting from January to August 2001 at least 70 people died and 170,000 were displaced; in December 2003, 2,600 were still to return.[562]

The Ohrid Peace Agreement brought an end to the conflict in August 2001. Signed by the four main political parties the Ohrid Agreement addressed most constitutional grievances of the Albanian minority, providing for a complex power-sharing arrangement, substantial local government autonomy, veto rights for minority parliamentary representatives and the right to use the Albanian language and national symbols in public. A key component of the Agreement was the surrender of a negotiated number of weapons by the NLA. Administered by NATO, 'Operation Essential Harvest' collected

560 'Macedonia: Guns, policing and ethnic division', Anna Matveeva with Duncan Hiscock, Wolf-Christian Paes and Hans Risser, Saferworld and BICC, October 2003 (hereafter 'Macedonia, Saferworld 2003'), p 14.

561 Ibid, p 14. See also Human Rights Watch for more details of the alleged 'abuses' committed by the Macedonian security forces in August 2001; 'Macedonia - Crimes Against Civilians: Abuses by Macedonian Forces in Ljuboten, August 10 - 12 2001', Human Rights Watch, 05 September 2001, www.hrw.org/reports/2001/macedonia.

562 Macedonia, Saferworld 2003, p 8; 'FYROM Appeal No. 01.74/2003 - Programme Update No 3', IFRC December 2003, www.reliefweb.int/w/rwb.nsf/ByCountry/FYROM, referenced 02 February 2004.

and destroyed weapons from ethnic Albanian combatants in 2001. Designed as a confidence building measure, the collection was not intended to address the general problem of illegal weapons possession in the country.

The current situation

From a military perspective, Macedonia is now 'stable', and international security presence is now limited to the new EU police mission 'Proxima'.[563] However, the potential for instability remains. Inter-ethnic tensions persist: frustrations with the slow implementation of the Ohrid Peace Agreement; the activities of paramilitary groups and sporadic acts of violence; corruption; crime; and, limited economic improvement all continue to hamper confidence-building between the two groups. Although small-scale compared to the fighting in 2002, violent incidents continue – according to some sources violence is 'sporadic',[564] while others believe it occurs 'almost on a daily basis'.[565] Thankfully, predictions that fighting might erupt again in Spring 2003 were not fulfilled, but concerns remain about the increased number of violent incidents in the summer of 2003, 'there is evidence that ethnic-Albanian paramilitary groups are still armed and active albeit on a very small scale in the border areas', and about the emergence of a new militant faction, the Albanian National Army (ANA).

A splinter group of the NLA, the ANA became active in 2003. Initially believed to be little more than a few armed smugglers, the organisation is now banned by the UN as a terrorist organisation and has been responsible for several attacks on state buildings and personnel in Macedonia, and also in Kosovo and Southern Serbia. In addition to limited police capacity, the political nature of the ANA's activities means that operations to combat the group are problematic and controversial. In a police crackdown near the remote village of Brest in August, security forces killed several gunmen, resulting in parliamentary criticism, renewed threats of reprisals from the ANA and accusations of brutality against civilians.[566] In September 2003 grenades hit three government buildings in Skopje and a police officer was kidnapped. The police were forced to reduce a large-scale security operation 'because of concerns it might spark renewed ethnic violence'.[567] At present the main challenge to the Macedonian Government appears to come not from the now inactive or dissolved NLA, but from the ANA, although many questions still exist as to the organisation's real capacity: 'it is difficult to assess its strength, though the number in Macedonia is likely to run into the low hundreds rather than thousands. It claims to be pursuing the pan-Albanian agenda apparently abandoned by the Kosovo Liberation Army (KLA) and NLA, though analysts suggest it is linked with organised criminals who exploit the poorly policed former crisis areas of Macedonia, where cross-border smuggling is rife'.[568] Other sources also point to connections between armed militant activity organised crime and smuggling.[569]

563 'Concordia: Security Situation in Macedonia is Stable', Daily Media Report, 26 November 2003, www.seesac.org.

564 'Suspected separatists killed in Macedonia', Reuters, ISN Daily News, 09 August 2003.

565 'New Tensions in Macedonia', source article in Weekly Media Report 01 - 08 September 2003, www.seesac.org.

566 Op cit, 'Suspected separatists killed in Macedonia'.

567 'Macedonian Police Manhunt Provokes Ethnic Tensions', Weekly Media Report 01 - 08 September 2003, www.seesac.org.

568 'Armed to the Teeth', David Quin, Vladimir Jovanovski and Ana Petruseva in Macedonia, Naser Miftari, Artan Mustafa and Jeta Xharra in Kosovo, and Ilir Aliaj in Albania, Balkan Crisis Report No 470, 27 November 2003 (hereafter 'Armed to the Teeth, IWPR 2003').

569 SEESAC Short Mission Report - Macedonia, 27 - 29 May 2002, www.seesac.org.

As the Saferworld/BICC report on Macedonia argues, 'the problem of SALW proliferation in Macedonia is a question of both politics and policing, resulting both from internal challenges and from the country's vulnerability to outside influence within its turbulent neighbourhood'.[570] The fighting in 2001 clearly had a major impact on increasing the number of weapons in the country, as did the looting of stockpiles in Albania in 1997, but possession had risen significantly throughout the nineties, particularly following independence when police noted a 'dramatic increase' in illicit SALW trafficking, even before political violence erupted in Macedonia.[571] These high levels of proliferation and the 'easy availability of arms' contributed to instability, and, 'created a strong temptation to use violence to settle political scores'.[572]

SALW proliferation

Arms have entered the country from various sources. Smuggling from Albania and Kosovo was substantial, particularly given the links between armed groups operating in the area, but weapons entered the country through other routes as well – through Serbia following the end of wars in Croatia and Bosnia and Herzegovina, and across the Bulgarian border. The Government was also active in seeking to better equip its new forces beyond the sparse armaments inherited from the SFRY and distribution from government stockpiles played a significant role in proliferation among communities.

It appears that before and during the conflict, weapons were handed out to party supporters, ethnic Macedonian reservists and community defence forces. Political parties (representing both ethnic groups) in power had authority to distribute firearms licences to their supporters, bypassing normal regulations, and many rumours and accusations surround the arming of groups of party loyalists, particularly those of the ethnic Macedonian VMRO-DPMNE party[573] and the former prime minister.[574] Weapons were also distributed more widely during the 2001 conflict by the previous VMRO government: 'many of these were handed out to reserve policemen and soldiers, and to civilian units pulled together in ethnic Macedonian villages',[575] as well as to special forces established to combat insurgent groups, such as the controversial 'Lions', now disbanded.[576] The actual number of weapons distributed to reservists is unclear; estimates range from 1,000, but other sources indicate the number may have been much higher.[577] The Interior Minister, Mr Hari Kostov, has stated that only a handful of weapons distributed to reservists have not been returned, yet according

570 Macedonia, Saferworld 2003, p 6.

571 Ibid, p 31.

572 Ibid, p 5.

573 'Members and supporters of the political parties believed to possess arms are generally either bodyguards... or activists who were supplied with weapons due to their contribution to their political party. It is important to note that many of these weapons are possessed legally, since when the political parties were in power they could provide licenses to their supporters, often without respecting licensing procedures. Among them are individuals with criminal background, or at least individuals who had been refused a license for legal reasons'; 'The VMRO-DPMNE and the DPA are believed to preserve armed groups of loyalists, as various incidents during the electoral campaign have indicated, and 'each will likely maintain the ability to carry out violence' in future'; the March 2002 attack on the NLA headquarters (between 10 and 35 people killed) indicated that 'there are political groups capable of serious violence': Macedonia, Saferworld 2003, pp 29-30. 'Emin Salah, an expert at the interior ministry, recently said that between 1999 and 2002, when VMRO was in power, 2,425 gun licences were issued to people who had been through the penal system, most of them ethnic Macedonians'; Armed to the Teeth, IWPR 2003.

574 'Gun Law haunts Boskovi', Weekly Media Review, 24 August - 01 September 2003, www.seesac.org.

575 Armed to the Teeth, IWPR 2003.

576 An armed paramilitary police force, the controversial Lions were created from a core of professional police, supplemented by 'reservists who were often VMRO members, and issued them with firearms'; apparently, 'some of the reservists selected for the Lions had criminal records'. Armed to the Teeth, IWPR 2003. See also, 'Country Reports on Human Rights Practices - FYROM, 2002', the Bureau of Democracy, Human Rights and Labor, 31 March 2003, www.state.gov.

577 Macedonia, Saferworld 2003, p 33.

to research conducted by IWPR, 'at the time automatic weapons were handed over without the appropriate controls, and no strict records were kept on who was getting a Kalashnikov... Those arms which were recorded have been returned. But often the guns were handed out direct from the warehouses with no record at all'.[578]

In addition to reservists and political groups, and paramilitary forces such as the ANA noted above, other non-state groups possessing weapons include private security services,[579] organised criminals and civilians. According to Government statistics at the end of March 2003, 155,992 weapons were registered in Macedonia, indicating a substantial increase in registered possession over the last decade.[580] The majority of these are hunting rifles (70,574), followed by pistols and revolvers (48,128) and hunting carbines (10,982).[581] A further breakdown gives a total of 139,857 individual licences, the remainder having been issued to hunting associations and other organisations.[582] Recent research by the Small Arms Survey finds that of a total of between 380,000 and 750,000 SALW in Macedonia today, an estimated 100,000 to 450,000 weapons are illegally possessed by Macedonian citizens, and that possession levels are relatively even between the two ethnic groups.[583]

The prevailing opinion in Macedonia is that the ethnic Albanian communities are the main 'culprits' in terms of weapons possession. Reinforced by the presence of groups such as the ANA and armed criminals in the predominantly Albanian areas of the country, 'the widespread view is that the Albanian minority is much the greater offender when it comes to stockpiling and using illegal arms', and local ethnic Macedonian opinions are that Albanians are 'armed to the teeth' and that 'there isn't a house [in the former crisis region] which doesn't have a Kalashnikov'.[584] The high levels of mistrust between the Albanian community and the state has reduced the incentives, and opportunities, for ethnic Albanians to acquire weapons legally,[585] but it is clear from the Small Arms Survey research and other sources that both communities possess illegal weapons and that perceptions are not necessarily the reality.

Even in the south and east of Macedonia, far from the 'trouble spots' in the north west, majority Macedonian areas 'have not been immune to gun proliferation'.[586] Government officials confirm that gun possession is prevalent among both ethnic groups and note that weapons accumulated across the country after the war.[587] Traditions linked to firearms possession are evident in both ethnic Macedonian and Albanian communities; strong traditional affiliation with weapons in Albanian society is often discussed, but equally, 'weapons have always been present in Macedonian society, carried as a mark of manhood'.[588] Whatever the role of such 'gun culture' in the increase in levels of

578 Armed to the Teeth, IWPR 2003.

579 The number of armed private security companies in Macedonia has increased sharply; some companies seem to be legally registered and armed, others not, and it appears that some have a rather dubious status and links to organised crime. Macedonia, Saferworld 2003, p 30.

580 In 1989 there were 99,324 weapons registered to approximately 1.9 million inhabitants in Macedonia. Figure T3.1: Small Arms Ownership in the former Yugoslavia, 1989. BICC Conversion Survey 2002, p 127.

581 Report of the Republic of Macedonia on the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, May 2003 (hereafter 'Macedonia UN PoA report 2003').

582 Macedonia, Saferworld 2003, p 46.

583 'The SALW Problem in Macedonia', SAS/BICC survey, pre-publication draft released by SEESAC, January 2004 (hereafter 'SALW Problem, SAS/BICC 2004'), Introduction.

584 Armed to the Teeth, IWPR 2003.

585 Macedonia, Saferworld 2003, p 8.

586 Armed to the Teeth, IWPR 2003.

587 Ibid

588 Ibid

possession in Macedonia, the insecurity resulting from the 2001 conflict and the lack of effective law enforcement are clearly dominant influences.

SALW-related crime

'There is a perception that the 2001 crisis broke a taboo on violence as a legitimate means to achieve political or personal goals. Guns are not only more widely available, but people are also more ready to use them'.[589] Research by Saferworld, IWPR and SAS finds that the 'prevailing lawlessness' and 'fears for individual and collective security' are the primary reasons for continued civilian possession.[590] Inter-ethnic tension and police performance have improved, but 'conflict has been replaced by an epidemic of gun crimes', with 71 people killed by firearms in the first nine months in 2003,[591] and 50 percent of recent firearms injuries affecting young people under 18.[592] SAS research finds that there has been no substantial increase in incidents of gun-related crime, but that the number of victims and incidents involving automatic weapons is rising, and that SALW are used significantly more against ethnic Albanians than ethnic Macedonians; in general, 'Macedonian citizens are concerned about their security and safety and perceive the general availability and distribution of SALW in society to be rather threatening'.[593]

Whatever the statistical truth of the matter, violent crime is a common occurrence and firearms are now more visible and more likely to be used in Macedonia today, reinforcing insecurity and the widespread perception that law enforcement does not provide adequate protection: 'the authorities have failed to restore law and order since the ethnic conflict ended two years ago'[594] and civilians therefore feel a need to retain weapons for personal protection.[595] The OSCE and the European Agency for Reconstruction (EAR) have made significant efforts to reform the Macedonian police, build their capacity and make them more acceptable to all communities (some Albanian areas had not seen police since independence). However, the overall capacity of the both multi-ethnic patrols in key areas and the standard police remains poor.[596] Recent survey statistics support this, as a majority of the population, 57 percent, say they would acquire guns legally if given the opportunity.[597]

Although some victims and firearms incidents are the result of personal disputes, 'there is clearly a problem with gangland conflicts, especially in northern and western areas where smuggling is big business and policing is still poor'.[598] Government statistics for 2002 note 153 criminal acts connected to the illegal trade in arms, 215 offenders and a total of 713 SALW pieces seized by the authorities (the vast majority military weapons), along with 9,520 rounds of ammunition and 174 grames of explosives.[599]

589 Macedonia, Saferworld 2003, p 36.

590 Ibid, p 8.

591 Armed to the Teeth, IWPR 2003.

592 Government statistics. Local Commission Training Package, Local Commissions training package page, National Programme - Weapons Amnesty and Legalization in Macedonia website, www.smallarms.org.mk.

593 SALW Problem, SAS/BICC 2004, Introduction.

594 'Macedonia: Kidnappings Unnerve Albanian Leaders', Irfan Agushi, Balkan Crisis Report No 429, 12 May 2003, www.iwpr.net.

595 Macedonia, Saferworld 2003, p 8.

596 'Attempts to introduce multi-ethnic, community-based police patrols were generally positively received', but 'Albanians themselves are conscious of the ineffectiveness of the multi-ethnic patrols, often urging the police to send better-equipped and trained units to tackle criminals.' Ibid, p 8.

597 'Preliminary SALW Survey Report for Macedonia', SEESAC Activity Report 14, 01 August 2003, www.seesac.org.

598 Armed to the Teeth, IWPR 2003.

599 Macedonia UN PoA report 2003.

Organised crime is a serious problem in Macedonia, and the line between political groups and crime has in many cases become blurred: efforts to combat such crime require substantial improvement, as the police 'lack the analytical, investigative and planning capability required to combat more serious crime'.[600]

As SEESAC notes, 'border security is clearly a key issue and one which must be addressed if illicit arms are to be controlled in Macedonia'. During the SEESAC mission to Macedonia in 2002, there was 'unanimous agreement that improved border security was required'.[601] Although low-level trafficking across the Bulgarian border seems to be increasing, the main problem clearly lies with the mountainous, difficult to control, and highly porous borders with Albania and Kosovo to the west and north west, where smuggling and other criminal activity, including arms trafficking, is rife.[602] Cross-border co-operation is problematic, though improving. Co-ordination between the various forces responsible for border internally is also a problem, with poor communication between the National Border Police, Customs, regular police and Army Border Brigades (ABB).[603] Lack of capacity within government institutions is a key problem for border control.

Small Arms policy and practice

Government policy and the international community

With the return to power of the Social Democratic Union of Macedonia (SDSM) and the Democratic Union for Integration (DUI) coalition following the September 2002 elections, Macedonia's prospects for peace and favour in the eyes of the international community have greatly improved. International figures such as the NATO Secretary General have described the country as a Balkan success story, and praised the work of the Government in implementing the Ohrid Peace Agreement.[604] The Government has said publicly that implementation of the Ohrid commitments will remain a key priority in 2004, a promising stance for the continued improvement of inter-ethnic relations.[605] Beyond Ohrid, Macedonia is similar to other countries in the region: one of the main aims of foreign, and consequently domestic policy, has been accession to the EU and membership of NATO. Macedonia is the first country within the stabilisation and association process whose agreement has been ratified by all EU members, and, with the full support of all political parties, hopes to formally launch its membership bid in 2004.[606]

The international community has played a strong role in Macedonia since its independence. In terms of security, NATO has been present in the country for some time, implementing key activities such as Operation Essential Harvest, though its missions never assumed a large or formally 'peacekeeping' role. In December 2002, NATO's

600 Macedonia, Saferworld 2003, p 8.

601 SEESAC Short Mission Report - Macedonia, 27 - 29 May 2002, www.seesac.org.

602 Macedonia, Saferworld 2003, p 8.

603 'Inter-agency co-operation has also been problematic, particularly on the border. The National Border Police and Customs control the Border Check Points (BCP), and have authority within 250 metres of the checkpoints; the regular police have general authority, but do not patrol the border, and the Army border Brigade patrols between the BCPs. The poor communication between these bodies helps smugglers and hinders cross-border co-operation.' Macedonia, Saferworld 2003, p 9.

604 14 November 2003, Weekly Media Review, 10 - 16 November 2003, www.seesac.org.

605 'Government's Priority in 2004: Ohrid Peace Accord', Daily Media Review, 20 - 21 December 2003, www.seesac.org.

606 'Macedonia to launch EU bid at end of February 2004', Daily Media Review, 15 January 2004, www.seesac.org.

Task Force Fox was succeeded by 'Operation Allied Harmony', and in March 2003 the EU 'Concordia' force took over, with 350 personnel whose mandate was to provide support for international monitors (OSCE and EUMM) and advise the Government on security-related issues. Concordia has now been taken over by a new yearlong EU Police Mission, 'Proxima', which in December 2003 took up responsibilities for police support, particularly in the areas of combating organised crime, with a primary focus on establishing the rule of law and order throughout Macedonia.[607]

NATO is still involved in military reform and downsizing through the PfP process, and is working closely with the Macedonian Armed Forces to achieve this; Government officials predict Macedonia will join NATO in 2006.[608] In January 2004, the Macedonian Defence Ministry presented an action plan for reforms to be carried out in the first half of the year. Main tasks include: the modernisation of equipment and weaponry; adequate multi-ethnic representation in army staff; implementation of an integrated border security strategy; introduction of a long-term budget planning system; and plans for downsizing of military facilities.[609] Macedonia must speed up defence reforms, but with NATO assistance the armed forces are making progress: the work of Macedonia's contingent in Iraq has been praised, the army conducted its first logistics drill in line with NATO standards in November 2003, and Macedonian soldiers are to participate in the first international stabilisation and peacekeeping operation of the South Eastern Europe Brigade (SEEBRIG), possibly to be deployed in Bosnia and Herzegovina next year.[610]

The OSCE Spillover Monitor Mission in Skopje is also active, and works on four main areas: confidence-building, media development, police development and the rule of law. Particularly in the areas of police reform, the OSCE has supported and led the multi-ethnic police (MEP) project in the former crisis region, and is also working with EAR, the new EU police mission and ICITAP on police reform beyond the MEP initiative, to improve overall standards through training and technical assistance and introduce community-based policing across the country.[611]

The UNDP is a key international actor on SALW control in the country. Its Small Arms Control in Macedonia (SACIM) project developed from consultations with Government and other key actors in Spring 2002 and aims to support confidence-building through reducing weapons-related images of conflict, reducing the level of casualties from hostilities and accidents caused by small arms, and focusing attention on the common needs of communities for security and development.[612] The UNDP was particularly active in advising the Government during the drafting of new weapons amnesty legislation, and supported the November – December 2003 amnesty in various ways, including awareness-raising, organising international monitors for collection points and funding the lottery incentive offered. Possible elements of a longer-term SACIM initiative include supporting the Government in developing and implementing a full multi-year programme on voluntary weapons surrender and licensing.[613]

607 Alexis Brouhns, EU Special Representative in Skopje. 'EU plans Police Mission for Macedonia', REF/RL Newsline, Vol 7, No 183, 25 September 2003.

608 An outstanding border issue with Kosovo remains to be resolved before full membership is possible. 'Buckovski: Macedonia will join NATO in 2006', Daily Media Review, 25 December 2003, www.seesac.org.

609 'Macedonian Defence Ministry Presents Reform Plan for First Half of 2004', Daily Media Review, 10 - 11 January 2004, www.seesac.org.

610 12 November 2003, Weekly Media Review 10 - 16 November 2003; 03 November 2003, Weekly Media Review 03 - 10 November 2003; 'Macedonian soldiers to participate in SEEBRIG Mission in BiH next year', Daily Media Review, 19 November 2003; www.seesac.org.

611 'Macedonia' and 'OSCE Spillover Mission in Skopje' pages, www.usdoj.gov/criminal/icitap and www.osce.org.

612 'Summary of Regional SALW Projects - FYROM', SEESAC Databases, www.seesac.org.

613 Ibid

Government SALW policy

The participation of the Macedonian Government in various international fora and arms control mechanisms, and its public statements indicate that SALW control is a high priority for the country. Various presentations refer to the 'serious threat to the security and stability of the Republic of Macedonia' posed by SALW proliferation,[614] the 'strong action' needed to combat illicit SALW flows,[615] and the place SALW control has 'on the top of [the Government's] priorities'.[616] Macedonia assured states in 2001 of its commitment to take 'an active part' in the implementation of the UN PoA, and expressed the view that there is 'a need for an enhanced follow up process'. Macedonia submitted a report to the 2003 Biennial Meeting of States; however, detail in various areas was sparse.[617]

Official statements note that Macedonia supports, respects and implements all relevant UN resolutions, and has signed several UN conventions against international terrorism,[618] although not the Firearms Protocol. Macedonia has made commitments to the OSCE Document on SALW and has participated in the information exchange outlined in the Document. Within the Stability Pact, Macedonia has been active, advocating on several occasions for SALW control measures on a regional level, and hosting the first Regional Steering Group meeting in May 2002. The Government clearly sees regional co-operation and regional efforts as crucial to arms control, perceiving a large part of its problem as 'imported' from neighbouring states. The role played by the international community is also important to the Macedonian Government on SALW issues, both in terms of international legal instruments and co-operation mechanisms[619] and financial support.[620]

SALW issues are the responsibility of the MoI, which, in co-operation with the MoD and Ministry of Foreign Affairs, has 'been given the principal responsibility in coordinating and developing a national policy on small arms, research and monitoring the efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects'. The MFA has 'the general task of liaising with other States on various matters related to the implementation of the UN Programme of Action, as well of participating in international negotiations for a on small arms instruments', and the national SALW focal point is situated within the MFA.[621] Currently no national SALW commission exists.

A co-ordinating body established to develop and oversee the 2003 amnesty initiative, the National Co-ordinating Body, seems to have functioned effectively. Despite this very promising initiative, capacity is in general poor: Macedonian ministries are still developing as independent state services, rather than branches of the former-Yugoslav federal ministries, and much assistance and further reform will be required for them to be able to combat illicit SALW and related problems effectively. As the military and police continue to undergo substantial reform, other branches of government also require improvement. It is, for example, uncertain whether an effective arms production and export control regime is in place and transparency is very limited.

614 Statement by HE Mrs Ilinka Mitreva, Minister of Foreign Affairs, the Republic of Macedonia at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 13 July 2001 (hereafter 'Macedonia UN PoA statement, 2001').

615 Statement by HE Mr Slobodan Casule, Minister of Foreign Affairs of the Republic of Macedonia, 57th General Assembly of the United Nations, 17 September 2002 (hereafter 'Macedonia UN GA statement, 2002').

616 Macedonia UN PoA report 2003.

617 Macedonia UN PoA statement, 2001; Macedonia UN GA statement, 2002.

618 Macedonia UN PoA report 2003.

619 Macedonia UN PoA statement, 2001.

620 SEESAC Short Mission Report - Macedonia, 27 - 29 May 2002, www.seesac.org.

621 Macedonia UN PoA report 2003.

SALW production

According to Government statements, 'the Republic of Macedonia does not manufacture SALW. The only factory for ammunition production 'Suvenir' repairs and remodels a limited quantity of weapons'.[622] Other sources indicate that there is more current military production, and that a second firm, the 11 Oktomvri Eurokompozit factory in Prilep, also produces SALW. According to its website, 11 Oktomvri Eurokompozit employs 550 staff and produces equipment for civilian consumption, as well as for the military and law enforcement forces, including: rocket launchers (RBR-120mm M90, RBR-90mm M79, and the RBR-64mm M80); personal ballistic protection equipment (helmets, bullet-proof vests, riot shields); mortar shells; bayonets; and, magazines for automatic rifles.[623] The Suvenir factory produces small arms ammunition and explosives for the Macedonian Armed Forces and ministries, and reportedly explosives and SALW products such as grenade launchers,[624] and a limited number of sporting rifles.[625]

11 Oktomvri Eurokompozit and Suvenir produce some goods for private citizens, but mainly supply the Macedonian Government forces, army and police, though Small Arms Survey research notes that government officials suggest no orders are pending and that both companies are suffering financial problems and may be forced to close down.[626] SAS notes that these limited domestic production capacities are insufficient for the state's equipment requirements, and that various products are available through foreign suppliers: both local Yugoslav and Bulgarian suppliers participated in the country's first defence exhibition in May 2001. The exhibition was sponsored by a Skopje-based company MICEI International, which holds the licence in Macedonia for major manufacturers (Browning, Remington, Smith & Weston, Beretta, Heckler & Koch and Glock) and supplies ammunition, artillery shells, bullet-proof vests, as well as sport utility vehicles and various survival and security products.[627] SAS also notes another supplier, Arsenal, based in Struga,[628] but it appears that the Suvenir and 11 Oktomvri factories are the two main domestic arms manufacturers, and that production capacities for SALW manufacture do exist in Macedonia,[629] although this seems to be at a reduced level from previous years.[630]

622 Ibid

623 Home page, 11 Oktomvri Eurokompozit, http://www.eurokompozit.com.mk/kontakt/kontact.htm, referenced 15 February 2004.

624 Macedonia, Saferworld 2003, p 24.

625 SALW Problem, SAS/BICC 2004, Section 3.

626 Ibid

627 Ibid

628 Ibid

629 The NISAT databases give data on a Macedonian firm 'Euroinvest', which apparently produced rockets and projectiles in 2001 - it seems likely that this may be a reference to 11 Oktomvri Eurokompozit, but this is not confirmed. For NISAT data, see www.nisat.org.

630 Jane's Defence Weekly reported in 2001 that the 11 Oktomvri and Suvenir plants between them produced a number of SALW products, including mortars, artillery and small arms ammunition, anti-tank rockets and landmines. 'Yugoslavia prepares to resume arms exports', Jane's Defence Weekly, 30 May 2001, www.clw.org/cat/newswire.

Table 24 – Macedonia's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	MACEDONIA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	-
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	-
EU Joint Action on SALW	-
Wassenaar Arrangement	-

Small Arms progress

Legislative and regulatory issues

The legislative framework for SALW control in Macedonia involves several pieces of legislation: weapons possession legislation is mainly embodied in one law on purchasing and possession of arms, expected to undergo substantial revision shortly; production and trade in arms is regulated by two main Laws, recently updated or passed. It should be noted that analysis in this area was significantly constrained by lack of access to English translations of some relevant laws (although these are forthcoming), and certain comments are therefore limited to descriptions of the legislation given in secondary government sources.

Possession

The existing 1972 Law on Purchasing, Possession and Carrying of Weapons, and its amendments,[631] (also referred to in some translations as the 'Law on Procurement, etc.' and hereafter referred to as the Law on Purchasing), sets out legal conditions for procurement, possession, carrying and sale, repair and re-modelling of weapons, weapons parts and ammunition. The Law on Purchasing applies to all citizens, enterprises or other legal entities and state authorities, with the exception of military personnel, MoI staff, certain authorised security guards in correctional institutions, and, significantly, does not apply to arms or ammunition purchased or procured 'for the requirements of the territorial defense and civilian protection'.[632]

The Law on Purchasing allows the procurement and possession of various firearms, including military weapons, as well as hunting carbines, pistols, revolvers, etc, but forbids certain categories of weapon, including 'firearms with special accessories (silencer, blinding lights), disguised weapons' any 'powder gas'-propelled, explosives or 'gas arms made especially for assaults and side arms'.[633] As in other former-SFRY states, possession is regulated by a dual-licence system: first citizens must obtain a licence for procurement, only issued if certain qualifications are met, and then after

631 Official Gazette of SRM 25/77, 18/76, 25/76, 15/83, 51/88 and Official Gazette of the Republic of Macedonia 26/93, 49/03 (unfortunately an English translation of the 2003 amendment was not available for analysis at the time of writing).

632 Article 1, 1972 Law on Purchasing, and amendment to Article 1, 26 May 1976.

633 Article 6, 1972 Law on Purchasing.

having purchased a weapon, must register it with the police to obtain a firearms licence for possessing and carrying that weapon. Illegal possession under the Law on Purchasing results in fines based on salary multiples or imprisonment for one to three years (up to ten years if a large quantity of weapons is involved).[634]

The problems with the now rather out of date Law on Purchasing are recognised by the Macedonian Government, and referred to in official presentations: the Law's classification of weapons and control regime 'do not correspond with the international standards and experiences in this area', and the 'vague definitions' pose problems for state bodies responsible for implementation.[635] Consequently, a new Law on Weapons (also translated or referred to as the 'Law on Arms') has been drafted and is currently undergoing parliamentary readings.[636] Drafted with reference to arms possession laws in various EU countries, the new Law on Weapons will incorporate some EU standards and tighten up restrictions on civilian possession. According to informed UNDP staff in Skopje and earlier drafts available for analysis, the Law on Weapons will include more specific definitions of what constitutes a weapon, and more specific categorisation (it introduces, for example, a note on new categories of weapon, such as cross bows and catapults); licence renewal periods will change, with a 2-year licence for possession and a 5-year licence for possession and carrying; and new regulations on transporting weapons will permit transport of unloaded and dismantled weapons for sporting purposes (ie from home to club or shooting range) in a vehicle.[637] Following the introduction of the new Law, Macedonian citizens will have a period of one year in which to renew their existing licences (approximately 135,000 issued under the old Law on Purchasing) in accordance with new provisions, after which 'old' licences will be invalidated.[638] There also exist other pieces of legislation relevant to this area in Macedonia – it is to be hoped that legislation on shooting clubs and control of explosive materials (which includes mines and EOD) will also be reformed in line with the new Law on Arms, or superseded by its provisions, in order to achieve a harmonised and effective legislative framework for weapons possession.[639]

In order to provide for the 2003 firearms amnesty and legalisation process, on 4 June 2003, the Government passed in the Law on Voluntary Surrender of Weapons, Ammunition and Explosive Materials and Legalization of the Weapons.[640]

Production and transfers

The two main laws governing manufacture and import and export of arms and military equipment are the 1985 Law on Manufacture and Trade in Weapons and Military Equipment[641] (hereafter referred to as the 'Law on Manufacture'), which covers manufacture and transport and was updated in 2002, and the 2002 Law on External

634 Macedonia UN PoA report 2003.

635 Ibid

636 No current draft of the 'Law on Weapons' was available for analysis and comments are therefore limited to public statements of the Macedonian Government and comments from informed SALW actors in the country.

637 Telephone interview with Alain Lapon, Project Manager, SACIM/UNDP, 27 January 2004.

638 Ibid

639 For example, the Law on Defence Against Explosive Materials (Official Gazette No 12/93), the 1999 Law on Security Companies (Official Gazette No 80/99), and the 1997 Law on Shooting Clubs and Hunting Associations and its amendments (Official Gazette Nos 25/96 and 34/97).

640 Official Gazette No 37/03. Unfortunately no English translation of the 2003 amendment was available for analysis at the time of writing.

641 Official Gazette Nos 30/85, 6/89, 53/91 and 54/2002.

Trade[642] which governs export/import licensing by the MoD or MoI. Unfortunately, English language translations of these laws were not available at the time of writing, so the analysis below has had to rely primarily on the report of the Macedonian Government to the UN PoA Biennial Meeting of States in 2003.

The low level of military production in the country has influenced the legislative framework, most clearly in the area of marking. In government statements, the little or no production is the reason behind the lack of any system for marking at point of production. However, Macedonia's 2003 UN PoA report does note that the activities at the Suvenir factory (which it notes as the only SALW manufacturer) involve the repair and remodelling of 'a limited quantity of weapons, which are correspondingly marked according to the marking criteria'.[643]

The primary legal instrument regulating arms production and trade appears to be the 2002 Law on Manufacture, which covers not only the manufacture and export/import of ostensibly 'military' arms and equipment, but also commercial explosive and hunting and sports weapons and ammunition exported abroad.[644] It seems that manufacturing under licence, trading in patents or 'property rights on the basis of technology in areas of manufacture of arming and military equipment', renovation and overhaul, related activities abroad, foreign enterprises and brokering are covered by Macedonian legislation, presumably the Law on Manufacture, though it is unclear to what extent.[645] Little information on production controls contained in Macedonian legislation was available.

In terms of export and import, it appears from government statements to the UN that the MoI has the primary responsibility for regulating export and import of arms and military equipment. Companies wishing to trade in arms must be officially approved by the MoI; however, the Ministry of Economy is also involved in the process, as Macedonia's 2003 UN PoA report states that companies wishing to trade in arms must also be approved and registered by the MoE.[646] The full details of each import (no note on export was available) must be supplied for the MoI to issue a licence, and also for approval from the MoI for a weapons shipment to cross the state border, a decision made with input from the MoD and MFA. There also appears to be some alternative system of regulating export and import in addition to that detailed under the Law on Manufacture, as the 2003 UN PoA report notes that under the 2002 Law on External Trade, export and import licences are issued by the MoD or MoI.[647] According to the Government's UN report, all imports are 'strictly controlled' by the MoI and Customs as the competent authorities, who ensure 'imported weapons shipments reach their final destination safely and are stored appropriately'.[648] The importer or exporter has

642 Official Gazette 45/2002.

643 Macedonia UN PoA report 2003.

644 The Law on Manufacture covers: 'All issues related to manufacturing and transportation of weapons and military equipment, being in the interest of defence and security of the Republic of Macedonia, planning of security measures, planning of the manufacture and export, quality control and other issues which are of importance for the manufacture, export and transport of weapons and military equipment are determined by the Law on Manufacture and Trade in Weapons and Military Equipment'. According to the Law on Manufacture, weapons and military equipment are defined as: 'functional, complete combat military systems to serve the needs of the defence and the security of the State which constitute a basic military mean (aircrafts, floating objects, tanks, cannon, mortars, grenade launchers, gun, rifle etc.); and material means which equip the basic military means as defined above, as well as other means which serve military and non-military purposes..., while armament and military equipment, by the terms of this Law, are defined to also include commercial explosive, the hunting and sports weapons and their ammunition if they are intended to be exported abroad.' Macedonia UN PoA report 2003.

645 Macedonia UN PoA report 2003.

646 Ibid

647 Ibid

648 Ibid

a responsibility to keep a 'precise register for the imported weapons', and all relevant documentation and records are kept permanently in the MoI, 'although there is no centralised computerised registering system in place'.[649]

On a general note, there does appear to be relevant legislation and procedures governing arms production, import and export in Macedonia. However, the Government 2003 report to the UN DDA indicates that there may be a certain lack of coherence between different pieces of legislation, and it remains unclear what criteria licensing decision-making is based on (and if this reflects international standards such as the EU Code of Conduct or includes the need for end-user certificates or post-export verification), and whether and to what extent the legislation covers transit and transhipment. Recent research conducted by the Small Arms Survey concludes that, 'although a legal framework for the control of small arms exists, penalties for the violation of these laws are poorly enforced and verification of arms shipments is not consistently and routinely implemented. Overall, SALW control efforts exhibit significant variance between policy and practice'.[650]

649 Ibid

650 SALW Problem, SAS/BICC 2004, Introduction.

Table 25 – Features of Macedonia's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	MACEDONIA
National	
National co-ordinating agency	No, although a national co-ordinating body was established to oversee the 2003 amnesty and collection.
National point of contact	Yes[651]
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes[652]
Production	Yes, although little detail available.[653]
Export	Yes[654]
Import	Yes, see 'Export' above.
Transit	No information available.
National System of Export & Import Licensing or Authorisation	
System	To a certain extent – the exact process is unclear from the information available, see 'Export' above.
Diversion risk	No information available; the only reference stated that in deciding on the issue of import or export licences, the MoI takes advice from the MoD and MFA on 'the political credibility of the country exporter'.[655]
End-user certificate	No information available.
Retransfers	No information available.
Verification (pre/post)	No information available.
Brokering controls	Yes, though unclear to what extent.[656]

651 According to SEESAC records, the nominated National SALW Focal point is Ms Ruzica Zanteva-Angelova, based within the MFA.

652 The 1985 Law on Manufacture and Trade in Weapons and Military Equipment (Official Gazette Nos 30/85, 6/89, 53/91 and 54/2002) covers manufacture and transport and the 2002 Law on External Trade (Official Gazette 45/2002) governs export/import licensing by the MoD or MoI.

653 The information available on production regulations was limited to a description of the goods covered by the Law on Manufacture and Trade in Weapons and Military Equipment given in the Government's 2003 report to the UN DDA.

654 According to the Government's 2003 report to the UN DDA, import or export companies must be authorised and licensed by the MoI and registered with the courts. Licences for trading companies are limited to six months, but are not limited in terms of quantity of trade; any violation of the regulations will result in the resident company in question being banned from dealing with weapons, either permanently or temporarily. The MoE also seems to have a role as 'according to the Law on Manufacture and Trade in Weapons and Military Equipment, trade with AME in the country and abroad can be performed by the manufacturers of arming and military equipment and other trade association registered for trade in, subject to previously obtained approval from the Ministry of Economy, provided that they fulfil specific conditions set out in the Law'. For each individual import (no note on export specifications was available) 'brand, type, calibre, serial number, quantity, country of manufacture, manufacturer, broker for each case concerned, etc.' must be specified in order for the MoI to issue a licence. In addition to this licence, the actual import or export of a weapons consignment across the state border needs 'certification of approval' from the MoI, following advice on 'the political credibility of the country exporter' from the MoD and MFA. However, it appears that alternative systems for regulating import and export may exist under another law, as 'in accordance with the Law on External Trade (Official Gazette No 45/2002) the export/import licence of armament and military equipment is issued by the Ministry of Defence, or the Ministry of Interior'. Macedonia UN PoA report 2003.

655 Macedonia UN PoA report 2003.

656 The Macedonian 2003 report on the UN PoA details the Laws governing production and trade, stating that trade in armament and military equipment is defined as 'purchase or sale of AME in the Republic of Macedonia, and external trade and providing services, in particular: ... business technical cooperation, manufacture cooperation, supply and transfer of property rights on the basis of technology in areas of manufacture of arming and military equipment, design, construction and equipment of manufacturing capacities abroad; and representation of foreign enterprises, brokering, overhaul and other services in foreign trade'. Macedonia UN PoA report 2003.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	MACEDONIA
Domestic Possession, Stockpiling & Trade	
Legislation	Yes; soon to be reformed.[657]
Manufacture	See 'Production' above; repair and remodelling are covered, see 'Trade' below.
Marking and tracing	No marking system exists, but according to government reports state- and civilian-owned weapons must be marked in order to be 'legal', although there are no provisions for this in the legislation available.[658]
Possession	Yes[659]
Stockpiling	Only reference in available legislation covers MoI supervision of organisations conducting trade or repair, see 'Trade' below.
Trade	Yes[660]

657 The Law on Purchasing, Possessing and Carrying Arms (also 'Law on Procurement, etc' in some translations) and its amendments, dated 12 July 1972 (Official Gazette of SRM 25/77, 18/76, 25/76, 15/83, 51/88 and Official Gazette of the Republic of Macedonia 26/93, 49/03. English translation of Law on Purchasing referenced at www.seesac.org; unfortunately an English translation of the 2003 amendment was not available for analysis at the time of writing. Due to the deficiencies in this law, a new Law on Weapons is currently in the process of being approved by Parliament.

658 As noted above, there is no note of marking as a criteria for weapons licensing in the laws available for analysis - there may be provisions in the 2003 amendment which was not available in English translation at time of writing. However, the 2003 government report to the UN DDA states: 'Every weapons being imported is marked according to the marking criteria of the manufacturing country since only the registered weapons can be licensed under the law. A marked weapons has to contain following data: country of manufacture, manufacturer, serial number, and year of manufacture. An unmarked weapons is considered illegal and will be seized immediately. This equally applies to government agencies (authorised to carry arms) as well as for weapons for commercial purposes.' Macedonia UN PoA report 2003.

659 Possession of a variety of firearms (including 'military rifles, hunting carbines, pistols, revolvers... hunting rifles and air guns', but not 'undetectable firearms produced specifically as a means for attack... high explosive and gas weapons whose elementary purpose is attack', Articles 6 and 7) is permitted and controlled through licences issued by the MoI. Licences for procurement (valid for 6 months) will not be issued to underage or mentally disabled persons, or to anyone 'sentenced for crime or punished for any kind of misdemeanour what makes such person unfit to possess or carry firearms', and licences for procurement of 'rifled arms' or hunting rifles will not be issued to persons, enterprises, legal entities or state authorities unless there is a 'justified' or valid need for the protection of property or hunting (Article9). Once a licence for procurement has been obtained, and a weapon purchased, that weapon must be registered with the authorities within 8 days of purchase for the owner to obtain a 'firearms licence' for possession and carrying, valid for 'an indefinite period of time' (Article 10). Licences for procuring, and possessing and carrying, 'military rifles and pistols may be issued only to the authorities and organizations having an organised service for property protection' (Article 9), and for hunting weapons may only be issued to members of a hunting association (May 1976 amendment to Article 8). Licences for possessing are also required for 'trophy weapons', and will only be issued if the owner meets the specifications for a firearms procurement licence (amendment to Article 10, May 1976); 'old' or 'antique' weapons can be obtained without approval and possessed without a licence, although owners must register these weapons with the MoI; and 'trophy', 'old' or 'antique' weapons may not be carried or used and it is not permitted to obtain ammunition for such weapons (Articles 13 and 14). Owners of firearms have a duty of responsibility to keep them in good order and to keep them safely (Article 17) and military rifles and pistols may only be used by trained people for the purposes of protecting property (Article 18). It should be noted that the Law does not apply to 'firearms, ammunition and parts for firearms purchasing and possessing for the requirements of the territorial defense and civilian protection' (Article 1, 1972 Law and amendment to Article 1, 26 May 1976). Law on Purchasing, Possessing and Carrying Arms, 1972, and amendments.

660 'Arms and ammunition selling and arms repair and remodelling' is covered by the Law on Purchasing. Organisations wishing to undertake firearms and ammunition trade, repair and remodelling must notify the MoI, may only sell arms and ammunition to, or remodel/repair arms for, state organisations and other entities and citizens who have official approval for arms and ammunition purchase and ownership, and must keep records of all items sold and store arms and ammunition safely (Articles 23-28). The MoI municipal authorities have the responsibility for supervising all trade, repair and remodelling activities (Article 29). Law on Purchasing, Possessing and Carrying Arms, 1972, and amendments.

SALW transfers

Macedonia submitted a report on 2002 to the UN Register of Conventional Weapons in July 2003, which contained no registered exports.[661] The NISAT databases also have no records of registered SALW exports from Macedonia, although SALW imports from Germany, the US and the UK in 1996, 1997, 1998 and 1999 are noted, including pistols and revolvers, rifles and non-military shotguns.[662] Minimal information is available on arms export by Macedonian companies or state agencies. There have, however, been reports concerning problems with one Macedonian firm, Mikrosam. The US Government imposed sanctions on the firm and its chief executive in December 2003 for violating the US Arms Export Control Act.[663]

According to Government statements, illicit trafficking in SALW is 'a particular concern for the Republic of Macedonia and the broader region. It jeopardises its stability and security, but also that of Europe as a whole'.[664] 'One of the most grievous forms of crime' in the country, government sources state that the illegal arms trade is increasing rapidly, as indicated by the increased number of criminal acts discovered and increased quantities of SALW seized by the authorities. Macedonia's position, 'at the crossroad of the so-called Balkan route', presents a key challenge to law enforcement.[665] The Director of the Organised Crime and Firearms Trafficking Unit within the MoI, notes that, 'weapons are migratory in the region consisting of Macedonia, Kosovo, Albania and Southern Serbia. They are regularly being relocated and moving from one place to another in the region according to demand. The weapons follow exactly the political unrest in the region and unfortunately at the moment they are still in Macedonia awaiting a new conflict here or in another place in the region'.[666] Other government officials believe that movements of illegal arms into Macedonia have lessened in recent months, due to a lack of demand from an already saturated market, although small amounts of weapons continue to be moved in and out of the country.[667]

SALW collection programmes and capacities

There have been two main collection initiatives in Macedonia. The first, Operation Essential Harvest,[668] was undertaken by NATO's Task Force Harvest in 2001, the second was implemented by the Macedonian government with the support of the international community in November and December 2003.

March 2001, British paratroopers inspect weapons collected during Operation Essential Harvest. Photo: Reuters.

661 Reports were also submitted for the years 2001, 2000, 1999, 1997 and 1996, none of which registered exports; however, imports were registered in 2001 of 31 battle tanks, 10 armoured combat vehicles, 6 large calibre artillery systems, 4 combat aircraft and 10 attack helicopters from the Ukraine, in 2000 of 105 armoured combat vehicles were imported from Germany and in 1999 of an assortment of arms from Bulgaria, Greece and France. http://disarmament.un.org:8080/UN_REGISTER.nsf, referenced 13 February 2004.

662 www.nisat.org, referenced 16 February 2004.

663 'In a notice published in the Federal Register, the US Government said that Blagoja Samakoski and his firm Mikrosam 'have engaged in missile technology proliferation activities'. The company also violated an executive order against trafficking in weapons of mass destruction and the means to deliver them. The US Government did not specify the exact nature of the violation or the country to which the technology was exported. Samakoski and Mikrosam would be unable to export goods to the United States for two years and would be ineligible for any form of US assistance.' 'US Imposes Sanctions on Macedonian Firm on Arms Trafficking Allegations', Daily Media Review, 25 December 2003, www.seesac.org.

664 Macedonia UN PoA statement, 2001.

665 Macedonia UN PoA report 2003.

666 Mr Mire Markovski, interviewed in July 2002. Macedonia, Saferworld 2003, p 34.

667 Comments from General Zehedin Tushi, Deputy Chief of Staff, Macedonian Army. Armed to the Teeth, IWPR 2003.

668 Not to be confused with ongoing 'Operation Harvest', conducted by SFOR, and recently local authorities, in Bosnia and Herzegovina.

Task Force Harvest's mission was to collect the arms and ammunition voluntarily surrendered by the ethnic Albanian armed groups involved in the peace negotiations, and through this collection to assist confidence-building in the broader peace process. Key tasks undertaken from the end of June to late September 2001 were the establishment of collection sites, collection of weapons and ammunition brought to the sites by the insurgents, transportation and disposal of surrendered equipment. A total of 3,875 weapons were collected by Essential Harvest, a higher total than the 3,000 agreed upon during negotiations. [669]

The second SALW collection in Macedonia was implemented by the Government from 01 November to 15 December 2003. Originally scheduled to start in early October, many in the international community had doubts over the timing of the initiative, both in relation to the level of preparation possible within the time allowed and the recent increase in violent incidents and inter-ethnic tension.[670] The UNDP in particular recommended the postponement of the amnesty period until Spring 2004, from the technical perspective of providing more time for the organisation of logistics and SALW awareness-raising.

However, following the adoption of the Law on Voluntarily Surrender of Weapons, Ammunition and Explosive Materials and Legalization of the Weapons in June 2003, which provided the legislative framework for the amnesty, the start date of 01 November was confirmed. A National Co-ordination Body had been established to oversee the process, including the drafting and adoption of the amnesty Law, and it continued to co-ordinate the collection process itself, although the logistics and practical implementation of the amnesty and 'legalisation', or licensing process were undertaken by an 'Operations Centre' established within the MoI, with the support of UNDP.[671]

Concerns, valid given recent political incidents, that the process would be perceived as one-sided, and a tool to disarm the ethnic Albanian communities, were at least partially allayed by numerous Government public statements on the impartiality of the process, and it was stressed that 'equality and neutrality [are] guiding principles aiming to prevent distorted perceptions that one community could profit at another's account'.[672] The election of Col Gezim Ostreni, an ethnic Albanian and former KLA and NLA senior officer, as Chairman of the Co-ordination Body was a strategic move. Although political support across the spectrum was at first uncertain, and there were rumours of some parties encouraging their supporters to boycott the initiative, by the end of the amnesty, parties from all sides lent their support.[673] Promisingly, strong support came from

669 The 3,875 total comprised: 483 machine guns, 3210 assault rifles, 161 support weapons systems (such as mortars and anti-tank weapons), 17 air-defence systems and 4 tanks; 397,625 mines, various ammunition and explosives were also collected. BICC notes that allegations at the time complained that most of the weapons turned in were unserviceable, the then PM calling the operation 'Museum Harvest'; however, 'western military sources insist that 50 to 70 percent of the weapons surrendered were serviceable'. BICC Conversion Survey 2002, p 138.

670 Sources believed the timing 'ill thought out and premature'; a senior source told IWPR, 'They [the Government] insisted they are ready but we have no information about how they are going to do it. What is not clear is why they do not want to assure success before they start such an action'. Armed to the Teeth, IWPR 2003.

671 'UNDP Macedonia SACIM Project Changes Gear', Clearing Guns newsletter, Volume 1, Issue 2, October 2003, www.seesac.org.

672 Macedonia UN PoA report 2003.

673 Some ethnic Albanian political parties, such as the Democratic Party of Albanians (PDSh), reportedly felt that it was inappropriate to participate as the Ohrid Agreement had not yet been fully implemented, and there were rumours that in some municipalities mayors asked citizens not to participate or boycott the collection and citizens demanded withdrawal of police checkpoints as preconditions for launch of disarmament campaign; 'Disarming Macedonia', Biljana Stavrova and Robert Alagjozovski, 26 November 2003, Transitions Online Balkan Reconstruction Report, http://knowledgenet.tol.cz (hereafter 'Disarming Macedonia, TOL 2003'). However, as the amnesty proceeded positively and weapons were collected from both communities, senior officials within the PDSh, publicly confirmed their support for the initiative as a positive move toward peace; PDSh Secretary General, Mr Rushdie Matoshi, during a roundtable discussion organised by IWPR/ Saferworld on the investigative report 'Armed to the Teeth' and the amnesty initiative, Skopje 01 December 2003.

some ethnic Albanian parties, such as the opposition Albanian Party for Democratic Prosperity (PPD): 'we are truly for it, since we have been political victims of illegal weapons. We lost one of our activists during the local elections in 2001'.[674] Public figures also led by example: ethnic Macedonian Interior Minister Hari Kostov turned in his Smith & Weston handgun and a hunting rifle and the ethnic Albanian Deputy Chief of the Counter Intelligence Service, Fatmir Dehari, turned in his first automatic rifle, a gift from a comrade during the conflict in Kosovo.[675]

Awareness-raising to support the amnesty began in early September, and the lottery incentive, funded by UNDP through a local firm, also helped a great deal to attract public interest and support. The lottery was organised with two draws, the first following the first main amnesty phase in November and the second at the end of the initiative: 35 prizes were allocated to each draw, including motorcycles, computers, sewing machines, cameras, and the grand prize of a Renault Clio.[676] Collection points were established across the country, and with guarantees of immunity from prosecution and the added incentive of lottery prizes, citizens surrendered weapons in a largely peaceful and calm manner. Lottery tickets were handed out in return for weapons at all of the 123 collection points which operated in three phases: from 01 – 10 November; on the 15, 22 and 29 November; and from the 05 – 15 December 2003. Collection points also took receipt of weapons pending legalisation, and this process is now ongoing. Local municipal weapons collection commissions were established, and this approach seems to have greatly assisted voluntary surrender (See Civil Society Involvement in SALW Interventions below). The collection process was also relatively calm, and only minor political or violent incidents affected its implementation – a major achievement given the tensions of the preceding months.[677]

A public information flyer explains the lottery mechanism.

In total, the November–December initiative collected 7,571 pieces of weaponry, (including one T54 Main Battle Tank) and 100,219 pieces of ammunition over the 45-day period, and was praised by the international community for its efficiency and contribution to increased confidence between the ethnic communities in the country.[678] A substantial proportion of the collected weapons, approximately 3,500 to 4,500, may be returned to their owners after official licensing procedures have been completed.[679] Although many weapons surrendered were older, less sophisticated models, 'some 348 assault rifles, 55 rocket launchers and about 800 hand grenades were included in the collection statistics, suggesting that at least some contemporary military weapons were removed from society during the operation'.[680] All the weapons not to be returned

674 PPD President, Mr Abdulmenaf Bedxeti. Disarming Macedonia, TOL 2003.

675 'Kostov said the two weapons were not the only ones in his possession, but that he was keeping the rest - which he says are all legally owned'; Dehari, a former fighter in the Kosovo Liberation Army, commented, 'I felt obliged to do this. The delivery of weapons means respect for human rights and freedom'. Disarming Macedonia, TOL 2003.

676 The costs of the lottery were in total approximately US$ 100,000, including logistics, implementation and awareness raising about the initiative - the cost of the prizes was approximately US$ 60,000. UNDP had hoped to able to put a 'development spin' on these prizes (eg offering the prize of a car with a licence for taxi operation), but the time limitations prevented this. Telephone Interview with Alain Lapon, UNDP SACIM project, 22 October 2003, and correspondence with Alain Lapon 12 March 2004.

677 Telephone Interview with Alain Lapon, UNDP SACIM project, 22 October 2003.

678 'International Community Satisfied With Results of Macedonia's Weapons Collection Programme', Daily Media Review, 17 December 2003, www.seesac.org.

679 Telephone interview with Alain Lapon, Project Manager, SACIM/UNDP, 27 January 2004.

following licensing, will be destroyed, and this process, started in late December 2003, is continuing.

The inventory of weapons surrendered during Macedonia's SALW collection in 2003 included a T54 main battle tank previously disabled during fighting between government and rebel forces.

Although the Government has made various public statements to the effect that the collection will not be extended and that continued illegal possession will now be prosecuted according to law,[681] it is not yet entirely clear what further activities may be developed in this area. Policy statements in the summer of 2003, referred to 'the creation of a long term strategy' for weapons reduction, including work with communities and the 'weapons for development' approach.[682] In addition, recent official statements within the Government seem to suggest that the possibility to surrender weapons by contacting the police remains an option, despite the expiry of the amnesty law. A working group under the auspices of the National Co-ordinating Body has the task of compiling the full and final results of the collection (including totals from the ongoing legalisation process) and will report to Parliament;[683] policy and plans may then move forward.

UNDP is hopeful that further activities will be possible, and nascent plans include further activities on disarmament, with a greater focus on grass-roots 'community security', assessing in depth the particular security concerns of communities and building on the weapons commissions established during last collection. Project staff believe that such an approach would allow linkages to the police and EU mission, and measures relevant to 'safer community' development and possibly to development projects, while maintaining momentum through continued SALW awareness-raising in the meantime.[684]

680 SALW Problem, SAS/BICC 2004, Section 3.

681 'In a speech to parliament at the close of the first phase, Kostov promised a sweeping police action against illegal weapons possession after 15 December, even if it makes the country resemble a "real police state"'; Disarming Macedonia, TOL 2003. 'Arms Collection Campaign in Macedonia Will Not be Extended', Daily Media Review, 29 - 30 November 2003; 'Voluntary Disarmament Campaign Ends in Macedonia', Daily Media Review, 16 December 2003; www.seesac.org.

682 Macedonia UN PoA report 2003.

683 Telephone interview with Alain Lapon, Project Manager, SACIM/UNDP, 27 January 2004.

684 Ibid

Table 26 – Summary of SALW collection in Macedonia 1991 – 2003[685]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
NATO-implemented	3,875	NA[686]	29 June 2001 – 26 September 2001
Macedonian MoI-implemented	1,103		01 January 1996 – 31 December 1996
Macedonian MoI-implemented	1,725		01 January 1997 – 31 December 1997
Macedonian MoI-implemented	1,274		01 January 1998 – 31 December 1998
Macedonian MoI-implemented	2,610		01 January 1999 – 31 December 1999
Macedonian MoI-implemented	1,514		01 January 2000 – 31 December 2000
Macedonian MoI-implemented	3,278		01 January 2001 – 31 December 2001
Macedonian-MoI implemented	*7,571-TBC*[687]	*NA*[688]	*01 November – 15 December 2003 Amnesty and Legalisation campaign*
TOTAL (EXCLUDING UNCONFIRMED TOTAL FOR 2003 COLLECTION)	**15,379**		

SALW destruction programmes and capacities

Macedonia has undertaken limited destruction of SALW and ammunition. The two main destruction projects have involved the weapons collected by NATO's Operation Essential Harvest and those collected during the 45-day amnesty in late 2003.

Part of the mandate of the NATO Task Force Harvest was to destroy the weapons collected in 2001. Weapons were transported from collection sites to the Macedonian Army Krivlovak site, where they were cut with industrial shears and the remnants sent to Greece for smelting.[689] Ammunition was destroyed at Krivlovak, 'taking into account the potential environmental impact', and weapons or ammunition that were unsafe to move were destroyed in situ.[690]

According to the 2003 Law on Voluntary Surrender, which regulated the 2003 amnesty and collection, the MoI has the responsibility for safely stockpiling all surrendered

685 Statistics taken from the SEESAC SALW Database, www.seesac.org, as referenced 15 January 2004, and additional data on the 01 November to 15 December 2003 amnesty from the National Programme - Weapons Amnesty and Legalization in Macedonia website, www.smallarms.org.mk.

686 397,625 units of ammunition were collected under Operation Essential Harvest, though no information on weight in tonnes was available. Small Arms Survey 2003, p 289.

687 The final total of collected weapons is not yet exactly clear, as many of these weapons will be legalized (ie returned to their owners following official registration procedure); estimates are between 3,500 and 4,500. 'International Community Satisfied With Results of Macedonia's Weapons Collection Programme', Daily Media Review, 17 December 2003, www.seesac.org.

688 No information on ammunition weight in tonnes was available, however, the amnesty and collection initiative gathered 100,219 rounds of ammunition of various calibres, 1,257 pieces of explosives, 165.35 kilos of explosive. '7,517 Pieces of Weapons Collected in Macedonia', Press Release 16 December 2003, National Programme - Weapons Amnesty and Legalization in Macedonia website, www.smallarms.org.mk.

689 SALW Problem, SAS/BICC 2004, Section 3.

690 'Summary of Regional SALW Projects - FYROM', SEESAC Databases, www.seesac.org.

weapons, which must be destroyed no longer than 90 days after the end of the amnesty.[691] The amnesty ended on the 15 December 2003, and by the end of the month destruction of part of the collected weaponry and ammunition had begun. Explosives, mines, grenades and ammunition have been destroyed at the Krivlovak military site, and most other weapons at the Makstil steel mill.[692]

December 2003, Macedonian soldiers feed small arms ammunition surrendered during the recent amnesty into a kiln at the Krivolak military site.

Table 27 – Summary of SALW destruction in Macedonia 2000 – 2004[693]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
NATO	3,875		29 June 2001 – 26 September 2001.
Macedonian Government	2,643	NA[693a]	2,643 SALW collected during the 2003 amnesty were destroyed on 15 March 2004 (and 221 demilitarised weapons, have been handed over to the Ministry of Culture). As of 25 March 2004, applications to legalise approx. 500 weapons were still being processed - some of these weapons may also be scheduled for destruction.[693b]
TOTAL	**6,518**		

SALW stockpile management programmes and capacities

The only source of reliable information available on stockpiles in Macedonia is the SAS/BICC research, and very limited official transparency on stockpile levels and management practices. Stockpiles are maintained by both the MoI and MoD, and while 'officials at the Ministry of Defense and Interior maintain that their stockpiles are well controlled and subject to strict stockpile management', there are indications 'that there is inadequate control and accountability for official Macedonian stockpiles'; 'moreover, there are large numbers of SALW in the army that are obsolete and not well secured'. SAS believes that 'insufficient security for these stockpiles leaves them vulnerable as a potential depot to be raided in any future flare-ups of hostilities'.[694]

SAS research estimates that the number of weapons in official stockpiles held by the MoI range from 23,000 to 36,000.[695] The MoD, currently engaged in a reform process assisted by NATO, is apparently no longer procuring new weapons and will begin to modernise its weapons stockpiles only after further progress on reorganisation. Official statistics from mid-2003 on MoD stockpiles state they contain a total of 85,500

691 SALW Problem, SAS/BICC 2004, Section 3.

692 'Macedonia Begins Destroying Illegal Weapons', Daily Media Review, 27 - 28 December 2003, www.seesac.org.

693 Statistics taken from the SEESAC SALW Databases, www.seesac.org.

693a Varions pieces of explosive, rounds of ammunition, hand grenades and mines - a total of 103, 681 items along with other materials- were destroyed at Krivlovak between 27-30 December 2003; unfortunately the weight in tonnes was not available. Correspondence with Alain Lapon, Project Manager, SACIM / UNDP, 25 March 2004.

693b Ibid

694 SALW Problem, SAS/BICC 2004, Section 7.

695 Ibid, Section 3.

SALW, including automatic rifles, rifles, machine guns, heavy guns, hand-held rocket launchers, recoilless rifles, mortars, anti-aircraft guns, grenade launchers, shot guns and sniper rifles.[696] According to SAS research, all weapons in the MoD stockpiles are held in accordance with 'strict stockpile management procedures while in storage or transport', with weapons stored in carefully selected sites at designated military sites. Safety and security measures include: 'guards, duty officers, dogs, reporting services, access control measures, inventory management, accounting procedures, metal fences, reinforced doors, alarms systems, electronic devices, fire prevention service, medical security measures, and disaster protection'.[697]

Aside from official stockpiles, the Small Arms Survey notes that it is likely that the NLA maintains stockpiles of arms gathered and used during the 2001 conflict. This is a highly political issue, and there is little information available; however, based on numbers of active members and the number of weapons surrendered Small Arms Survey estimate that the NLA may have retained a substantial SALW arsenal.[698]

SALW awareness activities

Although various low-level awareness-raising activities had been undertaken by local NGOs prior to the national amnesty in late 2003 (see Civil Society Involvement in SALW Interventions below), public information and awareness-raising activities in Macedonia have been primarily undertaken within the framework of the government collection.

Awareness-raising in support of the collection initiative was undertaken by local civil society and the government, with substantial support and advice from the UNDP SACIM project. SACIM drafted a strategy for the campaign, which was approved by the National Co-ordinating Body, and provided funds for its implementation. The official website for the amnesty states the awareness-raising campaign implemented to support the national amnesty and legalisation initiative included five main components according to the Government website: a media campaign, activities with local communities, dialogue, education, and dissemination of information on safety and security.[699] Launched officially on 04 September 2003, the SALW awareness programme was approved by the National Co-ordinating Body and involved various actors in the effort to publicise the collection.[700]

The Macedonian Information Agency helped to implement the campaign through national television and radio channels; other TV, radio and printed media outlets and the Journalists Association were also involved, to support and promote the programme and disseminate information 'on the rationale, modalities and procedures of the programme and its contribution to addressing the negative impacts of small arms'.[701]

One of several posters printed in both Macedonian and Albanian-languages during the 'For A Better Tomorrow' campaign. This one emphasises the limited time available for weapons surrender.

696 Ibid, Section 3.

697 'Legislation regulating the stockpile of armaments and ammunition include, Law for production and trade of armaments and military equipment, Army Rulebook and its regulations for storage and handling of ammunition and explosive devices, as well as in the Guide for protection against theft of weapons and ammunition.' Ibid, Section 3.

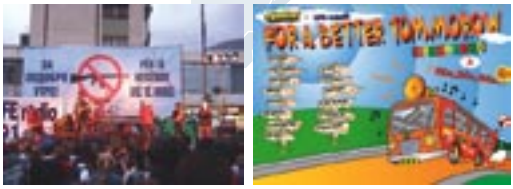
698 Ibid, Section 3.

699 National Programme - Weapons Amnesty and Legalization in Macedonia website, Media Campaign page, www.smallarms.org.mk.

700 04 September 2003, Weekly Media Review, 01 - 08 September 2003, www.seesac.org.

701 National Programme - Weapons Amnesty and Legalization in Macedonia website, Media Campaign page, www.smallarms.org.mk.

In addition to televised debates and regular broadcasts of lottery draws, the media campaign included five television spots in six languages and eight radio jingles on local and national radio with the slogan 'Hand in Your Weapons, For a Better Tomorrow'.[702] A 'media timeline' is published on the Government website, listing press conferences, a 14-day promotional caravan of events across the country and media shows on UN day and the eve of the collection, when a march and a concert titled 'Tomorrow We Start!' were held.[703] Press releases on the logistics for collection points and administrative instructions were issued,[704] and 10,000 posters (2,500 in Albanian and 7,500 in Macedonian), and 100,000 badges and numerous flyers containing exact details of the amnesty and legalisation conditions were distributed.[705]



The 'For A Better Tomorrow' campaign used public debates, concerts, and a travelling caravan all in support of disarmament.

Local communities were involved through 'promoting the active participation and mobilisation of citizens and community leaders in local planning processes for the national weapons collection and licensing programme and beyond'.[706] One hundred and twenty-three local and regional commissions were formed to promote the programme together with seven NGOs who orchestrated activities and discussion groups. UNDP SACIM also worked with the Government to produce a 'No Casualties' handbook for these commissions,[707] which also received training on SALW awareness and the collection procedures.[708] Activities targeting children were undertaken, including a national drawing contest, which led to public exhibitions and further media coverage.[709] Dialogue on common goals and the dangers of weapons in society was encouraged, and political, religious and other key opinion shapers were approached to encourage their public support for the initiative. As noted above, key political figures set public examples of weapons surrender.[710] Basic risk education on safety and security was addressed through the dissemination of firearms safety cards containing instructions for secure storage and handling of weapons.[711] A UNDP-commissioned opinion poll confirmed that 63 percent of the population felt that the campaign 'changed public opinion in a positive sense', and there is general agreement that the awareness-raising which surrounded the amnesty has also made a very positive contribution to the public debate and process of changing of attitudes towards firearms possession in Macedonia.[712]

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702 Op cit, 'UNDP Macedonia SACIM Project Changes Gear'.

703 National Programme - Weapons Amnesty and Legalization in Macedonia website, Media Activities page, www.smallarms.org.mk.

704 Ibid, Press Releases page.

705 Ibid, Products page.

706 Ibid, Media Campaign page.

707 Op cit, 'UNDP Macedonia SACIM Project Changes Gear', and correspondence with Alain Lapon, UNDP/SACIM Project Manager, 09 February 2004 and 12 March 2004.

708 Eight trainings were held to deliver educational packages on SALW AR and safety to local and regional commissions. The 'Local Commission Training Package' provides guideline for assisting in public awareness-raising in communities. The Training Package briefly outlines the problem and details the roles to be played by Government bodies and UNDP, then defines SALW awareness, advocacy and risk education activities, the overall structure of the SALW campaign in Macedonia, target audiences, the different impact categories of message, basic risk education messages, messages to encourage surrender (for weapons holders and other groups such as children, parents, teachers etc) and safety measures. Local Commission Training Package, Local Commissions training package page, National Programme - Weapons Amnesty and Legalization in Macedonia website, www.smallarms.org.mk.

709 Op cit, 'UNDP Macedonia SACIM Project Changes Gear'.

710 National Programme - Weapons Amnesty and Legalization in Macedonia website, Media Campaign page, www.smallarms.org.mk.

711 Ibid, Safety Guide page.

712 'Weapons Amnesty and Legalisation Frequencies', BRIMA polling company report to UNDP, December 2003.

A recent assessment by SEESAC suggests that the UNDP SACIM SALW awareness campaign, conducted in co-operation with the national government, has been the most sophisticated campaign used to support a voluntary surrender initiative to date. It was in itself supported by a very effective media operations strategy, and the lessons learned from both will be incorporated into the SALW Awareness Support Pack (SASP 2004).[713]

Table 28 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
Macedonian Government, supported by local NGOs and UNDP	September – December 2003	General public	Media announcements, debates and dialogue, promotion in communities, public events, and distribution of promotional material such as posters, flyers, badges and T-shirts.	In December 2003, 63 percent of the population felt that the campaign 'changed public opinion in a positive sense'.[714]	UNDP, and various funding sources for NGO activities, including international donors such as Pax Christi Netherlands.

SALW survey activities

Although various research projects and reports have been produced on SALW and related issues, only one main survey has been conducted on SALW in Macedonia. Conducted by the Small Arms Survey and BICC, with the assistance of the Skopje-based Institute for Democracy, Solidarity, and Civil Society (IDSCS), the survey will shortly be published under the title 'A Fragile Peace: Guns and Security in Macedonia'.[715] Partially funded by SEESAC, the survey provides a 'Small Arms Baseline Assessment' – an assessment of SALW availability, distribution, circulation, impact and control in Macedonia. The context and security environment in Macedonia and previous collection initiatives are reviewed, estimates are made of how many guns are held by which groups in the country and motivations for possession are suggested, and the problems of SALW trafficking and law enforcement responses are evaluated. The lessons learned from this SALW Survey have now been incorporated into the joint SAS/SEESAC SALW Survey Protocols, which will be used to develop SALW surveys in other countries in the region.

713 Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

714 Op cit, 'Weapons Amnesty and Legalisation Frequencies'.

715 A pre-publication draft of 'A Fragile Peace: Guns and Security an Macedonia', under the title of 'The SALW Problem in Macedonia', Suzette Grillot, Shelly Stoneman, Hans Risser, and Wolf-Christian Paes, SAS/BICC, was released by SEESAC for the purposes of this report; publication is forthcoming. Please contact SEESAC for further information.

Civil Society involvement in SALW interventions

Although in general the capacity of civil society in Macedonia is weak and in many cases politicised, there are several positive examples of NGOs working on SALW and related issues. In 2003, a few NGOs were already working on SALW issues, usually in the context of peace-building and educational projects, and support from international NGOs and networks, such as Pax Christi Netherlands, the International Action Network on Small Arms (IANSA) and Saferworld, provided for capacity-building and funding for awareness-raising and research projects. SALW and related projects have been undertaken by the NGOs: Journalists for Children and Women Rights and Protection of the Environment (JCWE), which has mainly focused on media and children's educational activities, such as painting competitions (with funding from IANSA); Civil (NGO for Human Rights and Development of Civil Society), which has organised large-scale events, such as the 'Peace Unlimited' Festivals, disseminated pro-disarmament campaign materials and organised community dialogue fora (with funding from Pax Christi Netherlands); and the Association for Democratic Initiatives (ADI), which undertook a survey on pubic attitudes towards SALW and possession (with funding from Saferworld). A training for Macedonian NGOs, 'Building Constituencies For Small Arms and Light Weapons Work in Macedonia Capacity Building for NGOs' was conducted by Saferworld and UNDP Macedonia in Skopje, 23 – 25 June 2003.

The capacity of the media in Macedonia also limited: media outlets are often 'deeply politicised', and coverage of SALW tends to be 'biased and inflammatory'.[716] Activities to improve media reporting of SALW in Macedonia have been undertaken by IWPR and Saferworld, who have conducted training events and funded investigative reports on SALW.[717]

A joint media training seminar on SALW reporting run jointly by IWPR, Saferworld and SEESAC in Skopje in May 2003.

The start of the national amnesty in November 2003 provided the trigger for far greater and more positive civil society involvement in SALW control efforts. A civil society representative was included in the National Co-ordinating Body overseeing the government collection, allowing local NGOs to 'lobby' for more inclusive implementation to safeguard confidence-building,[718] and community collection teams were trained and active during the amnesty, encouraging local citizens to surrender weapons. The media played an enormously significant role in publicising the amnesty, through local and national radio and TV coverage and articles in the press, which also carried advertisements for the campaign.[719] Many NGOs supported the campaign in various ways including:[720] training of local community teams and organisation of dialogue fora;[721] organising roundtables

716 Macedonia, Saferworld 2003, p 10.

717 A sub-regional training seminar for media, 'Reporting small arms - opportunities and challenges', involving journalists from Macedonia, Albania, Kosovo and Southern Serbia, was conducted by Saferworld and IWPR in Skopje, 15 - 16 May 2003; subsequently, a Saferworld-funded IWPR investigative report into SALW in the sub-region, 'Armed to the Teeth', was undertaken by IWPR journalists from Macedonia, Albania and Kosovo and launched in Skopje with a panel discussion on 01 December 2003.

718 A number of local NGOs submitted recommendations to the National Co-ordinating Body; the NGO CIVIL co-ordinated input and copies of the submission can be obtained from contact@civil.org.mk.

719 Op cit, 'UNDP Macedonia SACIM Project Changes Gear'.

720 An unofficial estimate from UNDP staff puts a figure of approximately 400 NGOs undertaking small activities such as meetings, or giving verbal support to the collection. Telephone interview with Alain Lapon, UNDP/SACIM Project Manager, 16 December 2003.

721 Op cit, 'UNDP Macedonia SACIM Project Changes Gear'.

and discussion groups;[722] designing and distributing flyers, badges and posters to promote the collection in public places, including through retail outlets, as, in a novel twist, local NGO staff convinced clothes shops to display and hand out pro-disarmament badges to shoppers in order to counteract the recent 'trend' in military-style clothing. The involvement of NGOs, media and community groups clearly contributed to the broad public support for the collection and the success of the initiative.[723]

Cross-border SALW control initiatives

There is consensus that border control in Macedonia is poor. Sources note that: 'arms can easily flow over the borders between Kosovo, Macedonia and Southern Serbia', the border with Albania 'remains de facto open' and the Bulgarian border has seen 'an increase in trafficking in recent years'.[724] In general, 'a network of smuggling routes, especially through the mountainous and water covered areas continue to permit smugglers unauthorized entry to Macedonia'.[725] Drugs, arms and human beings are regularly moved across Macedonia's borders, fuelling and supporting crime and instability in the region and in Western Europe, the destination for much of the trafficked goods;[726] the border with Kosovo is of particular concern for arms trafficking and criminal activity.[727] The Small Arms Survey believes that 'at the root of this problem is a disorganized system of border management', a finding confirmed by SEESAC missions.[728]

SAS reports that there are minimal checks on imports and exports of weapons, and other goods, due to the lack of resources and communication procedures between Customs and Border officials.[729] Similarly, co-operation among the other forces responsible for border control, the Army Border Brigades, Border and regular police, is also very weak; five different ministries have responsibility for various aspects of border control.[730] Efficient co-operation across the border with neighbouring states' agencies is therefore highly problematic.

However, there has been progress in this area, and plans are underway for the creation of a new National Border Police Service under the MoI, comprised of 3,000 to 3,200

722 For example, the roundtable for women organised by the NGO Journalists for Children and Women Rights and Protection of the Environment (JCWE) in collaboration with the Macedonian Union of Women's Organisations. Balkan Action Network on Small Arms page, www.iansa.org.

723 A disabled KLA/UCK tank was surrendered in Lipkovo, a town which suffered heavy fighting in 2001: Ibrahim Zimberi, a member of the local weapons collection commission commented, 'The villagers wanted to keep the tank as a souvenir, but we persuaded them to give it back... This is the best example of citizens' will to disarm. The damaged tank could have been repaired for only 500 euros'. Disarming Macedonia, TOL 2003.

724 Macedonia, Saferworld 2003, pp 8, 20 and 35.

725 SALW Problem, SAS/BICC 2004, Introduction.

726 'A range of illegal cross-border activities have been detected by the authorities charged with the management of the official Border Crossing Points. Significant levels of attempted illegal immigration (inbound traffic) have been reported at the Northern and Eastern borders, with information from apprehended persons indicating that most of this traffic is in transit to Member States of the European Union. The smuggling of drugs and weapons has been reported in the West and South (inbound and outbound). Numerous reports of illegal traffic in alcohol and tobacco products have also been reported.' 'Integrated border management strategy programme' page, www.ear.eu.int.

727 'The main concern is the border with Kosovo. KFOR troops have arrested Bosnian, Croat, and Bulgarian nationals attempting to smuggle weaponry into Macedonia from Kosovo, demonstrating how the illicit trade of weapons cuts across ethnic lines'. From June to September 2001 alone, KFOR Operation Eagle arrested 797 individuals and seized a wide variety of weapons, including light weapons, surface-to-air missiles and mines, machine guns and ammo mortars. Continuing illegal cross-border and weapons movements, sightings of armed groups, and low-level attacks on Macedonian border brigades including an RPG attack on a border patrol in March 2003, indicate the scale of the problem. Macedonia, Saferworld 2003, pp 49-50.

728 SALW Problem, SAS/BICC 2004, Introduction. SEESAC Short Mission Report - Macedonia, 27 - 29 May 2002, www.seesac.org.

729 'Indeed, as of June 2003, Customs officials were not mandated to inspect vehicles carrying cargo across the border, but only to verify the paperwork documenting the shipment....This may be remedied, however, as the Customs code on procedure is in the process of being re-drafted to conform to European standards. Accordingly, the operational role of the Customs Administration for verification and monitoring of goods will be strengthened under the new legislation.' SALW Problem, SAS/BICC 2004, Section 7.

730 'Integrated border management strategy programme' page, www.ear.eu.int.

armed staff drawn from the police and military to undergo additional training.[731] The new integrated police service will assume the current border control functions of the ABB and the border police by the end of 2005 and will provide the core for the implementation of a new, Integrated Border Management Strategy. Aimed at improving inter-agency co-operation and bringing border control up to international standards, the Strategy was developed with EAR and its implementation will be supported by EAR technical assistance and training, funded by the EU with almost half a million Euro; implementation of the will begin on 01 May 2004 on the south border.[732] The OSCE is also assisting with police reform and the new EU police mission will 'advise policemen on the local and regional level how to fight organised crime'.[733]

Macedonia hosted and committed to the Ohrid Border Security and Management Common Platform in May 2003 and has undertaken various activities within this framework. An interagency group has been established for the transformation of border security and management and the development of appropriate strategies and co-operation agreements 'in the sphere of internal affairs' have been signed with all neighbouring countries.[734] In addition, improved relationships with neighbouring countries has facilitated cross-border co-operation. As official statements to the UN note, 'Macedonia, on its part, is making every effort to give its contribution to strengthening the cooperation within various regional organisations and initiatives. Further improvement of good-neighbourly relations remains one of the priorities of the foreign policy of the Republic of Macedonia'; reference is also made to the 'development of programme[s] on issues related to cross-border crime and border control strengthening'.[735] The new Government has worked hard to establish good relations with its neighbours, and has concluded a number of cross-border agreements and nominated liaison officers to improve operational linkages: an agreement on combating organised crime was signed with Serbia and Montenegro in January 2003, and bi-lateral discussions between the respective Ministries of Defence are underway on improving control of the Albanian–Macedonian border, including proposals for integrated border patrols.[736] The November 2002 Interim Protocol on Police Cooperation signed with UNMIK has included, on the request of the Macedonian Government, cross-border crime and smuggling (including SALW), and co-operation and co-ordinated protection of the border between Macedonian Army Border Brigades and KFOR have improved.[737]

Various workshops, seminars and meetings have also been held with the aim of improving cross-border co-operation and control, including regional actors such as NATO/Euro-Atlantic Partnership Council (EAPC), the Stability Pact, OSCE and SECI Regional Center. In March 2003, the Ministers of Foreign Affairs of Macedonia, Albania and Croatia agreed to 'intensify regional co-operation';[738] in November 2003, the Defence Ministers of Macedonia, Greece and Albania pledged to 'step up military

731 'Macedonia to Implement Border Management Strategy by 2005', Daily Media Review, 25 December 2003, www.seesac.org.

732 'Integrated border management strategy programme' page, www.ear.eu.int.

733 Alexis Brouhns, EU Special Representative in Skopje. 'EU plans Police Mission for Macedonia', REF/RL Newsline, Vol 7, No 183, 25 September 2003.

734 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22 - 23 May 2003.

735 Macedonia UN GA statement, 2002; Macedonia UN PoA report 2003.

736 Two sets of joint Macedonian-Albanian military exercises were also carried out in 2003. Macedonia, Saferworld 2003, pp 9, 20, 50 and 51.

737 Macedonia, Saferworld 2003, p 50.

738 'Declaration of the Ministers of Foreign Affairs of the Republic of Albania, the Republic of Croatia and the Republic of Macedonia', Dubrovnik, 07 March 2003, www.mvp.hr.

co-operation to address common threats more efficiently, including those posed by illegal immigration and cross-border organised crime',[739] and dialogue on deepening co-operation with UNMIK on combating organised crime was held.[740] Ways to improve regional co-operation to fight organised crime was also a main topic for discussion at a conference for SEE police chiefs in December 2003,[741] and the agreement resulting from the Macedonian-hosted regional Border Security and Management conference in Ohrid was 'hailed as a major step forward' for regional co-operation on border control.[742]

SALW management information and exchange systems and protocols

As with cross-border control and management, there are indications that the generally poor situation in Macedonia with regard to information exchange and transparency is improving, and more organised processes regulating the sharing and public dissemination of information.

Macedonia is a member of Interpol and negotiations on a co-operation agreement with Europol are ongoing.[743] Macedonia participates in the SECI Regional Center for Combating Trans-Border Crime, and information exchange via its two law enforcement officer secondments to SECI has been of 'key importance' in regional police co-operation.[744] Macedonia has also made progress in terms of information exchange co-operation with its neighbours – the November 2002 memorandum signed with UNMIK, also contained provisions on 'information-sharing on SALW related issues, in particular on illegal trafficking',[745] and the Government and KFOR have gone on to agree the establishment of a hotline in order to exchange information on incidents.[746] In addition, work is ongoing to strengthen the professional standards of police with regard to information and intelligence processing with the assistance of ICITAP and the OSCE as part of broader police reform processes.[747] However, despite progress within these frameworks, research finds that 'inter-agency communication on arms transactions in Macedonia is minimal, and domestic information sharing practices of the Macedonian government about SALW practices has been consistently inadequate' and that internal transparency and public access to information is also poor.[748]

739 11 November, Weekly Media Review, 10 - 16 November 2003, www.seesac.org.

740 'Boost of Co-operation between Macedonia and Kosovo', Daily Media Review, 28 November 2003, www.seesac.org.

741 The heads of police from seven South Eastern European countries Albania, Bosnia Herzegovina, Bulgaria, Croatia, Macedonia, Romania and Serbia-Montenegro met for a two-day conference of the Southeast Europe Police Chiefs Association (SEPCA) in Tirana. 'Regional Conferences on Co-operation in Interior, Judicial Sectors Held', Daily Media Review, 10 December 2003, www.seesac.org.

742 'Balkan Border Issues Tackled', Evridika Saskova, Balkan Crisis Report No 433, 30 May 2003, www.iwpr.net.

743 'Europol annual report and work programme for 2004', News article May 2003, www.statewatch.org, referenced 22 January 2004.

744 'More and more action is being taken by Balkan countries to stop criminals. In this recent case, fleeing over the border was of no help. Dilaver Boiku, nicknamed Leka, the Balkan king of prostitution, escaped from a Macedonian prison last July. Two weeks later he was arrested in Ulcinj by the Montenegrin police, and immediately extradited to Macedonia'; in making the arrest 'information exchanged via the SECI Center in Bucharest was of key importance.' 'Balkan countries step up the fight against organised crime', South East Europe TV Exchanges, 21 November 2003, www.seetv-exchanges.com.

745 Macedonia UN PoA report 2003.

746 Macedonia, Saferworld 2003, p 50.

747 'Macedonia' page, www.usdoj.gov/criminal/icitap.

748 SAS research found that there is 'little transparency regarding guns in the country' and that, 'currently, the country does not rank high in international transparency... Macedonia does not publish arms export reports or present data on SALW transfers to the UN Comtrade database.' SALW Problem, SAS/BICC 2004, Introduction and Section 7.

The recent national amnesty has indicated that this may improve: government programmes and policy on SALW collection have been published[749] and substantial public debate on the collection and its achievements involving government officials and parliamentarians was held before, during and after the initiative. Externally, Macedonia submitted a report in 2003 to the UN DDA within the framework of the UN PoA,[750] and submitted reports to the OSCE in 2001 and 2003 as part of the information exchange mechanism established by the OSCE Document on Small Arms.

Table 29 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	MACEDONIA
International	
Reporting to the UN DDA on the Programme of Action	Yes[751]
Reporting to the UN Register of Conventional Arms	Yes
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	-
Interpol/Europol	Yes / a co-operation agreement with Europol is currently under negotiation.[752]
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	-
SECI Regional Center intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	No
Publication of national reports on arms /SALW transfers	No
Publication of SALW national strategy	To a certain extent, with regard to 2003 amnesty and legalisation initiative.[753]

749 See www.smallarms.org.mk.

750 Macedonia UN PoA report 2003.

751 Ibid

752 'Europol annual report and work programme for 2004', News article May 2003, www.statewatch.org, referenced 22 January 2004.

753 See official website, www.smallarms.org.mk.

Moldova

Small Arms problem

Moldova's small arms problems, including illicit production and sale of SALW, large stockpiles of surplus weaponry and the lack of controls over a wide segment of the country's external border, are inextricably linked to the political and security challenges emanating from the 'frozen' conflict in the breakaway region of Transdniestria. This explains why the debate on SALW in Moldova often focuses on Transdniestria and the need to find a political solution to this conflict.

Although small in size and poor in natural resources, Moldova's geographic position gives it some importance as it lies between the former soviet bloc and the new EU. With the EU and NATO enlargements Moldova's burning economic[754] and political problems have become much more of an issue for Western countries than they used to be. This explains why more recently the international community has shown an increased interest in Moldova's affairs.

The unresolved conflict in the breakaway region of Transdniestria remains a serious threat to the political and economic stability[755] of the country and the security of the whole region. When Moldova declared its independence from the Soviet Union in August 1991, the Transdniestrian region on the left bank of the Dniester river, which is mainly populated by ethnic Russians and Ukrainians, chose to remain part of Russia. This desire was backed up by Russian troops that were stationed in Transdniestria, allowing the territory to declare its independence from Moldova as the Moldovan Transdniestrian Republic (MTR). The ensuing fighting during 1991 – 1992 caused several hundreds of deaths and displaced 100,000 people. Despite peace agreements, the conflict in Transdniestria remains unresolved, and the Government has in practical terms no control over the territory east of the Dniester River. The Moldovan Government is trying to incorporate Transdniestria as an autonomous region into its territory, whereas the Transdniestrian authorities favour the idea of establishing a union of independent states within a confederation. Transdniestria has established most of the attributes of a state and has its own government, army, police, border guards and border posts.

Russia still has military units posted in Transdniestria - the Operative Group of Russian Forces (OGRF) - as well as a huge arsenal of outdated weapons.[756] The complete

754 Moldova's economic situation is characterised by extreme poverty, especially in rural areas. In addition to inadequate health and school facilities, roads and transport, a lack of business/work opportunities is one of the main causes for migration from the countryside to the capital and to foreign countries. 'The EU's relations with Moldova - Country Strategy Paper 2002 - 2006', European Commission, 27 December 2001, p 6, http://europa.eu.int/comm/external_relations/moldova/csp/02_06_en.pdf

755 The Transdniestrian dispute heavily affects Moldova's economic development. The country's only big power plant and only modern steel mill are located in Transdniestria. The gas pipelines which supply Moldova cross Transdniestria.

756 'The EU's relations with Moldova - Country Strategy Paper 2002 - 2006', p 3.

withdrawal of Russian arms and troops provided for in the commitments given to the OSCE Istanbul Summit in 1999 and confirmed at the 10th OSCE Ministerial Council in Porto in 2002 has not been completed.[757] To date, Russia has removed from Transdniestria nearly 20,000 tonnes of ammunition out of the 42,000 tonnes of matériel which was kept in military depots at the beginning of 2003.[758] Some 2,000 Russian troops are still deployed in Transdniestria. Russia has repeatedly argued that its troops are necessary in Transdniestria in order to guard its huge arsenals, which could otherwise end up in unsafe hands. However, the OSCE and other international organisations have requested that Russia withdraw its troops and weapons to help stabilise the region. With around 4,500 regular army troops,[759] the military strength of the separatist forces in Transdniestria is smaller than that of the Moldovan army that numbers some 6,800 personnel.[760] However, the military potential of any combined Transdniestrian and OGRF forces would be considered to be higher than that of Moldova.[761]

Transdniestria has been described as a haven for organised crime[762] and a virtual 'arms dump' containing within its boundaries large quantities of mines, as well as ammunition and small arms.[763] There have been reports that 50,000 tonnes of aging artillery shells, mines and rockets are stored in fortified bunkers.[764] Allegedly, the separatist regime in Tiraspol has the capability to manufacture and export different models of SALW, including assault rifles, machine guns and Grad multiple-rocket launchers.[765]

The dispute with the MTR complicates Moldova's border and customs controls, facilitating smuggling, arms transfers and other illegal activities.[766] The Transdniestrian Government is not internationally recognised and therefore it is not party to or obligated by any customs and border agreements.[767] Four hundred and seventy kilometres of the state border with Ukraine on the Transdniestrian region, which is very likely to be used for weapons trafficking, is unprotected and represents a significant threat to regional stability and arms control. The internal Moldovan border with the Transdniestrian region is also poorly controlled.[768] It has been reported that hundreds of westbound trucks and cars cross unchecked into Moldova each day along the main Tiraspol-Chisinau highway.[769] It is clear that this is another area where no significant progress can be achieved, unless the Transdniestrian problem is solved.[770]

757 The withdrawal was due to have been completed by the end of 2002 but the Transdniestrian leadership blocked it, demanding that the Russian troops should leave their weapons and military equipment behind.

758 All the armaments and equipment limited by the CFE Treaty have also been removed or destroyed.

759 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation', a questionnaire compiled by Col (Ret) Oleg Graur, IPP, Chisinau, Moldova, February 2004.

760 Ibid.

761 'National Security and Defense of the Republic of Moldova, Institute of Public Policy, 2002, p 140.

762 'Moldova: No Quick Fix', International Crisis Group, ICG Europe Report No 147, 12 August 2003, p 1.

763 'Security Threats Facing an Enlarged EU', a presentation by Christopher Langton, The International Institute for Strategic Studies, at the seminar on 'EU-Belarus co-operation to increase security in a wider EU', held in Warsaw, Poland, 24 - 25 November 2003.

764 'Dirty Bomb Warheads Disappear - Stocks of Soviet-Era Arms for Sale on Black Market', Joby Warrik, The Washington Post, 07 December 2003.

765 Ibid. Cf also: op cit, 'Moldova: No Quick Fix', p 6.

766 The World Factbook, CIA, http://www.odci.gov/cia/publications/factbook/print/md.html

767 Short Mission Report - SEESAC Consultation in Moldova, 17 - 19 July 2002, http://www.seesac.org/about/moldova.htm

768 Op cit, 'Dirty Bomb Warheads Disappear - Stocks of Soviet-Era Arms for Sale on Black Market'

769 Ibid

770 As highlighted in a recent NGO report, it is very difficult to develop effective collaborative actions to improve legislation, law enforcement training and awareness-raising campaigns related to trafficking issues when a country is 'not recognised internationally and is resistant to international pressure or intervention.' Op cit, 'Moldova: No Quick Fix', p 6.

Moldova has no gun culture, and has in place reasonably efficient control mechanisms regulating the possession of SALW. According to official data from the Ministry of the Interior, 46,747 firearms are legally possessed by civilians. 4,200 small arms were purchased in 2000 and 1,900 in 2003. The Ministry of Interior keeps records of the quantity, quality and types of SALW that are in legal possession.[771] In the Transdniestrian region the local authorities operate controls on domestic possession which are similar to those in force in Moldova. Therefore, if one excepts the problems posed by military stockpiles in Transdniestria, the overall circulation of weapons in Moldovan society does not appear to present a particular challenge.[772] However, attempts to smuggle important quantities of SALW in and out of Moldova have been recorded and are a cause for concern. Between November 2002 and May 2003, in the course of 'Operation Ploughshares', the SECI Center's initiative to tackle illicit firearms trafficking in South Eastern Europe, Moldovan law enforcement authorities seized the following weapons: 2 carbines, 2 automatic assault rifles, 60 hunting guns, 1 heavy machine gun, 53 grenade launchers and 41 anti-tank mines.[773]

Small Arms policy and practice

Although Moldova's chances for prompt membership of NATO are remote, dialogue and co-operation have taken place within the framework of NATO enlargement and have addressed issues related to international security and non-proliferation, both bi-laterally, through the development of a co-operative security relationship with the US and multi-laterally through such avenues as NATO's Euro-Atlantic Partnership Council (EAPC) and the Partnership for Peace.[774]

Moldova is a signatory of the OSCE Document on SALW and the UN Program of Action and has actively participated in numerous international initiatives on SALW. In Moldova's statement at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects held in July 2001, its representative emphasised Moldova's concerns about the proliferation of SALW and the threat that such weapons pose to peace, security and sustainable development. He also highlighted the need for 'concrete measures that need to be taken at the national, regional and global level to prevent uncontrolled flow of small arms'.[775] In particular, Moldova emphasised its support for measures 'to increase transparency in arms transfers; ensure an appropriate and reliable marking of SALW; promote brokering regulations; increase effectiveness of arms embargoes; guarantee security of arms stocks and reduce arms in 'hot spots' by collecting and destroying them, as well as disarming, demobilizing and reintegrating former combatants'.[776] While making a commitment to strengthen national controls through export control, border and customs mechanisms and enhanced information exchange, the Moldovan representative also emphasised the challenges which face Moldova in the separatist region of Transdniestria, which is outside the control of the Moldovan Government.

771 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

772 Ibid

773 Data provided by the SECI Regional Center for Combating Transborder Crime, June 2003.

774 Despite being short on resources, Moldova has been active in PfP activities. Moldova joined NATO's PfP on 16 March 1994.

775 Statement by Mr Victor Moraru, Head of the Delegation of the Republic of Moldova at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 12 July 2001.

776 Ibid

Moldova has its own project for restructuring border controls, which is due to be completed by 2005. Since the disbanding of the Moldovan Border Police in 2000, the investigation and prosecution of border-related crimes in the territory controlled by the Moldovan Government is the responsibility of local police forces. Physical border control is carried out by the Moldovan Border Guard Service, 'an autonomous military-style unit, which has no police authority and cannot conduct criminal investigations'.[777] There has been criticism of this new system of border control and some officials have called for the re-instatement of the Border Police to achieve more effective border control over the areas accessible to Moldovan law enforcement.[778]

The lack of controls over the Transdniestrian region and its borders strongly limits the Moldovan Government's implementation and enforcement of its commitments to curb SALW proliferation across the whole territory of Moldova. The parallel institutions operating in the MTR seem to have made no efforts to develop a responsible SALW policy, or regulate production and transfer of arms in their region.[779] Moreover, SALW trafficked from Transdniestria are said to lack serial numbers, which makes them ideal for organised criminal networks.[780]

Table 30 – Moldova's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	MOLDOVA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001 Letter Report in 2003
UN Firearms Protocol	-
OSCE Criteria on Conventional Arms Transfers	1993
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	-
EU Joint Action on SALW	-
Wassenaar Arrangement	-

777 Op cit, Short Mission Report - SEESAC Consultation in Moldova, 17 - 19 July 2002.

778 Ibid

779 Ibid

780 Op cit, 'Moldova: No Quick Fix', p 6.

Small Arms progress

Legislative and regulatory issues

The import and export of military equipment, armaments and other military-technical equipment is regulated by the Law on the Control of Export, Re-export, Import and Transit of Strategic goods No 1163-XIV of 26 July 2000,[781] which was developed by the Moldovan Ministry of Economy with the Assistance of the US Department of Commerce[782] and Decision No 606 'About the National System of Export, Re-export, Import and Transit Control of Strategic Goods in the Republic of Moldova' of 15 May 2002,[783] which includes the Control List of strategic goods. The Law defines the principles and procedures for controlling the export, re-export and import of strategic goods, the competence of the Parliament and the Government in the field of export controls. It also identifies the Interdepartmental Commission for Control of the Export, Re-export, Import and Transit of Strategic Goods as the permanent government body responsible for co-ordinating the national system of export controls.[784] National controls must conform to the following principles:

- Compliance with the basic guidelines of the foreign policy of Moldova;
- Protection of national security interests;
- Fulfilment of international commitments with regard to the nonproliferation of weapons of mass destruction and other strategic goods used for military purposes;
- Fulfilment of international agreements to which the Republic of Moldova is a party;
- Verification of end-use of strategic goods that are subject to control within the framework of the nonproliferation regime;
- Free access to regulatory acts governing control of the export, re-export, import and transit of strategic goods;
- Participation in international efforts to control the export of strategic goods;
- Maintenance of the confidentiality of classified information. [785]

Three types of licences are set out in the export and import control regime:[786]

781 http://projects.sipri.se/expcon/natexpcon/Moldova/moldovalaw.htm

782 'Moldova: Export Control System', Center for Nonproliferation Studies, Monterey Institute of International Studies, http://www.nti.org/db/nisprofs/moldova/excon.htm.

783 Through this Decision, the Government approved: the Statutes of the Interdepartmental Commission for Control of the Export, Re-export, Import and Transit of Strategic Goods (Annex 1); the Regulation about the control regime of export, re-export, import and transit of strategic goods (Annex 2); the Control List of strategic goods (Annex 3), which is based on the EU list of dual-use items and the military list developed by the EU for the application of the EU Code of Conduct on Arms Exports. http://projects.sipri.se/expcon/natexpcon/Moldova/moldovapol.htm.

784 The Interdepartmental Commission is headed by the Deputy Prime Minister, who is also the Minister of Economy. Its functions include: reviewing proposals with regard to signing or adhering to bi-lateral and multi-lateral agreements on non-proliferation of WMD and other strategic goods; Implementing controls on the obligations pursuant to international and intergovernmental agreements on non-proliferation and the control of movements of WMD and other strategic goods; making decisions with regard to issuing export, re-export or import and transit authorisations of strategic goods through the territory of the Republic of Moldova; suspending the authorisations of export, re-export, import and transit of strategic goods in those cases where the authorisation holders violate the existing legal provisions in a specific area or infringe upon provisions, which derive from international agreements and from the national policy with regard to the control of movements of strategic goods. http://projects.sipri.se/expcon/natexpcon/Moldova/moldovapol.htm.

785 Ibid

786 http://projects.sipri.se/expcon/natexpcon/Moldova/moldovapol.htm

Export licence – Authorisation for single shipments of strategic goods from the customs authority of Moldova with an intent to locate them permanently on another country's territory.

Re-export licence – Authorisation to transfer strategic goods whose origin is other than the Republic of Moldova from its customs territory or to export from the territory of another country strategic goods whose country of origin is the Republic of Moldova.

Transit licence – Authorisation to convey strategic goods through the customs territory of the Republic of Moldova.

The arms export control system involves a two-tier licensing process whereby an arms exporter must first apply for a licence to trade and then for authorisation to export a specific consignment.[787] The Division on Dual-Use Goods Trade Control at the Ministry of Economy is the licensing authority. The Division has the following functions:[788] authorisation,[789] regulation,[790] control,[791] representation,[792] and information and consultation.[793]

The possession of firearms and ammunition is regulated in Moldova by Law 110-XIII of 18 May 1994, Government Decision of 18 January 1995 on its implementation,[794] and Government Order No 126/2000 on 'The list of weapons and ammunition that can be sold to physical and legal persons'.[795] Only Moldovan citizens over the age of 18 who have received an authorisation issued by official police bodies can possess firearms. Licence applications are assessed against strict criteria: applicants must not have committed any 'grave crimes', they must be of good mental health and must not have a history of domestic abuse. Moreover, they are required to provide a credible reason for their wish to own a firearm, as well as provide information regarding the storage of the firearm.[796] Illegal manufacture, possession, trade and stockpile of arms and

787 'Moldova: Description of national control system', SIPRI, http://projects.sipri.se/expcon/natexpcon/Moldova/moldovapol.htm. In order to obtain an export, re-export, import or transport authorisation, applicants are requested to provide the following documents:

a) a copy of the document that certifies the registration of the applicant as an economic agent;

b) a copy of the licence to trade in arms;

c) documents that certify the origin of items;

d) documents regarding qualitative and technical characteristics of items, and if possible, the code of respective items in accordance with the Control List;

e) the relevant contract and its copy signed with the foreign company importing or exporting the strategic goods;

f) a copy of the licence that certifies the permission for the foreign company to carry out operations of export-import with strategic goods, released by the authorised body of the country where the company is registered;

g) an End-User Certificate (at the demand of Division);

h) an International Import Certificate (at the demand of Division).

788 http://projects.sipri.se/expcon/natexpcon/Moldova/moldovapol.htm

789 It examines and issues licences for export, re-export or import of strategic goods and monitors export/import transactions. (This includes examining international certificates of import and end-user certificates released by competent authorities from the importer country; releases international certificate of import, certificate of the end-user or equivalent document, as well as certificate of verification the deliver of imported strategic good)

790 It initiates normative acts, regulations, instructions and procedures on arms export controls and updates National Control Lists in accordance with Moldova's international arrangements.

791 It verifies conformity and exactness of declarations of the persons who carry out transactions with strategic goods; it can stop or interdict operations of export, re-export, import, transit, reloading or other strategic goods transfer, as well as penalising persons guilty of violating the export control system.

792 It represents the Republic of Moldova at international forums and international organisations in the field of control the export controls.

793 It organises programmes to inform economic agents of the principles, objectives, norms and procedures regarding the national system for export, re-export and transit control. http://projects.sipri.se/expcon/natexpcon/Moldova/moldova.htm

794 Report of the Republic of Moldova on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects, (hereafter 'Moldova UN PoA report 2003'), http://disarmament2.un.org/cab/docs/nationalreports/2002/moldova.pdf.

795 Monitorul Oficial al R Moldova No 19-20/208 of 24.02.2000, http://www.seesac.org/laws/lmold.htm

796 Moldova UN PoA report 2003; Ryerson University, Toronto, Ontario, Canada http://www.research.ryerson.ca/SAFER-Net/regions/Europe/Mol_JY04.html

ammunition carries with it a prison term of up to ten years.[797] Penalties for violating the law are to be increased with the introduction of a new Penal Code.

Moldova is currently in the process of reviewing its firearms legislation. The Ministry of the Interior has drafted a new law to bring the current legislation into line with international standards.[798] Currently, there are only four state owned companies (Cartus, Pulbere, Dinamo-MA, and Nalifax-com) that are authorised by the Ministry of the Interior to import weapons for civilian use. The majority of imports are of pistols and sporting guns.[799] In order to ensure comprehensive and accurate records of arms transactions, these arms dealers are required to report to the Department of Public Order on a monthly basis about their business transactions. The information provided includes: the quantity of arms sold, their serial numbers, as well as relevant data on the buyers. Every three months the Ministry of the Interior undertakes verification of the existed record-keeping system. [800]

Table 31 – Features of Moldova's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	MOLDOVA
National	
National co-ordinating agency on SALW	No
National point of contact on SALW	Yes
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes
Production	Yes
Export	Yes
Import	Yes
Transit	Yes
National System of Export & Import Licensing or Authorisation	
System	Yes
Diversion risk	Yes
End-user certificate	Yes, but only at the demand of the national licensing agency.[801]
Retransfers	No
Verification (pre/post)	No
Brokering controls	Yes[802]
Domestic Possession, Trade and Stockpiling	
Legislation	Yes
Manufacture	NA
Marking and tracing	NA
Possession	Yes
Stockpiling	Yes
Trade	Yes

797 Article 290 of the Criminal Code of the Republic of Moldova provides for a 2-5 year prison term for illegal possession, bearing, manufacturing, storage, repairing and trade in arms and ammunition. If the crime is repeated, there is a mandatory prison term of 5-10 years.

798 Moldova UN PoA report 2003.

799 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

800 Ibid

SALW transfers

According to Jane's Infantry Weapons, Moldova does not produce SALW.[803] Such a view is shared by Moldovan defence experts who maintain that the only source for Moldovan small arms exports is the weapons which have been made redundant to the requirements of armed and security forces.[804]

Moldovan efforts to tighten up arms controls and procedures culminated in December 2001 in a decision by the Moldovan Security Council to 'halt the trading of unusable weapons and hardware of the national army'.[805] Such efforts prompted US State Department spokesman Richard Boucher to express appreciation in 2002 for the efforts that Moldova had made in non-proliferation.[806] However, suspicion re-emerged about Moldova's tendency to overlook questionable arms transfers when in May 2002 the US Government sanctioned two Moldovan companies for selling small arms and other military equipment to Iran. This case triggered a parliamentary inquiry and in July 2002 a parliamentary report was quoted as admitting that: 'since Moldova became independent in August 1991, it has sold significant amounts of Kalashnikov rifles and ammunition. Legislation has been violated in all these deals.'[807]

A further case came to light in March 2001, which indicated that a Moldovan air company, Renan Airways, had been supplying weapons for several years to conflict zones across Africa and the Middle East. The firm also allegedly used a disreputable African company owned by Victor Bout to deliver weapons by proxy. A further feature of the case was that payment for the illicit transfers was made to a company registered in Ireland.[808] Given the circuitous methods used to launder the proceeds, and the degree to which responsibility for them was thereby displaced, the case highlights the difficulties faced by Moldovan authorities in asserting control over such transfers. It also highlights, given the motives that prompted the disclosure of the scandal,[809] the danger that cases similar in nature may be continuing undetected. This concern is substantiated by recent reports that an aircraft owned by Renan Airways made three flights to supply weapons and ammunition to rebel forces in the Democratic Republic of Congo in June 2003.[810]

There is strong suspicion that unregulated manufacture and trade in SALW continues in the separatist region of Transdniestria. According to Moldovan analysts, since 1993–1994, the production of armaments has become 'the most important factor in the economic and military policy of the Tiraspol administration.'[811] The Bendery

801 http://projects.sipri.se/expcon/natexpcon/Moldova/moldovapol.htm

802 Although there is no explicit definition of brokering in Moldovan legislation, the export control Law is applicable to persons conducting exports of strategic goods through operations which do not entail physical contact with the territory of Moldova. 'SEESAC Export Control Analysis - Moldova', 26 November 2002.

803 http://www.nisat.org/

804 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

805 Ibid

806 Ibid

807 Small Arms Survey 2003, A Project of the Graduate Institute of International Studies, Geneva, p109.

808 The Irish company, Balcombe Investments, was formed by a Maltese company, of which the secretaries, directors and shareholders were registered as yet other companies or individuals based in the Isle of Man, Jersey and Guernsey. Balcombe Investments was registered as the owner of a plane operated by Renan Airways which featured in several UN Sanctions Committee Reports. 'War, Terrorism and Money Laundering', Brian Johnson Thomas, IANSA Newsletter, February 2002.

809 It was suspected when the story was initially reported that this information was made available by the Moldovan intelligence agency (Serviciului Informatii si Securitate) only because it served to discredit a political opponent.

810 'Current situation: Exploitation, arms flows and trends', http://www.congoned.dds.nl/geheim.html

811 'The Military Aspect of the Conflict Settlement in the Eastern Zone of the Republic of Moldova', Iurie Pintea, IPP, 2001, p 9.

Mechanical Factory, which has the capacity to produce a wide range of SALW,[812] has allegedly exported in the past mobile rocket launcher systems to Abkhazia.[813] The Ribnitsa Metallurgy Factory[814] and its branch Elektrommash[815] are also said to be involved in production and export of illicit SALW.[816]

Western officials, as well as law-enforcement and weapons experts, have raised concerns that there is an eastern flow of arms from Transdniestria to the Ukrainian port of Odessa on the Black Sea. The Transdniestr–Ukraine border is not subject to border or arms control agreements, and illicit trade in arms is a major source of revenue for the regime, with weapons smuggled to a number of unsafe destinations.[817]

SALW collection programmes and capacities

In 2003, law enforcement agencies confiscated 294 SALW. Moldovan regulations provide that all confiscated arms be destroyed by melting at the Tracom plant in Chisinau. But due to financial difficulties, the Ministry of the Interior has been unable to provide funding for the destruction process and therefore the arms are kept in MoI depots.[818] In 2002, a general firearms amnesty resulted in the registration of 4,100 weapons with the Ministry of the Interior and the destruction of 900 illicit weapons.[819]

SALW destruction programmes and capacities

The OSCE Mission to Moldova co-ordinates a major programme aimed at facilitating the withdrawal of arms, ammunition, military equipment, and OGRF troops from Transdniestria. The Mission manages a Voluntary Fund of over 15 million, to verify, amongst other things, the withdrawal or destruction of Russian arms, ammunition, and equipment from Moldovan territory. Part of the Mission's work in this area has involved monitoring the removal or elimination of surplus SALW stored at the OGRF base in Tiraspol.[820] Although the Russian Government is thought to have armed the Transdniestrian separatist forces in the past, it intended to destroy 40,000 SALW by the end of 2003. However, this plan has been stalled by the Transdniestrian Government, which demands compensation from Russia for removing assets, 'which they deem

812 Mobile Rocket Launcher System BM-21 'Grad' with 20 disposable rocket tubes (mounted on the chassis of the automobile ZIL-131); 82 mm and 120 mm Mortars; Antitank grenade launcher with gun-carriage SPG - 9; Portable antitank grenade launcher RPG - 7; and 5.45mm pistol PSM (2,000 units were produced between 1995-1999). 'The Military Aspect of the Conflict Settlement in the Eastern Zone of the Republic of Moldova', p 35.

813 Ibid

814 'In the spring of 1997, the factory launched the production of 82mm mortars. The equipment for mortar manufacturing was purchased in 1995 in the Russian Federation and allowed to produce not only 82mm mortar but also 120mm mortar. The first testing and control shooting were carried out on 17 May 1997 in the presence of Russian representatives. The manufacturing capabilities are 5 - 6 units per week. The majority of mortars were delivered to Transdniestrian armed forces. Also, in the spring of 1997, the factory produced 100 units of PMD-type antipersonnel mines. The factory also produces antipersonnel grenade launchers (with under barrel fixing) GP-25, caliber 40mm. Accessories for these launchers are made at the factory 'Selhoztehnikka' in t. Kammenka. The export of various types of armaments, both from the arsenal of the OGRF (Since 1996, the factory has begun to regularly receive trucks-loads of mortar bombs and howitzers from the Kolbasna military depot, officially for the destruction of munitions that could not be transported to Russia) and from the factory is carried out under cover of exports of 'metal goods'. Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'; also: 'The Military Aspect of the Conflict Settlement in the Eastern Zone of the Republic of Moldova', pp35-36.

815 'The factory makes: 9mm sub-machine guns; 9mm PM pistols; 5.45mm PSM pistols; and hunting arms. The accessories, including silencers, are delivered from the Russian Federation. At the same time, 'Elektrommash' and 'Electroagregat' produce accessories and parts for various armament systems which are assembled in the Russian Federation'. Op cit, 'The Military Aspect of the Conflict Settlement in the Eastern Zone of the Republic of Moldova', p 36.

816 Op cit, Short Mission Report - SEESAC Consultation in Moldova, 17 - 19 July 2002.

817 'Dirty Bomb Warheads Disappear - Stocks of Soviet-Era Arms for Sale on Black Market'.

818 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

819 'Short Mission Report - SEESAC Consultation in Moldova, 17 - 19 July 2002.'

820 'Summary of Regional SALW Projects - Moldova', SEESAC, http://www.undp.org.yu/salw/repview.aspx.

the property of the Transdniestrian people'.[821] A political solution to the problems between Transdniestria and Moldova seems to be a pre-condition for any major SALW destruction project.

In June 2001, representatives of the OSCE Mission, the Ministry of Defence of the Russian Federation and the Transdniestrian industrial complex established a working group to investigate the possibility of industrial reprocessing and disposal of ammunition held at the Russian depot of Colbasna.[822] The tripartite working group identified over 26,000 tons of ammunition suitable for reprocessing and disposal (out of over 40,000 tonnes). In September 2001, the working group made recommendations to the states participating in the OSCE Voluntary Fund on further steps to dispose of the ammunition in Colbasna.[823]

NATO has also been involved in the destruction of Moldova's surplus weaponry. In June 2001, Moldova and NATO signed an agreement concerning the safe destruction of Melanj rocket fuel oxidizer, anti-personnel land mines (APMs) and surplus munitions.[824] This allowed NATO's executing agency NAMSA to provide material assistance and training to ensure the implementation of the project, which has already resulted in the destruction of nearly 12,000 APMs, 300 tonnes of munitions and over 300 tonnes of rocket fuel.[825] Thousands of tonnes of SALW surplus ammunition will be destroyed in a separate NATO-funded project.[826]

SALW stockpile management programmes and capacities

With the exception of the territory under the control of the MTR, Moldova does not have any significant stockpiles of SALW.[827] The Ministry of Defence is responsible for securing all stockpiles of surplus official weaponry, while Russian and Transdniestrian authorities are in charge of protecting stockpiles in Transdniestria. Details of Moldova's stockpile management programmes and capacities could not be retrieved from available sources.

SALW awareness activities

There have been no SALW awareness activities. According to Moldovan analysts, if one excepts organised crime, civilian possession of illicit firearms is not a burning issue for Moldova.[828]

821 'Transdniester: Separatists Obstruct Russian Arms Destruction', by Eugen Tomiuc, RFE/RL, 12 April 2002.

822 'Annual Report 2001 on OSCE Activities', 26 November 2001, http://www.osce.org/docs/english/misc/anrep01e_activ.htm.

823 Ibid

824 NATO Update, week of 25 June-01 July 2001, http://www.nato.int/docu/update/2001/0625/e0628a.htm.

825 'Small Arms in the Black Sea Region', The Small Arms Survey, Background note presented at the conference 'Countering SALW Trafficking in the Black Sea Region: Improving Regional Standards', 04 - 05 March 2004, Chisinau, Moldova

826 Ibid

827 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

828 Ibid

SALW survey activities

No survey on SALW has been conducted in Moldova. Therefore the full extent of problems related to SALW is not known.

Civil Society involvement in SALW interventions

There has been very limited involvement by NGOs in SALW activities in Moldova. Most of the interest in this field has concentrated on the SALW problem in Transdniestria and the withdrawal of the Russian Operative Group Troops.[829] However, the Institute for Public Policy (IPP), a think tank working on security issues, has expressed an interest in becoming more involved in SALW awareness-raising and research projects and in February 2004 IPP compiled a SALW questionnaire commissioned by Saferworld.

Cross-border SALW control initiatives

Moldova participates in various regional initiatives dealing with issues of cross-border illicit trafficking and organised crime, including Interpol, the SECI Regional Center for Combating Trans-Border Crime,[830] the Stability Pact for South Eastern Europe, BSECO, and the CEI. In particular, Moldova has adopted a number of norms and mechanisms to ensure the development of collaborative actions to tackle cross-border crime in South Eastern Europe, in co-operation with the SECI Regional Center.[831] These include:

- Nomination of specialists and experts in charge of negotiating agreements for the prevention and combat of cross-border criminality;
- Adoption by the Government of Decision no. 815/ 2001 'regarding the creation of the Regional Information Link Office, designed to maintain permanent operational contacts with the SECI Center;
- The detachment by the Customs Department of a liaison officer to the SECI Regional Center in Bucharest.

The Treaty between the Republic of Moldova, Romania and Ukraine on Cooperation for Combating Crime signed in Kiev on 6 July 1999 provides the legal framework for sub-regional cross-border co-operation. The Agreement states that the three countries will collaborate on the prevention and fight against cross-border criminal activities, including the illegal trafficking of weapons and dual-use materials.[832] In a positive development, in 2001 the Moldovan Government tried to establish joint Border Check Points on Ukrainian territory to halt illegal trafficking activities. However, after a few days, the Ukrainian authorities stopped the programme.

The Moldovan authorities have advocated international and regional co-operation to strengthen border controls, calling for measures such as the placement of international monitors along the borders, which they feel would contribute to the fight against SALW

829 In 2001, the IPP published a detailed analysis of the military aspects of the unresolved conflict in Transdniestria, which includes an overview of the SALW situation in the breakaway region. 'The Military Aspect of the Conflict Settlement in the Eastern Zone of the Republic of Moldova'.

830 Moldova has sent law enforcement liaison officers to the SECI Regional Center to co-ordinate and exchange information with their counterparts in South Eastern Europe.

831 'Collaboration between the Republic of Moldova and the countries of Southeastern Europe in combating cross-border criminality', D Purice, Liaison Officer of the Republic of Moldova to the SECI Regional Center.

832 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

trafficking.[833] Some assistance, including capacity-building and equipment provision support, has been provided through multi-lateral and bi-lateral channels. The Customs and Border Guard Troops (BGT) officers have been trained in the framework of the TACIS Cross Border Cooperation (CBC) programme. Since 1997, the European Commission has provided funding for several projects aimed at modernising some of the border crossing checkpoints. Amongst other measures, those projects included training on search for hidden goods, including weapons and ammunition. Another international programme, TACIS Transport Corridor Europe–Caucasus–Asia (TRACECA), provides BGT personnel with training on modern technology for processing documentation at the state border, identification of false documents, and the search for hidden goods and arms. In 2003, the US Export Control and Related Border Security (EXBS) programme assisted Moldovan customs with border control projects and collaborated with the Moldovan Department of Civil Defence on a project to create a 'first response unit' for weapons of mass destruction.[834]

To date, however, the Ministry of the Interior, BGT and Customs (the main state authorities responsible for combating arms trafficking) do not have any joint training programmes either at the national or regional level aimed specifically at combating arms trafficking.[835] Most of the relevant institutions lack sufficient capacity,[836] especially in terms of technical and financial resources and qualified individuals. Where there is capacity, the implementation of the highest standards is hampered by high levels of corruption.

Participants at the March 2004 border control conference 'Countering SALW Trafficking in the Black Sea Region - Improving Regional Standards'.

On 04 – 05 March 2004, Moldova in co-operation with the governments of Switzerland and the Netherlands, and SEESAC, hosted an international conference in Chisinau on 'Countering SALW Trafficking in the Black Sea Region – Improving Regional Standards'. The meeting brought together the countries of the Black Sea Region to discuss a set of central issues, including border security and border management, with a view to contributing to the enhancement of regional standards in the SALW field. It focussed on the need for enhanced border management and information exchange, as well as co-operation between law enforcement bodies, both nationally and regionally.

SALW management information and exchange systems and protocols

Moldova is active in the international and regional information exchange systems to which it has made commitments, including UN, OSCE and Interpol mechanisms. Moldova has provided information on imports and exports of arms to the UN Register of Conventional Arms since 1994. As a member of the OSCE, Moldova is committed to implementing the OSCE Document on SALW and participates in the information exchange on SALW amongst member states. Within the framework of 'Operation

833 Op cit, Short Mission Report - SEESAC Consultation in Moldova.

834 'Background Note: Moldova', Bureau of European and Eurasian Affairs, US Department of State, February 2004.

835 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

836 Ibid

Ploughshares', the first co-ordinated information exchange on seizures of illicit SALW in South Eastern Europe co-ordinated by the SECI Regional Center, Moldova was an active participant in data collection and intelligence sharing with other SEE countries.

Moldovan laws, regulations and procedures related to arms production and trade are published in the Official Monitor of the Republic of Moldova.[837] Information concerning weapons collection, destruction, the illegal trade, possession and manufacturing of firearms is not accessible by private citizens. Nor are there functioning mechanisms for parliamentary or public oversight of SALW imports and public input into decision-making on issues in this area. An annual report on all exports, imports and transits of arms and dual-use goods is made available only to specific government departments and the Security and Intelligence Service.[838] As to Transdniestria, commercial trade information is shrouded in secrecy and the local authorities have consistently denied any arms transfers from the region.

Table 32 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	MOLDOVA
International	
Reporting to the UN DDA on the Programme of Action	Yes
Reporting to the UN Register of Conventional Arms	Yes
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	-
Interpol	Yes[839]
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	-
SECI Regional Center intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	No
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	No

837 Monitorul Oficial al Republicii Moldova.

838 Op cit, 'Moldovan Arms Export Controls and Measures to Combat Small Arms Proliferation'.

839 Government Decision No 294 of 10 May 1995 established the Interpol's National Central Bureau, which works as part of the Ministry of the Interior. One of the Bureau's key tasks is tackling illicit arms trafficking.

Romania

Small Arms problem

The SALW problem in Romania is quite different from that of countries in the Westerns Balkans where recent conflicts, insecurity and gun cultures have contributed to the large availability and circulation of weapons within society. Romania's political and security situation is stable and there has never been a gun culture. However, Romania is an important producer and exporter of SALW and, like in other arms manufacturing and former communist countries, the debate about the small arms problem often revolves around the key issues of managing a defence industry in transition and ensuring compliance with arms export controls.

Although the Romanian arms industry is being de-emphasised and the Government is deeply engaged in addressing the outstanding issues posed by the transformation of the industry, providing attainable long-term restructuring opportunities for defence producers remains a challenge. There is a strong belief within the Romanian export control community that the historic low-point in the value of Romanian defence exports in 2001[840] was the price paid for conducting a stringent and responsible policy of avoiding transfers to countries at risk of diversion.[841] However, at a time when Romania continues to face economic hardship, the incentives to export arms to maintain jobs and keep arms production lines open remain strong.[842] In this context, it is crucial for Romania now to consolidate the recognisable progress it has made to date.

Although the authorities consider the involvement of organised crime in trafficking of firearms in Romania limited,[843] the threat remains.[844] According to the European Commission, Romania has made substantial legal progress in the field of international police co-operation and the fight against organised crime and corruption, but there remain some challenges. In particular, Romania's law enforcement capacity remains weak, while the level of co-operation with police services in neighbouring countries is

840 Romania's 2001 arms exports were US$24.5 million. 'Tough line on embargoes hits Romanian exports', Radu Tudor, Jane's Defence Weekly, 23 October 2002.

841 'We have always observed embargoes and placed Romania's security and image interests above economic interests. That compliance, however has a price'. HE Mrs Nineta Barbulescu, President of ANCESIAC, Foreword of the Report on Arms Export Controls 2000-2001, ANCESIAC, http://www.ancex.ro/raport_arme/arms_rep.pdf.

842 'Managing Defence Industries in Transition: Ensuring Compliance with Export Controls', a presentation by Bernardo Mariani, Saferworld, at the Fifth International Conference on Export Controls, held in Budapest, Hungary, on 15 - 17 September 2003.

843 According to Romanian intelligence sources, it is unlikely that Romania will become a hub for illegal SALW trafficking. 'Short mission report - SEESAC Consultation in Romania, 15 - 16 July 2002', http://www.seesac.org/about/romania.htm.

844 With the number of organised criminal groups in Europe rising by a third from 2002 to 2003, Europol describes organised criminal groups from Romania as extremely dynamic. In outlining priorities for combating trans-national crime in the context of EU enlargement, Europol further states that Romanian, along with Bulgarian criminal groups, 'currently pose one of the main threats to the EU'. '2003 European Union Organised Crime Report', Europol, http://www.europol.eu.int/publications/EUOrganisedCrimeSitRep/EUOrganisedCrimeSitRep2003.pdf, p 17.

still low. The European Commission draws the significant conclusion that 'a strategic and coherent approach against organised crime is still lacking',[845] and calls for improvements in the operational capacity of the police, better co-operation between law-enforcement bodies (both within Romania and in neighbouring countries) and the integration of policing and judicial systems (in relation to the current low conviction rate).[846]

The restructuring of the Romanian armed forces and its defence system in line with the country's European and NATO integration processes have generated significant quantities of redundant arms and ammunition, including SALW.[847] A US/Norwegian funded project for the destruction of around 200,000 SALW is currently being implemented. However, it is clear that more resources and international assistance are required to dispose of the additional SALW surpluses that will be created in the coming years.

Small Arms policy and practice

The strategic priority to join the European Union in 2007 and sustained efforts in preparing for NATO membership,[848] have had a dramatic impact on Romania's foreign and security policy. These clear objectives have helped to bring the country more into line with the non-proliferation policies of EU and NATO countries. They have also acted as a stimulus for greater emphasis on Romania's need to fulfil arms control commitments, in order to boost its credentials as a reliable producer and exporter of arms.

Romania's arms export control policy is based on a number of international control regimes and regional and international commitments. Some of these agreements focus specifically on the problem of SALW. Others apply to the whole range of conventional arms, including SALW. Romania has made firm commitments to national, regional and global efforts to combat the proliferation and misuse of SALW in line with the actions undertaken by the UN, OSCE, EU, NATO/EAPC and the Stability Pact for South East Europe. Recognising the importance of SALW, Romania has called for a comprehensive approach to the problem which includes national and regional strategies on public awareness and prevention, law enforcement and prosecution, as well as a joint effort to control production and transfer of small arms.[849] Romanian policy prohibits exports of SALW to regions of conflict, states that support terrorism and destinations that raise proliferation concerns.[850]

During the Cold War, Romania developed an almost self-sufficient arms industry and in the 1980s, the country ranked 9th amongst the largest arms manufacturers in the

845 '2003 Regular Report on Romania's progress towards accession', European Commission, pp 20-21, http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_ro_final.pdf.

846 Ibid, pp 105-107.

847 Op cit, 'Short mission report - SEESAC Consultation in Romania, 15 - 16 July 2002'.

848 In 1994, Romania was the first country to sign up for PfP status and since then it has pursued a policy of interoperability with NATO, including bi-lateral co-operation programmes with NATO countries and the modernisation of the armed forces. Romania was officially invited to join NATO at the Prague Summit, on 21 November 2002. On 26 March 2003, Romania, together with Lithuania, Estonia, Latvia, Bulgaria, Slovakia and Slovenia, signed its NATO membership agreement at a ceremony in Brussels. The seven are set to join the organisation in 2004.

849 Statement by HE Mrs Nineta Barbulescu, Secretary of State, President of the National Agency for the Control of Strategic Exports and of Prohibition of Chemical Weapons, at the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 11 July 2001.

850 Ibid

world.[851] After the end of communism, Romania held on to its still-profitable arms industry as the country faced serious economic problems throughout the 1990s. Following a steady decline in this period, in 2001 Romanian exports reached their lowest level for 12 years due to the loss of traditional markets, a reduction in state orders and the country's adherence to arms embargoes.[852] Today, Romania maintains the capability to develop major weaponry, but the country's main defence items are in low-technology areas,[853] in particular SALW, which in 2000 accounted for more than half of all defence exports.[854] Romania's 35,000-strong defence industry workforce[855] is only a small proportion of the 200,000 defence workers who were employed at the beginning of the 1990s.[856] Described by Jane's Defence Weekly as 'a group of unwieldy state-owned companies',[857] the defence industry earned US$43.8 million in 2002,[858] a tiny proportion of Romania's total exports, which reached US$13.9 billion in the same year.[859] During 2002, SALW, components for SALW and ammunition represented 58% of the total exports of military goods.[860]

Often accused during the 1990s of lax export controls,[861] in recent years, the Romanian Government has taken important initiatives to adopt more stringent norms and regulations, align the country with regional and international arms control initiatives and improve transparency. Supervision and control over the illegal trade in arms and ammunition on the border have also strengthened through new legislative measures. The Government Emergency Ordinance No 104/2001, which became law in 2002, ensures physical control at the border check points of imports and exports of strategic goods. The Romanian Border Police (RBP) enforces the law, and has responsibility for identifying groups involved in illegal activities, including trafficking in SALW, that violate the state border regime.[862] In 2003, Romania also adopted a Strategy for the Integrated Management of the State Border covering the period 2003 – 2006 and in March 2003 the Customs Administration agreed a co-operation protocol with the General Inspectorate of Border Police covering joint actions to combat smuggling. As, reported by the EU Commission, co-operation between the Customs Administration and the other enforcement bodies continues to improve.[863] Finally, there have been improvements in border infrastructure and the modernisation of equipment continues. The Romanian Government has allocated more than 22 million for the procurement of modern border policing equipment and the creation of a computerised system to link its network together.[864]

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851 'Arms Production, exports and decision-making in Central and Eastern Europe', Bernardo Mariani and Chrissie Hirst, Saferworld, June 2002, p 142.

852 Romania's 2001 arms exports were worth US$24.5 million, down from US$800 million between 1985 and 1989. Op cit, 'Tough line on embargoes hits Romanian exports'.

853 'Due to the Romanian defence industry's technology, this is the level and the type of production that we can afford', HE Mrs Nineta Barbulescu, State Secretary, MFA, President of ANCEX, interviewed in ibid.

854 Op cit, 'Report on Arms Export Controls 2000-2001', pp 34-35.

855 Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 04 February 2004.

856 Op cit, 'Tough line on embargoes hits Romanian exports'.

857 'Interview: Ion Iliescu, President of Romania', Jane's Defence Weekly, 09 May 2001.

858 Interview with Paul Pasnicu, Director, Conventional Arms Division, ANCEX, Bucharest, 04 February 2004.

859 'Romania your business partner - 2003', The Agency for Governmental Strategies, Romania, p 84.

860 Interview with Paul Pasnicu, Director, Conventional Arms Division, ANCEX, Bucharest, 04 February 2004.

861 This includes a number of cases where arms, especially SALW, released for export or sale found their way to countries in conflict, especially in sub-Saharan Africa. Op cit, 'Arms production, exports and decision making in Central and Eastern Europe', pp 150-153.

862 Report on the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SALW) in all its Aspects, June 2003 (hereafter 'Romania UN PoA report 2003').

863 Op cit, '2003 Regular Report on Romania's progress towards accession', p 109.

864 'Romania on its way to NATO', Ministry of Public Information, p 157.

The Romanian armed forces, whose authorised active strength has been reduced from more than 300,000 to 110,000 personnel[865] as a result of the country's roadmap to NATO membership, will undergo further cuts over the next few years.[866] The new force structure, known as the Objective Force, envisages an authorised peacetime strength of 90,000 personnel (75,000 military and 15,000 civilians) by the end of 2007.[867] The process of reforming and restructuring the Romanian armed forces will generate redundant equipment, including SALW.[868] The reorganisation process within the Ministry of the Interior has also generated surplus stocks of SALW.[869] In particular, technological changes and the restructuring programmes of the police, border police and gendarmerie have created surpluses, which will either be distributed amongst other public institutions, or destroyed.[870]

Table 33 – Romania's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	ROMANIA'S COMMITMENTS
Stability Pact Regional Implementation Plan on SALW	November 2001
UN Programme of Action	July 2001 Letter Report in 2003
UN Firearms Protocol	February 2004[871]
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	July 1998
EU Joint Action on SALW	December 1998
Wassenaar Arrangement	April 1996[872]

865 Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 04 February 2004.

866 'Romania on its way to NATO', Ministry of Public Information, p 54.

867 Ibid

868 Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 04 February 2004.

869 In 2001, 12,839 SALW were identified as surplus by the MoI. 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries', a joint publication by BICC, British American Security Information Council, Saferworld and SAS, January 2004, p 90.

870 Romania UN PoA report 2003.

871 The ratification law was adopted by the Romanian Parliament on 20 February 2004 (Law No 9/2004) and ANCEX has been designated as the national focal point for the Protocol.

872 Romania became a founding member of the WA in April 1996.

Small Arms progress

Legislative and regulatory issues

The import/export control regime of conventional arms is governed by:[873]

- Government Ordinance (GO) No 158/1999 on the control of imports and exports of strategic goods;[874]
- Government Decision (GD) No 844/2001 on the list of weapons, ammunition and other military items subject to the import and export control regime;
- Law 387/2003 which lays out the export control regime for dual-use goods and technologies.[875]

Significantly, Romanian legislation contains provisions to control international arms brokering.[876] Any Romanian citizen, wherever located and any company incorporated in Romania that engages in brokering activities involving military goods must first obtain an authorisation from the Romanian National Agency for Export Controls (ANCEX, previously called ANCESIAC[877]). All transactions, including those arranged through third-countries without the weapons touching Romanian soil, require an individual licence.[878]

The control of strategic exports is co-ordinated by ANCEX. As an agency subordinated to the Ministry of Foreign Affairs, ANCEX has legal authority to authorise all trade operations with strategic goods, including SALW and ammunition. ANCEX has established a Control Team comprising in-house specialists and often experts from outside. The main responsibilities of ANCEX are as follows:[879]

- Authorisation, licensing and permit issuing;[880]
- Enforcement;[881]
- Drawing up regulations, mechanisms, procedures and instructions specific to the export control system;
- Romania's representation at international non-proliferation and export control regimes meetings.[882]

873 Interview with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest, 04 February 2004. Also see Romania UN PoA report 2003.

874 'The legal framework set forth by GO No 158/1999 ensures an effective control over the export, re-export, import, international transit, transhipment and other commercial and non-commercial operations of permanent or temporary transfer of SALW'. Romania UN PoA report 2003.

875 The new Law incorporates the EU provisions in the area of dual-use goods and technologies, represented by Regulation 1334/2000 and Common Position 401/2000.

876 Interview with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest, 04 February 2004.

877 As of 29 June 2003, the National Agency for the Control of Strategic Exports and the Prohibition of Chemical Weapons (ANCESIAC), changed its name to the National Agency for Export Control (ANCEX), http://www.ancex.ro.

878 Art 1 par c, Art 2 par 2-3 and Art 3 par 3, GO No 158/1999 on imports and exports control of strategic goods.

879 http://www.ancex.ro/about.htm

880 This includes: authorisations to undertake foreign trade operations in strategic goods; licensing of foreign trade transactions; permit issuing for international transits through Romanian territory and transhipments inside the territory of Romania.

881 Including on-site controls of any company undertaking transactions with strategic items, in any stage of the authorisation, licensing and post-delivery process.

882 Together with the Ministry of Foreign Affairs, ANCEX represents Romania in international non-proliferation and export control regimes.

ANCEX examines the legality of the export, including the regularity of the original International Import Certificate (IIC), or any other equivalent document (end-use certificate) issued by the authorised body in the importer's country. These documents, which are a mandatory condition for the approval of an export licence application, should contain, inter alia, the commitment of the importer not to re-export the goods without prior approval of the competent Romanian authority. The factors taken into account in the assessment of export licence applications include:[883]

- The resolutions of the UN Security Council; Joint actions and common positions of the EU;[884] OSCE decisions;
- Political, economic and security interests of Romania;
- The export criteria set forth in the EU Code of Conduct on arms exports;[885]
- The guidelines of the international non-proliferation and export control regimes;
- The conduct of the exporter, importer, transporter and end-user.

ANCEX submits the licence to the Inter-ministerial Council for Export Control,[886] whose advice allows the ANCEX President, who chairs the Council,[887] to approve or reject the licence application.[888] Therefore, the final decision on the approval of an import/ export application rests with the President of ANCEX. Procedures and regulations on the export control regime of strategic goods (secondary legislation) are approved by Executive Orders of the President of ANCEX.[889]

Two types of licence are set out in the export and import control regime: individual and general.[890] An individual licence allows a certain exporter to trade in one or more goods with a single foreign partner. A general licence allows a certain exporter to trade in one or more goods with one or several foreign partners. To date, however, the Romanian authorities have only issued individual licences.[891]

The Romanian system of export control provides for post-delivery controls. Government Ordinance No 158/1999 stipulates the obligation for the exporter to obtain from its foreign partner a delivery control certificate which proves that the exported goods have reached the intended recipients in compliance with the licence application. The original copy of this document must be submitted to ANCEX within four months of delivery.[892] Supported by substantial fines in case of non-compliance, the post-delivery control

883 Op cit, 'Report on Arms Export Control 2000-2001', pp 14 and 21. See also: Romania UN PoA report 2003.

884 The Office for Non-proliferation and Arms Control (DNCA) within the MFA informs on a regular basis ANCEX of all the changes occurring in the sanctions and/or embargoes regimes adopted by the UNSC, the OSCE and the EU. Romania UN PoA report 2003.

885 According to the President of ANCEX, the implementation of the EU Code of Conduct has overcome the declaratory phase and 'the whole licensing process is tailored in accordance with the content and export criteria of this very important political document', Statement by HE Mrs Nineta Barbulescu, State Secretary, Ministry of Foreign Affairs, President of the National Agency for Export Controls, at the First Biennial Meeting of States on the Implementation of the Programme of Action of the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York, 07 - 11 July 2003 (hereafter 'Barbulescu, UN PoA statement 2003').

886 The Interministerial Council comprises representatives of ANCEX, the MFA, Ministry of Economy and Trade, MoD, MoI, General Customs Directorate, Ministry of Industry and Resources, Romanian Intelligence Service, National Commission for Nuclear Activities Control and the Foreign Intelligence Service. The Council meets on a weekly basis and its decisions are reached by consensus. Romania UN PoA report 2003. Also, Op cit, 'Report on Arms Export Control 2000-2001', p 18.

887 Ibid

888 Interview with Paul Pasnicu, Director, Conventional Arms Division, ANCEX, Bucharest 04 February 2004.

889 Ibid

890 Op cit, 'Report on Arms Export Control 2000-2001', p 18.

891 Interview with Paul Pasnicu, Director, Conventional Arms Division, ANCEX, Bucharest 04 February 2004.

892 Op cit, 'Report on Arms Export Control 2000-2001', p 22.

certificate focuses the Romanian export control system on the need to ensure controls on the end-use and end-users of Romanian defence goods.[893]

The Ministry of Industry in co-operation with the Romanian Association for Standardization has issued National Standard No SR 13475 on SALW marking. This regulation complies with the recommendations contained in the OSCE Document on SALW.[894] It is a requirement that all SALW manufactured in and exported by Romania are properly marked with a serial number which enable the identification of the manufacturer and the tracing of each weapon.[895]

The possession of firearms and ammunition is regulated by the following legislation:[896]

- Law No 17/1996 on Firearms and Munitions
- GD No 679/1997 approving the Firearms and Munitions Regulation
- Law No 116/1997 for the ratification of the European Convention on the control of the purchase and possession of by civilians[897]

Civilian possession of firearms is regulated through licensing and the possession of military-style weapons is forbidden.[898] The legislation prohibits certain categories of persons from owning firearms.[899] The Ministry of the Interior is currently working on the preparation of a draft law to adapt the national legislation on firearms to bring it into line with EU and international standards. The draft law, which will abrogate Law No 17/1996, encompasses a new definition of firearms that is in line with EU controls[900] on the acquisition and possession of firearms, as well as the provisions of the UN Firearms Protocol.[901]

893 Post-delivery control is seen by the Romanian authorities as a useful tool for keeping the country away from international scandals which are connected to the diversion of arms to proscribed users. Op cit, 'Report on Arms Export Controls 2000-2001', Foreword by HE Mrs Nineta Barbulescu, President of ANCESIAC.

894 Romania UN PoA report 2003.

895 Ibid

896 Ibid

897 The Convention was adopted in Strasbourg on 28 June 1978.

898 Op cit, 'Short mission report - SEESAC Consultation in Romania, 15 - 16 July 2002'.

899 Foreigners who have no residence or domicile in Romania; persons under the age of 18; persons who according to the evidence held by the police or the courts are known to have committed acts of domestic violence; and persons who exhibit antisocial behaviour (alcoholism, begging, etc) according to evidence held by the police, the courts or the prosecution courts. Ryerson University, Toronto, Canada,

http://www.research.ryerson.ca/SAFER-Net/regions/Europe/Rom_SR03.html.

900 EU Council Directive No 91/LO/477/EEC.

901 The draft legislation provides for strict conditions to be fulfilled by natural and legal persons in order to possess, hold and use a firearm. Non-observance is subject to revocation or cancellation of the authorisation to possess and hold firearms. The draft law also contains provisions regulating the purchasing of firearms and ammunition from specialised dealers. These are obliged to notify on a monthly basis the competent police unit about all their activities. Such notifications should include the number and type of weapons or ammunition sold, as well as a list of buyers. After being presented for first reading in the Government Meeting of 10 April 2003, the Draft Law is going through the legislative process. See: Romania UN PoA report 2003.

Table 34 – Features of Romania's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	ROMANIA
National	
National co-ordinating agency on SALW	No
National point of contact on SALW	Yes[902]
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes
Production	Yes
Export	Yes
Import	Yes
Transit	Yes
National System of Export & Import Licensing or Authorisation	
System	Yes
Diversion risk	Yes
End-user certificate	Yes, a mandatory condition for the approval of export licences.
Retransfers	Yes[903]
Verification (pre/post)	Yes, pre-[904] and post-delivery.[905]
Brokering controls	Yes, including extra-territorial provisions.
Domestic Possession, Stockpiling and Trade	
Legislation	Yes[906]
Marking and tracing	Yes[907]
Possession	Yes[908]
Stockpiling	Yes
Trade	Yes[909]

902 The national point of contact for the implementation of the UN PoA is the Office for Non-Proliferation and Arms Control within the MFA. Tel: + 40 21 223 01 27; Fax: + 40 21 231 67 86; e-mail: dnca@mae.ro.

903 All re-export operations are subject to the provisions of Government Ordinance 158/1999.

904 The Office for the Control of Imports and Exports of Special Items (OCIEPS) within the MoD exercises control over the imports and exports of military products and technologies in the pre-licensing and licensing phases in order to prevent illicit trafficking in SALW. Romania UN PoA report 2003.

905 A new mechanism of extreme vigilance for SALW destination's control has been introduced in the post-delivery control phase for SALW exports. Barbulescu, UN PoA statement 2003.

906 The Penal Code provides sanctions for the violation of regulations regarding possession, use, production and transportation of firearms by individuals, entities or organisations, as well as other breaches concerning the reparation and transfer of SALW and ammunition.

907 Currently Romania does not have a centralised SALW record-keeping system. The Ministry of Industry and Resources keeps records on the production of SALW. The defence and police forces are required to keep their own records on storage and transfers of SALW within Romania. ANCEX keeps records of all arms, including SALW, transfers and re-transfers in and from Romania. However, a new National Register of Firearms to be introduced in 2004 will create uniform record-keeping procedures for all firearms in circulation, in line with EU standards in this area. Romania UN PoA report 2003.

908 Currently, individuals can possess firearms only in their exercise of public authority. Certain private companies carrying out guarding services, such as the Body of Public Guardians, Environment Guards and Financial Guard Commissioners, are also authorised by the police to possess firearms. The following legislation applies in this field: Law 26/1993 on the Organisation and Functioning of the Body of Public Guardians; Order 211/2002 for the Approval of the Regulation on Hunting Permits; and Order 305/2002 on Banning the Use of Automatic Sub-machine Guns. Romania UN PoA report 2003.

909 Individuals and organisations involved in illicit trafficking in firearms are under strict surveillance by specialised bodies within the MoI (the General Directorate of Intelligence and Internal Protection, and the General Directorate for Countering Organised Crime). These bodies keep and maintain, inter alia, records of individuals who are suspected of, or involved, in illicit firearms possession, production, or delivery. Romania UN PoA report 2003.

SALW transfers

In 2000 and 2001, the majority of Romania's arms exports were small arms, light weapons and ammunition.[910] According to the Romanian Government's submission to the 2002 OSCE information exchange on SALW, Romania's SALW exports to OSCE countries were as follows:

Table 35 – SALW Exports to OSCE countries in 2001[911]

CATEGORY AND SUB-CATEGORY	FINAL IMPORTER STATE	NUMBER OF ITEMS
Small arms		
Rifles and carbines (semi-automatic rifle WASR 10, AES 10, MIS 10, SAR 1, SAR3, PAR 1, PAR 3, ROMAK 3, PSL 54, PSL 51)	US	110,978
	Austria	75
	Slovak Republic	28
	Czech Republic	5
Sub-machine guns, of calibre 7.62 mm	France	30
Light machine guns, of calibre 7.92 mm	US	47

No detailed data concerning exports to non-OSCE countries is available. However, there have been media reports that in May 2001 20,000 AK-47s were shipped from Romania to Uganda, from where they allegedly reached rebel forces in the Democratic Republic of Congo.[912] Although there was no official confirmation of this transfer, a Romanian Government official later stated that Uganda had received Romanian arms in 2001.[913] Since the Uganda deal, there have been no reports of Romanian SALW entering conflict zones in Africa. In keeping with its endevours towards implementing a responsible arms export policy, in 2002 Romania denied a licence for the export of military goods, including small arms and ammunition to Eritrea, even though the UN arms embargo against that country had been lifted.[914] In what is perceived as a symbolic reward by the international community for Romania's restraint in export policy, in June 2002 Romania received a contract to supply the new Afghan army with 1,000 AK-47 rifles, light weapons and ammunition.[915]

Throughout the 1990s, significant quantities of Romanian SALW entered regions of conflict. According to Amnesty International, in 1997 the Rwandan army received 80 tonnes of armaments from Romania, including machine guns and ammunition.[916] In December 2000, the UN Monitoring Mechanism on Angola Sanctions reported that Romania had been one of the main suppliers of SALW to UNITA rebels.[917] From 1996 to 1999, significant quantities of SALW and ammunition were supplied to the West African countries of Togo and Burkina Faso. However, the UN investigation discovered that using a scheme of forged end-use certificates, the arms were later re-exported to UNITA forces in Angola.[918] Foreign middlemen played a crucial role in brokering these

910 70% in 2000 and 63% in 2001. Op cit, 'Report on Arms Export Control 2000-2001' p 34.

911 Op cit, 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries'.

912 'Leftover arms fuel continent's ruinous wars - Cold War surplus wreaks havoc', Paul Salopek, Chicago Tribune, 23 December 2001.

913 Small Arms and Human Rights: The Need for Global Action - A Human Rights Watch Briefing Paper for the UN Biennial Meeting on Small Arms, http://www.hrw.org/backgrounder/arms/small-arms-070703-03.htm.

914 'Small Arms Survey 2003', Graduate Institute of International Studies, Oxford/Geneva, 2003, p 110.

915 Ibid

916 'RWANDA - The hidden violence: 'disappearances' and killings continue', Amnesty International, 23 June 1998, p 10.

917 'UN Final Report of the Monitoring Mechanism on Angola Sanctions', UN, S/2000/1225, 21 December 2000.

918 Op cit, 'Arms Production, exports and decision-making in Central and Eastern Europe', p 152.

deals.[919] Romanian officials emphasised that they should not be held responsible for the diversion to unauthorised recipients of arms ostensibly destined for Togo and Burkina Faso.[920]

SALW collection programmes and capacities

The civilian possession of firearms is regulated through a stringent licensing process and the possession of military-style firearms is forbidden. According to Romanian experts, illicit SALW trafficking in Romania is minimal and often involves only small case smuggling of individual weapons into the country.[921] Given the relatively small number of weapons in circulation within society, there has been no urgency in developing and launching SALW collection programmes.

SALW destruction programmes and capacities

At the invitation of the Romanian Government, a US–Norwegian team of specialists visited Romania in February 2002 to offer advice on stockpile management and determine the feasibility of destroying surplus SALW and ammunition. Following the visit, the Romanian Ministry of Foreign Affairs presented a National Programme for the destruction of surplus SALW and sought financial assistance for its implementation.[922] A total number of 195,510 SALW, including pistols, sub-machine guns, machine guns, grenade launchers and mortars and 36,692,747 rounds of ammunition are being destroyed with the financial support of the United States and Norway.[923] The national company Romarm has been appointed by the Ministry of Defence as the contractor in charge of carrying out the destruction programme.[924]

Table 36 – Summary of SALW destruction in Romania 2000 – 2004[925]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
MoD, executed by ROMARM	195,510		Pistols, rifles, assault rifles, sub-machine guns, light machine guns, medium machine guns, light anti-tank weapons, medium anti-tank weapons, various. 1 January 2001 – 31 December 2001.
TOTAL	**195,510**		

919 Starco Investment and Trade, registered in Israel and East European Shipping Corporation, a firm based in the Bahamas and represented in Europe by Trade Investment International Limited, a UK-based company. 'UN Final Report of the Monitoring Mechanism on Angola Sanctions', UN, S/2000/1225, 21 December 2000, p 15.

920 'Arms Trade, Human Rights, and European Union Enlargement - The Record of Candidate Countries', Human Rights Watch, 08 October 2002, p 4.

921 Interview with Florin Trosca, Head of Firearms Explosives and Toxic Substances Division, General Inspectorate of the Romanian Police, Bucharest 03 February 2004.

922 Meeting with HE Leif Arne Ulland, Ambassador, Royal Norwegian Embassy, Bucharest, 03 February 2004.

923 Romania UN PoA report 2003.

924 Ibid

925 Statistics taken from the SEESAC SALW Database, www.seesac.org, as referenced 17 February 2004.

SALW stockpile management programmes and capacities

The Ministry of Defence and the Ministry of the Interior are responsible for defining and accounting for surplus SALW and ammunition. Romanian laws and regulations have established adequate and detailed procedures relating to the management and security of SALW stockpiles.[926] These cover technical and security requirements for stockpile locations, physical security measures, access control, inventory management, accounting control procedures, personnel training, security of transport and sanctions.[927]

In its 2002 submission to the OSCE Information Exchange on SALW, Romania emphasised its detailed national stockpile management and security procedures with regard to SALW held by the Ministry of Defence. These cover: stockpile locations; physical security measures; access control measures; inventory management and accounting control; and security in transit.[928] Any loss or theft of SALW and ammunition from MoD stockpile facilities must be immediately reported and military law enforcement bodies are responsible for investigating thefts or losses of military arms and pressing any criminal charges.[929] There is no available data concerning losses or thefts.

The General Staff within the Ministry of Defence is responsible for identifying surplus SALW. Regular reviews are undertaken to assess surpluses and verify the state of ammunition.[930] Within the Ministry of the Interior, definition and identification of surplus stocks is the responsibility of competent administrative and logistical structures that decide whether the surpluses are subject to redistribution or destruction.[931]

No information is currently available on the numbers of SALW held by the Romanian armed forces. However, the process of restructuring and downsizing of the army is likely to result in large quantities of arms surplus to requirements.[932] In its 2002 submission to the OSCE information exchange on small arms, the Romanian Government provided a detailed account of SALW held by the Ministry of Defence and identified as surplus in 2001.[933] During the US–Norwegian fact-finding visit in February 2002 (see SALW destruction programmes and capicities), the Romanian Ministry of Defence highlighted that its main concern with regard to stockpile management was with ammunition, especially that which is aged and as such may create risks for the population and the environment.

926 Within the MoD, the following laws and regulations apply: Law 17/1996 on the Firearms and Ammunition Regime; Regulation A 114/1989 on Technical Endowment with Armaments and Ammunition in Peacetime; Order of the Minister of Defence M8/1999 on Inventory Management and Accounting Control; Order of the Minister of Defence M75/2000 for reporting of losses and thefts.

927 Romania UN PoA report 2003.

928 Op cit, 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries', p 93; also Romania UN PoA report 2003.

929 Ibid

930 Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 04 February 2004.

931 Romania UN PoA report 2003.

932 Op cit, 'Disposal of surplus small arms - a survey of policies and practices in OSCE countries', p 87.

933 2,314 revolvers and self-loading pistols; 166,637 sub-machine guns; 19,822 light machine guns; 4,144 heavy machine guns. Ibid, p 89.

SALW awareness activities

There have been activities to introduce university students to the problem of small arms proliferation and misuse and the steps being taken to address the problem (see below).

Table 37 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
EURISC Foundation	1999 – ongoing	University students	lectures	About 900 students have been reached by the campaign, but no evaluation has been carried out.	Project has been carried out by EURISC without external support.

SALW survey activities

No surveys have been conducted on SALW in Romania. Therefore there is no complete picture of the impact of SALW on the country.

Civil Society involvement in SALW interventions

There has been some involvement of local NGOs and civil society in SALW control projects in Romania. This has occurred primarily through collaborative initiatives between Saferworld and the European Institute for Risk Security and Communications Management (EURISC Foundation). A series of roundtable discussions and international seminars held by the two organisations have been instrumental in promoting a culture of government accountability and public transparency on small arms production and exports. On 20 and 21 April 2001, over 30 NGO delegates from South, Central and Eastern Europe attended an EURISC/Saferworld seminar in Bucharest to discuss campaigning and advocacy priorities to influence the July 2001 UN Conference on the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects. Participants also shared information on NGO initiatives to increase transparency and accountability in the arms trade and discussed the production of a joint research paper on 'Arms Production, Exports and Decision Making in Central and Eastern Europe'.[934]

The second meeting of the Central and Eastern European Network on Small Arms took place in Bucharest in April 2001.

The links between SALW and organised crime are felt to be particularly pertinent to Romania and the EURISC Foundation has played a pivotal role in placing these issues on the national agenda. Saferworld and the EURISC Foundation held a seminar

934 'The Second International consultation on enhancing NGO co-operation to tackle the proliferation and misuse of small arms in Central and Eastern Europe', Seminar report, Saferworld, April 2001.

in Bucharest in June 2001[935] that brought together national and international law enforcement bodies, academics, government officials and NGOs to develop ideas for strengthening and deepening co-operation between European states and relevant international organisations to combat illicit arms trafficking and other forms of organised crime. An immediate result of this meeting was the decision by the SECI Regional Center to set up a Task Force to combat and prevent illicit trafficking of SALW across South Eastern Europe.

Over the past two years, EURISC has been engaged in raising awareness of small arms and light weapons proliferation issues among university students, through lectures and distribution of relevant documents. Outreach to university students is meant to enhance support to the small arms control agenda in Romania with an appeal to a large cross-section of the population. Crucially, the post-graduate course on NATO and SALW organised by EURISC represents progress in engaging civil society on issues which previously would remain within the Government's remit.[936] The SALW problem now constitutes a topic in the final examination for students at the Academy of Economic Studies (Bucharest) undertaking courses in: International Economic Relations (3rd year), Advanced Studies in Geopolitics and Post Graduate Studies in Security Matters.[937] The EURISC Foundation intends to develop this awareness project through lectures and training activities, which will involve experts in arms control and individuals who can provide personal testimony of the humanitarian impact of small arms.

A pilot project in co-operation with the Centre for Information on Security Culture was launched by the EURISC Foundation in September 2003. As part of this project, roundtable meetings and discussions on security threats, which will include SALW, will be organised during 2004. Discussions are underway with the Ion Luca Caragiale high-school in Bucharest for setting up a resource centre on security issues for high school students and teachers. The launch of the resource centre is planned to coincide with the announcement of Romania's full NATO membership on 05 April 2004.

Cross-border SALW control initiatives

Romania has made full use of existing bi-lateral, multi-lateral and regional initiatives and mechanisms of co-operation for information-sharing on policies and best practices in cross-border initiatives. Romania has concluded numerous bi-lateral agreements with other European states aimed at enhancing co-operation in countering organised crime, illicit trafficking and terrorism.[938] On 2 October 1998 Romania signed an agreement amongst Black Sea Economic Co-operation (BSEC) participating states which prescribes co-operation in combating organised crime, including smuggling of weapons and money laundering. The agreement envisaged the establishment of contact points and possibly the appointment of liaison officers as channels for co-operation, the form of which would include: exchange of information on criminal individuals and groups; exchange of expertise, information and material and technical

935 The seminar entitled 'Improving European Law Enforcement Co-operation to Tackle Corruption and Illicit Firearms Trafficking', was co-hosted by EURISC, Saferworld, the Romanian MFA and the SECI Regional Center for Combating Transborder Crime.

936 Op cit, 'Short mission report - SEESAC Consultation in Romania, 15 - 16 July 2002'.

937 Interview with Dr Liviu Muresan, President of the EURISC Foundation, Bucharest, 04 February 2004.

938 Romania has concluded such agreements with: Hungary (Budapest, 19 February 1997); Trilateral Romania-Bulgaria-Turkey (Antalya, 16 April 1998); Turkey (Antalya, 16 April 1998); Trilateral Romania-Bulgaria-Greece (Sofia, 08 September 1998); Trilateral Romania-Moldova-Ukraine (Kiev, 06 June 1999); Croatia (Zagreb, 30 September 2000); Slovenia (Bucharest, 04 October 2000); Poland (Warsaw, 12 June 2001); Israel (Jerusalem, 17 June 2001); Armenia (Yerevan, 31 October 2001); Czech Republic (Prague, 13 November 2001); Albania (Bucharest, 6 June 2002); Bulgaria (Sofia, 10 June 2002).

support in border controls; meetings of experts in specific fields.[939] The agreement was extended with the signing of an Additional Protocol on 15 March 2002, since ratified by Turkey, Bulgaria, Moldova and Romania, which initiated a BSEC Network of Liaison Officers on Combating Crime, and also cemented the agreement by participating states to appoint national points of contact within their law enforcement bodies.[940]

Romanian law enforcement agencies have been active in bi-lateral consultations with counterparts from the US, the UK, Germany, France, Norway, Netherlands,[941] Japan, Poland, Hungary, Bulgaria and Israel.[942] Ministry of Interior liaison officers and police attachés have been appointed to Romanian Embassies in several EU countries affected by criminality and illegal immigration from Central and Eastern Europe.[943]

Romania is currently developing proposals for joint projects with its immediate eastern neighbours and Stabilisation and Association Process (SAP) countries that will reinforce border security and customs operations along the future external border of NATO and EU. Romanian proposals focus on the development of the establishments of the following projects:[944]

- Joint training programmes on organised crime at the Romanian Police Academy (Bucharest) for law enforcement officers from Romania, Moldova, Serbia and Montenegro, Albania and Macedonia;
- Joint training programmes for border police officers from Romania, Hungary, Bosnia and Herzegovina in Arad (western Romania);
- Pilot project for joint border monitoring and customs control between Romania, Ukraine and Moldova at Galati (south eastern Romania);
- Technical assistance in drafting legislation and in establishing communication systems for intra- and inter-agency co-operation and exchange of information.

The US Federal Bureau of Investigation (FBI) opened an office in Romania in August 2000 to cooperate with Romanian authorities in fighting cross-border crime. The FBI's Legal Attaché (Legat) office, which has territorial responsibility for Romania and Moldova, responds to the US's domestic and extraterritorial needs through partnerships and co-operation with Romanian and Moldovan law enforcement agencies on every level. The office consists of a Legat, an Assistant Legat, and an Office Assistant. The FBI also has an Advisor to the Romanian Human Trafficking Task Force.[945]

Romania participates in various regional initiatives dealing with issues of cross-border illicit trafficking and organised crime, including Interpol, Europol, the Stability Pact for South-Eastern Europe, BSECO, and the CEI. On 13 May 2003, Romania and Europol

939 'Agreement among the governments of the Black Sea Economic Cooperation participating states on cooperation in combating crime, in particular in its organized forms', Corfu, 2 Oct 1998, http://www.bsec.gov.tr/cooperation.htm

940 'Additional protocol to the agreement among the governments of the Black Sea Economic Cooperation participating states on cooperation in combating crime, in particular in its organized forms', 15 March 2002, http://www.bsec.gov.tr/cooperation.htm

941 Several programs and projects meant to improve the Romanian-Dutch cooperation in combating crime have discussed during the course of bilateral visits to both countries of experts or high representatives. The visit of a Romanian delegation to the Netherlands in May 2003 included an extensive bilateral agenda, consisting of high-level meetings with the Secretary of State of the Ministry of the Interior and Kingdom Relations, Mr Rob Hessing, the Director of the Immigration and Naturalization Service, Mr Peter Veld, the Queen's Commissioner for Noord-Holland, Mr Harry CJL Borghouts, and the Chief of the Amsterdam Police, Mr E Hoogervorst. A visit to the Amsterdam Police Headquarters was also included. 'Cooperation Agreement between Romania and Europol', Press Release, Romanian Embassy in the Netherlands, 16 May 2003.

942 Barbulescu, UN PoA statement 2003.

943 'Romania - Action and Progress in the Fight Against Organised Crime', Presented at the Ministerial Conference on Organised Crime in South East Europe, London, 25 November 2002.

944 Ibid

945 US Embassy in Bucharest, http://www.usembassy.ro/USEmbassy/FBIJusticeDSS.htm.

signed a Cooperation Agreement,[946] which represents an important step towards Romania's integration into the European police structures and provides new impetus to the co-operation between Europol and Romania in combating crime. The agreement allows for a Permanent Police Attaché who will represent Romania at Europol, with observer statute, until the country's accession to the EU.[947]

Romanian law enforcement agencies fully co-operate through different mechanisms, such as information exchange, training and sharing best practices with their counterparts in South Eastern Europe. As a founding member and the host country of the SECI Center for Combating Trans-Border Crime, Romania has initiated a number of operational activities with police and customs agencies in South Eastern Europe. As regards SALW, such co-operation takes place within the framework of the SECI Center's Task Force on SALW, of which Romania is an active member.

SALW management information and exchange systems and protocols

Romania is active in the international and regional systems to which it has made commitments, such as the UN Programme of Action, OSCE and Interpol mechanisms. Romania provides regular information to the UN on imports and exports of major weapon systems for inclusion in the UN Register of Conventional Arms. Romania is also supporting the UN's efforts to obtain the participation of all countries in the Register and is in favour of extending the scope of this reporting instrument.[948] Romania has consistently fulfilled the information exchange requirements of the WA. These involve notification of arms transfers to non-participating states for the categories of arms included in the UN Register of Conventional Arms. Romania has also 'supported the initiatives regarding the extension of the scope of the specific information exchange, including those on a volunteer basis, in order to include new sub-categories of arms'.[949] In 2001, as OSCE chair-in-office, Romania took the necessary measures to initiate the notification procedure for information exchange between OSCE member states and the proper use of this information.[950]

Along with the development of the legal basis for arms export controls and the structures responsible for their implementation and enforcement, Romania has increased efforts towards greater dialogue with the defence industry. It has also promoted better understanding of and compliance with the new arms control norms amongst producers, users and exporters of SALW. Government outreach to the industry has become a key tool of the Romanian export control system[951] which aims to help companies plan their activities and avoid situations where a company will engage in negotiations with potential customers only to realise at a later stage that the deal would be in breach of the national export control system and could not be authorised. ANCEX has made available for exporters an export control guide containing primary and secondary legislation, as well as samples of the documentation required during

946 The document was signed on behalf of the Romanian Government by Mr Alexandru Farcas, Secretary of State of the MoI, and Mr Jurgen Storbeck, Director of Europol.

947 'Cooperation Agreement between Romania and Europol', Press Release.

948 Interview with Radu Horumba, Director, Office for Non-proliferation and Arms Control, Ministry of Foreign Affairs, Bucharest 05 February 2004. See also: Op cit, 'Report on Arms Export Control 2000-2001', p. 7

949 Op cit, 'Report on Arms Export Control 2000-2001', p 6.

950 Ibid, p 11.

951 Ibid, p 25.

the licensing process.[952] The Agency also holds conferences, thematic seminars and workshops to inform and educate authorised companies on arms export control issues and the implementation of the law. Concrete actions have been carried out as part of an outreach programme with the industry called 'Transparency, Cooperation and Communication'. The programme aims 'to strengthen the export control compliance component, to disseminate legislation and licensing procedures, to educate and train the export control teams and companies, and last but not the least to create and maintain an honest image of the country and the companies'.[953]

In March 2001, ANCESIAC launched its website www.ancesiac.ro which recently became www.ancex.ro. This includes data and information on, amongst other things, arms export legislation, the international obligations and commitments undertaken by Romania, the embargoes on arms, the national authority and the control mechanisms and procedures. The website has an English version and is constantly updated with information and new developments from the export control field.[954] At the international conference on 10 Years of Export Control in Romania, held in Bucharest in September 2002, ANCESIAC presented the first Romanian annual report on arms export controls.[955] The report sets out the regional and international arms control regimes of which Romania is a party, the legislation governing arms exports, licensing principles, guidelines and procedures. The report also includes global figures on authorisations granted and deliveries of arms presenting Romania's arms exports during 2000 – 2001 and the main trends within and prospects for the Romanian export control system.[956]

Although no detailed description is supplied on the types, quantities and end-users of military equipment which has been exported or licensed,[957] the production of this report is a fundamental step towards transparency within Romania's export control regime and public oversight of SALW imports or exports.[958] As the first government in South Eastern Europe to publish such a report, the Romanian Government has set an important precedent and is committed to best practice in this area by increasing the level of information in future annual reports. The second Romanian annual report covering the year 2002 is due to be published before July 2004 and will be available in both Romanian and English.[959]

952 Interview with Paul Pasnicu, Director, Conventional Arms Division, ANCEX, Bucharest, 04 February 2004.

953 Barbulescu, UN PoA statement 2003.

954 Op cit, 'Report on Arms Export Controls 2000-2001', p 25.

955 Ibid

956 The challenges faced by ANCESIAC in putting this report together and the effort of finding a compromise amongst differing views are made evident by the Agency's President who wrote: 'Building the blocks of this report we faced some challenges, such as the genuine 'confrontation' between the necessity of transparency and the conservative approach of some senior Romanian experts, 'founding members' of the export control community in Romania'. HE Mrs Nineta Barbulescu, President of ANCESIAC, Ibid, Foreword.

957 Saferworld comments on the first annual report 2000-2001 on arms exports of the Romanian National Agency for Export Control (ANCEX, formerly ANCESIAC), October 2003.

958 Such a view is shared by the national export control authority, which believes that the 'Report reflects the new approach of the Romanian Government with regard to the Relationships between government and industry and between government and society, namely that of an increased transparency and communication'. Op cit, 'Report on Arms Export Controls 2000 - 2001', p 2.

959 Interview with HE Mrs Nineta Barbulescu, State Secretary, MFA, President of the ANCEX, Bucharest, 04 February 2004.

Table 38 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	ROMANIA
International	
Reporting to the UN DDA on the Programme of Action	Yes[960]
Reporting to the UN Register of Conventional Arms	Yes[961]
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	Yes
Interpol/Europol	Yes
Regional	
Information exchange with OSCE	Yes[962]
Annual reporting to the EU (if relevant)	NA
SECI Regional Center intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	Yes, but it needs improvement.
Publication of national reports on arms/SALW transfers	Yes
Publication of SALW national strategy	No

960 In June 2003, Romania presented a detailed report on the implementation of the UN PoA to the UN DDA.

961 The next submission to the UN Register is due in April 2004. Interview with Radu Horumba, Director, Office for Non-proliferation and Arms Control, MFA, Bucharest, 05 February 2004.

962 Pursuant to the OSCE Document on SALW, in June 2004, Romania will present to the OSCE a new report on imports and exports of SALW within the OSCE area. Ibid.

SERBIA AND MONTENEGRO
(including the internationally-administered entity of Kosovo)

Small Arms problem

Background

The surviving states of the former Socialist Federal Republic of Yugoslavia (SFRY) are now part of the State Union of Serbia and Montenegro (SCG). The secession of the other republics and the conflict in the Serbian province of Kosovo, and resulting NATO air strikes and international intervention, greatly affected the Republic of Serbia in particular. Although Serbia and Montenegro both largely escaped the hand-to-hand fighting, which states such as Croatia and Bosnia and Herzegovina suffered, the armed conflict in Kosovo resulted in thousands of lost lives and large numbers of refugees flooded into Serbia and Montenegro from the province, as well as Croatia and BiH.[963] Prior to the break-up of the former Yugoslavia, Serbia had been the hub of the federation, with the capital Belgrade as the centre of a large and relatively prosperous state. However, instability and sanctions imposed from 1992 to 2000 hit the country's economy hard, and the vast majority of the population suffered from shortages of food and key consumables such as petrol and electricity. Compounded by the strains of refugee absorption, and to a certain extent the bomb-damage to infrastructure and industry, the Serbian economy and society suffered under the authoritarian and corrupt Milosevic administration, which perpetuated the country's isolation from the region and international community. With the popular overthrow of then President Milosevic's Socialist Party of Serbia in elections in 2000 and the coming to power of the DOS coalition,[964] the country began to return to the mainstream, and, with the help of international aid, to progress toward reform and integration within wider European structures.

The greatly reduced state of the Federal Republic of Yugoslavia (FRY), now the State Union of Serbia and Montenegro, is also threatened by further reduction, with Montenegrin moves towards full independence from the federation. During the last

963 The number of people killed or displaced by the Kosovo crisis is still unclear; approximate estimates of the number of lives lost during the conflict in Kosovo put the number of dead at 10,000, and the number of ethnic Albanian and ethnic Serb refugees/IDPs at 800,000 and 200,000 respectively. 'After the Wars, the Vietnam Syndrome', Vesna Peric Zimonjic, IPS News, 06 October 2003, http://ipsnews.net/interna.asp?idnews=20479.

964 Democratic Opposition of Serbia.

years of the Milosevic regime, Montenegro 'followed a course of creeping secession', gaining some initial support from European powers that saw Montenegro as an ally against the blackballed authorities in Belgrade at that time.[965] The tiny coastal republic of approximately 600,000 is not necessarily a great loss in terms of resources or population, but Montenegro does provide Serbia's only link to the sea and is therefore strategically valuable, and more importantly, Montenegrin secession would make the outstanding question of Kosovo's status hard to ignore.[966] The internally administered entity of Kosovo,[967] is currently run by the UN mission in Kosovo (UNMIK), in accordance with UN Resolution 1244, which postpones the hard question of Kosovo's independence until a later date. The situation at present remains difficult – leaders of the local ethnic Albanian majority in Kosovo maintain that independence is the only acceptable outcome, while Serb leaders in Belgrade, particularly right-wing leaders, insist that the entity is and should remain a province within the Serbian state. The international community therefore intervened in discussions on Montenegro's secession in order to avoid 'premature' discussions on Kosovo. With the incentives of greater devolution of centralised responsibilities and power sharing, 'an EU initiative salvaged the union with Serbia', and convinced Montenegro to postpone a referendum on secession until 2005.[968] The current arrangement, the State Union of Serbia and Montenegro, was formally instituted on 14 March 2002 and seems to be working reasonably well; however, the question of Kosovo's status remains key to stability in the country and region.

The current situation

Republic of Montenegro

Montenegro managed to survive the dissolution of the former-SFRY without conflict, despite its ethnically mixed population. Despite its proximity to Albania and Kosovo, it has suffered no violence and inter-ethnic tensions are minimal. Recent alarming threats have come from the Albanian National Army (ANA), an ethnic Albanian extremist group which began activities in Macedonia in 2003, and subsequently expanded its activities into Kosovo and southern Serbia. The existence of an ANA website in Montenegro led to political debate in the sub-region: the consensus is that there is little behind vague public 'threats' of action to protect the rights of ethnic Albanians in Montenegro, but that the group does have some capacity to cause instability in the republic if the situation grows more tense.[969]

A more pressing concern from the perspective of public security is 'the Montenegrin administration's links to organised crime', and the fact that, according to BICC, the

965 BICC Conversion Survey2002, p 137.

966 'If Montenegro were to have left the [then] FRY, the 'federation' would have become even more anomalous, comprising one country, Serbia, its province Vojvodina, and Kosovo, under international administration and currently of unresolved status. Montenegrin independence would have also given support to Kosovo Albanians' calls for independence, and possibly also to the stirrings of discontent in Serbia's remaining 'province', Vojvodina.' 'Small Arms and Light Weapons in the Federal Republic of Yugoslavia', Ian Davis, Saferworld May 2002 (hereafter 'SALW in FRY, Saferworld 2002'), www.saferworld.org.uk, p 17.

967 Hereafter referred to as 'Kosovo'.

968 SALW in FRY, Saferworld 2002, p 17.

969 The Montenegrin Interior Ministry is investigating the existence of the Albanian National Army in Montenegro after the early 2004 internet warning issued by this organisation that it would carry out actions against vital Montenegrin facilities and interests if 'the fate of the Albanians in Montenegro is experimented with'. Albanian political leaders have expressed doubts about the group's existence in the country. 'Albanian National Army of Montenegro Opens Website?', Daily Media Review, 10 - 11 January 2004; 'Montenegrin Police Has No Knowledge of the Albanian National Army', Daily Media Review, 12 January 2004; 'Ethnic Albanian Leader in Montenegro Denounces Extremist 'Propaganda' ', Daily Media Review, 15 January 2004; www.seesac.org.

country has become 'an important centre for the trafficking of human beings, drugs, cigarettes and weapons'.[970] The republic's serious problems with organised crime and trafficking are difficult to control given its current law enforcement capacity and problematic geography – a mountainous border and a long coastline from which smugglers can ferry goods across the Adriatic to Italy. The main threat to Montenegro's stability is therefore more likely to come from organised crime, which has a significant presence in the country and is rumoured to have connections to the top levels of government.[971] This problem extends from high-level crime down into Montenegrin communities, with recent research identifying crime as the greatest perceived threat to society and a deep distrust of the police by citizens.[972]

Republic of Serbia

Serbia is now largely stable, although tensions persist in the multi-ethnic areas bordering Kosovo and Macedonia in southern Serbia, and in the entity of Kosovo itself (see below). Although there is no armed conflict, questions of crime and political stability are another matter and arguably pose serious problems for the consolidation of peace and economic progress. The assassination of Serbian Prime Minister Zoran Djindjic in March 2003 was evidence of the power of the criminal cartels operating in the country. Djindjic had been leading moves to reform Serbia's economic system and integrate the republic into Euro-Atlantic structures. Under the DOS coalition lead by Djindjic as Serbian PM and Kostunica as federal President, Serbia had achieved substantial progress in political and economic terms, improving post-conflict relations with neighbours such as Croatia and BiH, relaxing travel restrictions and strengthening trade links, and participating in regional and international fora. However, there remain elements in Serbia who profited under the Milosevic regime: Djindjic's moves to crack-down on organised crime and corruption and increase transparency resulted in his murder by 'Mafiosi', including former members of an elite police special operations unit, the 'Red Berets', who are currently standing trial in Belgrade on charges of joining in 'a criminal enterprise to bring down the government… and return allies of Slobodan Milosevic to power'.[973] The threat of criminal intervention in politics remains present as recent threats to both the Serbian Deputy Prime Minister and the state Defence Minister indicate.[974]

Djindjic's murder paralysed Serbian politics, and two presidential elections in late 2003 failed to engage the requisite number of voters to confirm a new president and affirmed the Serbian electorate's pessimism – the position remains unfilled. Parliamentary elections on 28 December 2003 gave the Serbian Radical Party a majority in a very divided government. Discussions on coalitions continue and to date the parliament remains closed, crippling normal governance.[975] The International Crisis Group (ICG)

970 BICC notes that, 'The 'shadow economy', which flourished despite the general economic shutdown, is the result of the sanctions regime against Yugoslavia and has contributed to the creation of a 'Mafia state'.' BICC Conversion Survey 2002, p 137.

971 See SALW transfers below.

972 'Republic of Montenegro SALW Survey', SEESAC APD 23, Small Arms Survey, pre-publication draft 12 January 2004 (hereafter 'Montenegro SALW Survey, SAS 2004'), p 30.

973 'Thirty-six alleged gangsters and former members of an elite police special operations unit went on trial in Belgrade for the 12 March 2003… Only 21 of the defendants are in custody. The others, including alleged ringleader Milorad 'Legija' Lukovic, will be tried in absentia.' 'Djindjic's Alleged Assassins Go on Trial in Belgrade', Daily Media Review, 22 December 2003, www.seesac.org.

974 'Two very serious' threats were sent to the Serbian Deputy PM Nebojsa Covic, warning him to 'give up Kosovo and Metohija' or he would suffer the same fate as the late PM Djindjic; also in January 2004, threats to the safety of SCG Defence Minister Tadic resulted in stepped up security for the minister. 'Covic Receives Murder Threats', Daily Media Review, 13 January 2004; 'Tadic's Security Stepped Up?', Daily Media Review, 15 January 2004; www.seesac.org.

975 As of 16 February 2004.

presented a report on 01 January 2004 stating that the political stability in Serbia has deteriorated,[976] and recent assessments of Serbia's economy are equally negative, with experts commenting that current conditions for economic growth are 'worse than three years ago'.[977] Serbia is now at a key point in its progress towards stabilisation, and there is real potential for a resurgence of radical politics and policy that could threaten peace processes in the region.[978]

Political uncertainty at the centre has not helped the situation in the troubled region of southern Serbia, which is relatively isolated from the rest of the country and where the majority of Serbia's ethnic Albanian minority live.[979] Unlike the rest of Serbia, the Presevo Valley region south of the town Vranje has seen inter-ethnic tension and violence since the war in Kosovo, which is just across the administrative border the region runs alongside. Under the Kumanovo Agreement of June 1999, a buffer 'Ground Safety Zone' (GSZ) zone was established between Kosovo and Serbia proper.[980] However, tensions came to a head following the emergence in January 2000 of the Army of Presevo, Medvedja and Bujanovac (UCPMB), an armed group of ethnic Albanian militants with close links to the formally disbanded Kosovo Liberation Army (KLA), which aimed to join the region with the ethnic Albanian communities in Kosovo.[981] As incidents continued, large numbers of Serb police and gendarmerie were transferred to the region and allegations of human rights abuses towards the local communities were made, although government actions were 'reasonably restrained'.[982] Over 30 people died and many were injured in the 'intensive fighting' between the UCPMB and Serb police from early 2000 to May 2001, when, with the assistance of NATO,[983] fighting came to an end with the brokering of a peace agreement, the 'Covic Plan', which provided for greater ethnic Albanian involvement in local government and law enforcement and other confidence-building measures.[984]

Although many elements of the Covic Plan have been implemented in southern Serbia – the multi-ethnic police (MEP) force is active and generally well-accepted, ethnic Albanians hold many elected positions in local government, and economic investment continues – relations between communities and with the Serb gendarmerie in the area remain strained. The introduction of EU monitors and multi-ethnic police supported and

976 'ICG Latest Report on Political Situation in Serbia', Daily Media Review, 05 January 2004, www.seesac.org.

977 'Conditions for a Faster Increase in Standard of Living Worse than Three Years Ago', Daily Media Review, 06 January 2004, www.seesac.org.

978 Analysts attribute some of these developments to inept international policy in the region; Washington Post analyst Morton Abramovitz warned: 'If the West continues postponing solutions to political problems in the region, and if it continues making mistakes in the Serbia-Montenegro-Kosovo triangle, some kind of a black hole will be created, with extreme nationalism, crime and terrorism prevailing in it'. 'How to Avoid a 'Black Hole'?', Daily Media Review, 09 January 2004, www.seesac.org.

979 Ethnic Albanians account for between 60 and 70 percent of the population in the GSZ and adjacent areas. SALW in FRY, Saferworld 2002, p 18.

980 This 'Ground Safety Zone' was designed to end the fighting and to protect local communities in the area - only lightly armed Serb police were allowed to patrol the GSZ, a situation which was exploited by ethnic Albanian extremists who established bases in the Zone and stepped up activities with 'near impunity'. BICC Conversion Survey 2002, p 136.

981 Estimates of UCPMB strength range from 700 to 6,000 fighters, and recruits, training and weapons are said to have come from the KLA in Kosovo. SALW in FRY, Saferworld 2002, p 18.

982 Ibid

983 The situation deteriorated in early 2001 however, and further re-deployment of Yugoslav forces and the negotiations involving NATO's KFOR, were necessary before agreement was reached on the Covic Plan and 550 UCPMB rebels and their commander surrendered arms. The international community and KFOR 'saw the insurgency originating in UN-controlled Kosovo as a major embarrassment after the fall of Milosevic'; the successful solution of the Presevo Valley conflict was 'an important test of cooperation between KFOR, Western governments and the Yugoslav authorities, whose level-headedness prevented the repetition of a Kosovo-style escalation'. BICC Conversion Survey 2002, pp 136-7.

984 The 'Covic' Plan or Presevo Peace Plan developed in February 2001 'sought to address the situation by emancipating the ethnic Albanians and re-integrating them into Serbian political, social and economic life', combining 'a series of confidence-building measures, including the re-introduction of ethnic Albanians into the police force, with a gradual phased disarmament plan and economic aid for job creation'. SALW in FRY, Saferworld 2002, p 18.

trained by the OSCE has made a substantial contribution to improving the situation, with police now deployed across the former Ground Safety Zone, but the capacity of the MEP is still limited and the region is still somewhat hostage to politics in Kosovo and Macedonia. Violent incidents continue: at the end of Summer 2003, several attacks were made on public buildings and places, such as the cultural centre in Presevo, as well as individual homes.[985] Demonstrations on the Albanian national holiday in December 2003 saw crowds of about a thousand rallying in Presevo, taking down the Serbian flag from the local council building and replacing it with the Albanian national flag, thankfully without violence.[986] However, a few days later, an attack on a police checkpoint confirmed that threats to security are still present – unidentified gunmen opened fire with automatic weapons on a checkpoint in Konculj.[987]

An opinion poll on SALW in the region commissioned by SEESAC in the summer of 2003 provides a more hopeful outlook on the situation. Undertaken by the Belgrade-based SMMRI polling company, the survey's findings confirmed that the majority of citizens feel that low living standards and quality of life are the main problems they face, not security, and a majority of each ethnic group felt that the security situation was either the same or better than a year ago. Ethnic Albanian respondents, however, noted the Serbian gendarmerie as a threat, ethnic Serbs noted terrorism as a threat, and small numbers of both ethnic groups noted the other as a threat to general security.[988] A report on southern Serbia produced by the ICG in January 2004 argues that although local Albanian communities do not in general support the ANA and resumption of conflict, the recent resurgence of low-level of violence has been an expression of dissatisfaction with the status quo, including very difficult economic conditions, and the contradictory policies of the ethnic Albanian leaders and Serb politicians on joining or dividing Kosovo respectively, confirming that 'durable peace in the region is still far away'.[989]

The Entity of Kosovo

The marginalisation under Milosevic of the ethnic Albanian communities in Kosovo, and elsewhere in Serbia, resulted in the growth of originally non-violent resistance into violent insurgency in the mid to late 1990s following the 'increasingly repressive' action taken by Serb police and security forces in the face of public demonstrations, and the stationing of about 40,000 Yugoslav troops in Kosovo in 1997, when the KLA grew more and more active.[990] Using northern Albania 'both as a support base and a training ground' from 1994 onwards,[991] the KLA launched attacks against the Serb forces in Kosovo, leading to thousands of deaths and ethnic cleansing that created hundreds of thousands of both ethnic Serb and Albanian IDPs and refugees.[992] The NATO bombing campaign in March 1999 led to the 02 June 1999 UN settlement, a full

985 On 24 August 2003, two persons were wounded in a series of explosions of the cultural centre in Presevo; a few days later an unknown assailant threw and hand grenade in the centre of Presevo; October saw more shooting, this time at individual houses. 24 August and 27 - 28 August 2003, Weekly Media Review, 01 - 08 September 2003; 06 October 2003, Weekly Media Review, 29 September - 06 October 2003; 17 October 2003, Weekly Media Review, 13 - 20 October 2003; www.seesac.org.

986 'Albanians in South Serbia Take Down Serbian and Hoist Albanian Flag', Daily Media Review, 01 December 2003, www.seesac.org.

987 'Police Checkpoint in Konculj under Attack', Daily Media Review, 09 December 2003, www.seesac.org.

988 A majority of ethnic Serb respondents, 60 percent, felt the security situation in the region was the same as it was a year ago, while 50 percent of ethnic Albanians felt it was better. Presentation by Dr Srdjan Bogosavljievic, Strategic Marketing and Media Research Institute (SMMRI), International Agency Support Office, Vranje, 05 December 2003.

989 'ICG Report on Presevo Valley: 'Hornets' Nest in Southern Serbia'', Daily Media Review 16 January 2004, www.seesac.org.

990 SALW in FRY, Saferworld 2002, p 12.

991 BICC Conversion Survey 2002, p 130.

992 For example, approximately 1.5 million ethnic Albanian refugees fled from Kosovo to Macedonia and Albania in 1999. SALW in FRY, Saferworld 2002, p 12.

withdrawal of Serb security forces, and the establishment of KFOR in the province by the end of the month.[993] The KLA was officially disbanded in September 1999, following the withdrawal of Yugoslav security forces and administration, the intervention of international forces and the creation of a 'de facto protectorate of the UN' in the summer of 1999.[994] However, 'radical groups continue to play an important role in the territory': 'Kosovo has become the hub of both criminal and radical political activity in the region, aided by the abundance of weaponry available and comparatively inefficient policing by the multinational police force'. [995]

In the four years since the end of the conflict, there has been an enormous investment of international aid and resources, the strengthening of law enforcement authorities and development of internal capacity, as well as that of the international agencies working in Kosovo, and much has been achieved. Despite this, and notwithstanding the continuing deployment of KFOR troops, both civilians and policemen have been killed and wounded in regular outbreaks of violence. Attacks are usually committed with SALW, often military-style weapons. Incidents involving hand grenades and bombs are also common.[996] Incidents have involved the shootings of returnees,[997] and both inter- and intra-ethnic violence.[998] Late 2003 saw an 'alarming growth of violence against the new legal structures in Kosovo',[999] and the police continue to be targets of violence, as the November 2003 killing of a ethnic Albanian policewoman and wounding of two colleagues in Pec when assailants opened fire with automatic weapons indicated.[1000] A similar attack on police near Pristina the month before resulted in more injuries and the death of a civilian.[1001] Although UNMIK stresses that the number of murders has statistically fallen by 50 percent since 2000, other crimes, such as kidnapping, rape and burglary have not reduced.[1002] Recent Small Arms Survey research concluded, 'the security and safety of civilians is a serious concern in post-war Kosovo'.[1003]

Although often connected with criminal activity, violence in Kosovo often has political motivation, and 'political and criminal violence are becoming interlinked through increasingly well-organized crime structures';[1004] the continuing uncertainty over the final status of Kosovo fuels inter-ethnic tension. The Prime Minister of Kosovo's

993 Ibid, p 13.

994 BICC Conversion Survey 2002, p 138.

995 Ibid

996 'Security forces carry out controlled explosion of bomb in Mitrovica', Daily Media Review, 03 December 2003; 'Hand Grenade Explodes in Pristina', Daily Media Review, 08 December 2003, www.seesac.org.

997 An ethnic Albanian shot a Serbian woman, 72, when she tried to move back into her house in Kosovo. Weekly Media Report, 29 Sept - 06 October 2003, www.seesac.org.

998 28 October, Weekly Media Review, 28 October - 03 November 2003, www.seesac.org.

999 Deputy Chief of US Mission in Pristina Sorenson. 'Growing Violence Against Kosovo Legal Structures', Daily Media Review, 27 November 2003, www.seesac.org.

1000 'Kosovo Policewoman Killed, Two Policemen Wounded', Daily Media Review 25 November 2003, www.seesac.org.

1001 International staff working in Kosovo have also not been immune to violent crime: a German OSCE employee was stabbed in November, and a US KFOR soldier was killed in December 2003. 'Attack on OSCE Employee in Kosovo', Daily Media Review, 24 November 2003; 'US soldier found dead in Kosovo', Daily Media Review, 08 December 2003, 12 September 2003; Weekly Media Review, 08 - 15 September 2003; www.seesac.org.

1002 Statistics in October confirmed that 475 people were killed, 705 wounded and 183 armed robberies happened in Kosovo last year. 'Chappell: UNMIK Police Launch Operation Against Organised Crime', Daily Media Review, 20 November 2003; 17 October 2003, Weekly Media Review, 13 - 20 October 2003, www.seesac.org.

1003 'Kosovo and the Gun: A Baseline Assessment of Small Arms and Light Weapons in Kosovo', Anna Khakee and Nicholas Florquin, Small Arms Survey, June 2003 (hereafter 'Kosovo and the Gun, SAS 2003'), p viii.

1004 'Intimidation of those in key political and administrative positions is pervasive', and it has proved difficult to keep local Kosovars in senior positions within the customs service. With the demobilisation of the KLA, parts of its leadership entered politics, others went into 'business, organized crime, or continued paramilitary activities. But the split is not a neat one, as business, organized crime, and regular and extremist politics are linked in various ways... not confined to ex-KLA structures. The links are strongest in extreme nationalist organizations, which are thought to finance their activities mainly through crime, and most recently through a spate of kidnappings'. Kosovo and the Gun, SAS 2003, pp 7 and 8.

Provisional Institution of Self-Government (PISG), Bajram Rexhepi, and members of the Kosovo police force, for example, were attacked in the largely-Serb populated northern Kosovo town of Kosovska Mitrovica in December 2003 while meeting a delegation from the World Bank.[1005] In mid-November 2003, several thousand ethnic-Albanian Kosovars gathered in downtown Pristina, demanding that UNMIK leave Kosovo and the province be unified with Albania.[1006] By the end of the year the rise in ethnically-motivated violence was noted by the UN Secretary General, Kofi Annan, in a speech to the Security Council.[1007] As this report was going to press, on the 17 - 18 March 2004, 28 people were killed and hundreds injured[1007a] in a wave of public unrest that also saw the burning of religious buildings and homes and the displacement of at least 3,200 people, mostly ethnic Serbs and Roma.[1007b] Arguably the most serious breakdown of public order and level of violence since NATO first entered Kosovo, these events are clear evidence of the underlying tensions and continuing potential for conflict in the entity. Among the many challenges remaining, 'a central obstacle to the success of these efforts, however, is the continued widespread availability and misuse of small arms and light weapons'.[1008]

SALW proliferation

Formed after the success of guerrilla warfare during the Second World War, Tito's SFRY maintained a large army, the Yugoslav National Army (JNA or VJ), and the concept of civil defence was an important part of Yugoslav culture and state.[1009] In addition to the substantial SALW holdings of the army and civilian reserves, an estimated 1.6 million firearms were also registered as personal weapons for use by individual citizens. The highest SFRY gun per capita ratios were in Montenegro and Serbia.[1010] The conflicts and instability in the Serbia and Kosovo and the wider region contributed to a large increase in illegal proliferation, as state-held arms diffused through the population and guns were smuggled into the region to equip combatants. The majority of these illegal weapons remain uncollected, with many people continuing to retain arms for perceived needs of self-protection.

Republic of Montenegro

Recent SAS research finds that 'the widespread availability and misuse of small arms continues to threaten the safety and stability of Montenegro'.[1011] Montenegro has a particularly strong gun culture and even before the conflicts of the 1990s there were very high levels of civilian possession: 'a house isn't a home without a gun' is a

1005 'Kosovo PM Attacked in Mitrovica While Meeting World Bank Delegation', Daily Media Review, 06 - 07 December 2003, www.seesac.org.

1006 13 November 2003, Weekly Media Review 10 - 16 November 2003, www.seesac.org.

1007 'Annan Warns of Mounting Tension in Kosovo', Daily Media Review, 25 December 2003, www.seesac.org.

1007a "Shocked and outraged", Annan condemns killing of two UN police in Kosovo, 24 March 2004, UN News Centre, http://www.un.org/apps/news/.

1007b Following last week's violence, funeral held in Kosovo without incident UN, 21 March 2004, UN News Centre, http://www.un.org/apps/news/; 'UN mission urges calm on fifth anniversary of NATO's intervention in Kosovo', 23 March 2004, UN News Centre, http://www.un.org/apps/news/.

1008 Kosovo and the Gun, SAS 2003, p 41.

1009 'Macedonia: Guns, policing and ethnic division', Anna Matveeva with Duncan Hiscock, Wolf-Christian Paes and Hans Risser, Saferworld and BICC, October 2003, p 39.

1010 Statistics for 1989: Montenegro had 584,310 inhabitants and 78,928 registered weapons; Serbia, 5,694,464 inhabitants and 492,314 registered weapons; Kosovo, 1,584,441 inhabitants and 65,540 registered weapons; Vojvodina, 2,034,772 inhabitants and 143,651 registered weapons. Figure T3.1: Small Arms Ownership in the former Yugoslavia, 1989. BICC Conversion Survey 2002, pp 127-8.

1011 Montenegro SALW Survey, SAS 2004, p 43.

sentiment held dearly by many Montenegrin citizens.[1012] As noted above, despite the fact that Montenegro escaped the last decade's armed conflict in the region, it did not escape many of the negative effects of this conflict, including a rise in organised crime and smuggling, economic decline, war trauma, perceptions of political insecurity, and higher levels of SALW proliferation. Many weapons used in the fighting in neighbouring countries ended up in Montenegro, brought back as souvenirs by returning soldiers or for protection by refugees and smuggled in by criminals for trafficking purposes. The Small Arms Survey finds that the common estimate of one weapon per household is 'a realistic upper threshold' for small arms possession, and that Montenegro appears to be 'one of the most heavily armed territories in the region'.[1013] Distinguishing between SALW controlled by the Government and weapons in civilian hands is apparently problematic, primarily because the Montenegrin Government distributed large numbers of weapons to the population in the late 1990s, and little reliable information is available on who now has direct responsibility for them.[1014] In addition to government police and military forces, and civilians, other armed groups in the country include the rapidly growing private security sector, and reputedly the Serbian Orthodox Church. [1015]

The Small Arms Survey's conclusions are that the number of SALW in Montenegro is between 153,000 and 232,000. With the MoI holding 15,000 to 18,000 and the army between 27,000 and 54,000, SAS estimates that there are between 111,000 and 160,000 registered and unregistered SALW held by civilians in Montenegro.[1016] 86,000 of these civilian-held weapons are officially registered, meaning Montenegro remains one of the countries in the region with the highest rate of registered firearms: although data on illegally-held SALW is sparse, it appears there may be between 25,000 and 74,000 unregistered guns in civilian possession.[1017] Although SAS research found that the vast majority of Montenegrins – over 80 percent – believe that there are too many guns in the country and that nearly 40 percent believe guns are dangerous, another 40 percent admit that they would own a gun legally given the opportunity. The primary reason given for owning firearms was the protection of self and family.[1018] With survey respondents noting the vulnerability resulting from regional conflict, other reasons given for firearms ownership were political and personal security, levels of crime, the impact of 'macho' media images, tradition and the potential profits to be gained from trade in arms.[1019] The Small Arms Survey notes that, 'Although many individuals recognize the danger that firearms potentially present to Montenegrin society, far more believe that owning weapons is both a part of their cultural tradition as well as their right as citizens. As such, many Montenegrin citizens exercise their right to own and publicly carry a

1012 Ibid, p 2.

1013 Ibid, pp 3 and 8.

1014 As many as 10-12,000 of these weapons are likely to be connected with the Defence Reserve Force, whose numbers grew by thousands with recruitment in the late 1990s as a response to growing tensions with the former Yugoslav Army. 'The number of SALW distributed by the Montenegrin government to the defence reserve force remains unclear at the time of drafting this first report, as officials were unable and/or unwilling to provide details about what was distributed... What is unclear is what is happening to the weapons previously held by the 10,000 defence force reservists who are now said to have been decommissioned, reintegrated into the growing border police or in state security forces. While some officials claim that their weapons have been surrendered and are now stockpiled and secured by MUP, focus group results suggest that the process was not as systematic as one would hope, which implies that a number of SALW given by the government to civilians have not been recovered.' Ibid, pp 9, 10 and 11 and Executive Summary. BICC notes that in response to the threats from the Milosevic regime, the Montenegrin government expanded the republican police force from 10,000 to 25,000 officers, 'creating a heavily armed paramilitary force': the 'source of weapons for this force is unclear as Montenegro was subject to the same arms embargo as Serbia'. BICC Conversion Survey 2002, p 137.

1015 Montenegro SALW Survey, SAS 2004, p 9.

1016 Ibid, p 5.

1017 Ibid

1018 Ibid, p 22.

1019 Ibid, pp 23 and 27.

variety of weapons, from handguns to rifles, a fact illustrated by the multitude of public celebratory shootings and gunshot wounds that occur in the Republic each year'. [1020]

Republic of Serbia

Official data released in 1999 estimated the number of legally armed citizens in the then FRY at 508,700. This does, however, appear to be 'a huge underestimation' as 2001 statistics on licensed civilian ownership alone are over a million.[1021] As of May 2001, 1,005,058 weapons were registered for a population of about 9 million in Serbia. The majority of these privately-held guns, 516,000, are revolvers and pistols.[1022] Most of these weapons were registered under the 'relatively lax former gun laws'; by 2001, only 1,667 new licences had been granted to private citizens since stricter legislation on gun ownership was introduced in 1998.[1023] Another separate sub-category of licensed firearms is 'small calibre weapons', of which 31,068 were registered in 2001: licences for these weapons are only granted for possession and their sole use is sporting (not hunting). MoI officials advised a Saferworld research team in 2001 that 'there is no evidence of criminal acts being committed with small calibre weapons'.[1024] According to a recent local news programme, people are now buying mostly hunting weapons, and that sales of pistols have dropped, although foreign weapons remain the most sought-after models.[1025]

Male students in a Belgrade High-School complete a questionnaire as part of the Balkan Youth Union's research during 2003.

Apart from the statistics on registered weapons noted above, there is 'very little information' available on SALW holdings by non-state actors in Serbia, including civilians, criminals and insurgents. However, the large number of weapons seized do shed some light: 46,800 between 1992 and 2000 (minus seizures during 1994), although these figures are by nature dependent on police capacity as well as the number of illegal firearms circulating.[1026] Official estimates from the MoI in 2001 are that there are approximately 50,000 unregistered weapons in circulation.[1027] It is highly likely that the true number is far greater, as the March to April 2003 amnesty collection totals were 40,500, and it is extremely doubtful that anywhere near all the illicit SALW in the country were collected in this initiative. There are currently no up-to-date official statistics available on levels of legal and illegal weapons in Serbia; more detailed information in this area, and in related areas, will be needed for a full evaluation of the SALW problem in Serbia, necessary to inform appropriate responses.

Research conducted by the local Balkan Youth Union in schools around Belgrade indicates that there is a serious problem with SALW proliferation in the areas surrounding the capital city. 50 percent of students surveyed, aged from 13 to 19 years, think 'there is a significant quantity of weapons in Belgrade', nearly 60 percent had held a weapon

1020 Ibid, p 2.

1021 SALW in FRY, Saferworld 2002, p 50.

1022 Ibid, p 51.

1023 BICC Conversion Survey 2002, p 136.

1024 SALW in FRY, Saferworld 2002, p 52.

1025 'Gun Culture or Violence' news clip, VIN news programme No 284, broadcast 2130 hours B92, 09 February 2004.

1026 The greatest number of weapons seizures were during height of conflicts in the region: in 1992, 5,800 weapons were seized; 1993, 10,000 seized; 1995, 11,000; 1996, 6,700; 1997, 5,000; 1998, 3,500; 1999, 2,500; 2000, 2,300. No information was available for 1994. SALW in FRY, Saferworld 2002, p 51.

1027 BICC Conversion Survey 2002, p 136.

and over 90 percent had been in a situation where weapons were used.[1028] 'Respondents show great familiarity with weapons, expressed through their colloquialisms for certain types of weapons', and over 70 percent believe that weapons are owned for reasons of personal protection, and that this is a justifiable reason.[1029] These are obviously worrying statistics, and it is unlikely that such problems are limited to Belgrade.

There is no publicly available data on the SALW stocks of the State Army. Slightly more information is available on MoI stocks (police, special police forces, border control, etc), although no up-to-date estimates were available. During the Milosevic period, the MoI was the 'favoured' state force, and said to enjoy the best weaponry and equipment. Numbering 120,000 personnel and said to be drawing the biggest single share of the Serbian national budget, the Serbian police were equipped with weaponry including armoured vehicles, mortars, helicopters and anti-aircraft artillery.[1030] Although no data exists on the fate of this equipment, it is likely that much remains in MoI stocks as only limited destruction has taken place so far and re-structuring will reduce the number of active personnel.

In the SMMRI survey of public perceptions of small arms and security in southern Serbia in 2002, a very small number of respondents said they had been victims of armed thefts, vandalism, unjustified shootings, accidental and intentional injuries and weapons trafficking. Interestingly, survey results varied enormously between ethnic groups of respondents in answers to questions on weapons availability and possession. Ethnic Albanian respondents for example, 'stated they wouldn't even know where to get firearms, while Serbs stated that firearms are available even in the flea markets', and respondents from both ethnic groups 'were not willing to make any assessment of either the number or the type of illegal weapons which might be present in their region'.[1031] However, responses to other questions, added to the recent incidents of armed violence in the region, indicate that a substantial number of weapons do exist in the region, as respondents noted the negative impact of SALW proliferation and arms possession by the other ethnic group and criminals.[1032] Criminal groups were also noted as a major group possessing weapons, and the recent armed violence in the region suggest that substantial numbers of weapons may remain in the area.[1033]

The Entity of Kosovo

BICC notes that even before the conflict in Kosovo began or the crisis in Albania, in 1989 the number of illegal weapons in circulation greatly exceeded the number of

1028 'Belgrade Youth Perceptions of SALW Problems', Vladimir Djumic, Clearing Guns Newsletter, Volume 1, Issue 2, October 2003. The full report of the Balkan Youth Union research is forthcoming from SEESAC.

1029 Ibid.

1030 'A Serb police source admitted that the MUP resembled 'light infantry more than policemen'. It possessed an arsenal of at least 150 armoured vehicles, 170 mortars of various calibre, unspecified numbers of light artillery and Russian-made ground attack helicopters and anti-aircraft artillery. The MUP adopted army-style ranks and command structures in 1994 and were said to be drawing the largest single share of the Serbian national budget in the period up to 1998.' SALW in FRY, Saferworld 2002, p 50.

1031 Presentation by Dr Srdjan Bogosavljievic, SMMRI, International Agency Support Office, Vranje, 05 December 2003.

1032 While respondents generally avoided questions on weapons possession, responses to questions on reasons for 'hypothetical' weapons possession gave interesting results: with personal and property protection and hunting the vast majority of answers. Questions of the benefits of gun ownership for protection versus the danger this poses within families were answered with a general split - a slightly higher majority of ethnic Serb respondents felt that possession is a positive help for protecting families rather than dangerous (42% and 36%), while a majority of ethnic Albanians replied that weapons possession is dangerous (57%), with only 28% feeling that guns helped to protect families. The vast majority of respondents also confirmed that the impact of firearms on education, investments and business development, income and local infrastructure was negative, indicating that despite responses, a problem with SALW proliferation in the region does exist. This was confirmed by questions on sources of weapons, to which each ethnic group responded that the other is the main source of weapons, particularly the ethnic Serb respondents, who are 'convinced that Albanians keep tons of firearms'. Ibid.

1033 In addition to the weapons possessed by the UCPMB (largely sourced from Kosovo) as noted above, the conflict in southern Serbia was 'also fuelled by the large number of Serb-held weapons, sent to the region during the Milosevic era through secret channels, together with instructors. It seems likely that these weapons remained in southern Serbia following the Kumanovo Agreement which ended the war in June 1999'. SALW in FRY, Saferworld 2002, p 55.

registered weapons in Kosovo, 'where it was almost impossible for the ethnic Albanian minority to possess firearms legally'. Federal Yugoslav police estimated the number of illegal firearms in Kosovo in 1989 at around 400,000, including 150,000 long-barrel weapons.[1034] In the run up to and during the conflict, the two main sources for weapons in Kosovo were the former Yugoslav authorities and the weapons looted from stockpiles in Albania and brought across the border by criminal groups and paramilitary forces, primarily the KLA. [1035]

Research conducted by the Small Arms Survey in 2002 estimates that there are between 350,000 and 480,000 small arms in Kosovo, excluding arms held by international forces – of these, the vast majority, 330,000 to 460,000, are civilian-held small arms, both legal (approximately 20,000) and illegal.[1036] In addition to civilians, Small Arms Survey estimates are that the Kosovo Police Service (KPS) hold 5,200 weapons, Weapons Authorisation Card holders over 200, Kosovo Serb militia between 240 and 400, and Kosovo Albanian militia, including the NLA, between 11,800 and 15,800 weapons.[1037]

The KLA was officially demobilised in 1999, with many of its members now engaged in the Kosovo Protection Corps (KPC), a force with an active corps of 3,000 and auxiliary branch of 2,000 established to take responsibility for disaster relief, search and rescue, and humanitarian and de-mining assistance. The KPC is supposed to operate unarmed, but is allowed 200 weapons to guard facilities, while KFOR holds 1,800 former KLA arms in trust for the Corps.[1038] The KPC 'continues to be viewed with suspicion', and there is 'wide agreement that the KLA was not fully disarmed'.[1039] Although the 'murky' distinctions between combatant and civilian in the paramilitary forces in Kosovo makes estimating the extent of insurgent groups' arms stocks difficult, the Small Arms Survey believes that ex-KLA weapons are now likely to be controlled by a variety of groups and individuals, and that 'it is possible that very large weapons stocks exist in Albania, near its border with Kosovo, around places such as Bucaj and Krume, but these weapons are beyond the scope of this report. They would be an important concern, however, should armed clashes resume'.[1040] Kosovo Serb paramilitary groups were also 'quite strong in 1999', and forces such as the Black Hand, Serb Liberation Army and White Eagles, 'were well armed by the VJ (Yugoslav Army) and Yugoslav police'; Small Arms Survey estimates of their holdings are calculated at higher numbers than the actual groups recruits, 'given the VJ's 'people's war' tactics' of distributing weapons to

1034 BICC Conversion Survey 2002, pp 127-8.

1035 In the late 1990s the Yugoslav authorities distributed approximately 75,000 AK-47s to Serbian residents of Kosovo, with the aim of creating auxiliary forces: 'while many of these weapons were taken back to Serbia during the retreat of the Yugoslav Army, it seem likely that some weapons were lost to the enemy or retained by the approximately 100,000 Kosovo Serbs or other minorities for self-protection'. BICC Conversion Survey 2002, p 139.

1036 Kosovo and the Gun, SAS 2003, p 11.

1037 Ibid

1038 These weapons are now in rather poor condition as despite access rights, the KPC has undertaken little or no maintenance of the weaponry, a fact which 'could indicate that the KPC, which strives to become the national army in case Kosovo one day becomes independent, has no shortage of better quality and/or more powerful guns, or ready access to such guns'. Kosovo and the Gun, SAS 2003, p 12.

1039 The KPC 'continues to be viewed with suspicion in international circles in particular, dismissed by many as a day job for an insurgent organization with a reputation for having turned to organized crime'. SAS also argues that KLA weapons were likely to have transferred to splinter groups, such as the UCPMB and ANA, and that 'a substantial part of ex-KLA weaponry, 7,800-9,800 weapons, could have ended up in the hands of these groupings/organizations'; remaining former KLA weapons, between 8,000 and 18,000, 'are assumed now to be part of civilian weapons holdings'. Kosovo and the Gun, SAS 2003, pp 12-15. BICC research supports this, arguing that the KLA arsenal, despite the force's demobilisation in 1999, remains a 'substantial source of modern weapons'; while the KLA surrendered some 9,000 small arms, 800 machine guns, 178 mortars, 27,000 hand grenades and over five million rounds of ammunition to KFOR troops, 'it is widely assumed that this weaponry does not represent all the arms available to the KLA'. Frequent finds of weapons caches inside Kosovo seem to confirm the hypothesis that KLA weapons were hidden in preparation for a possible return to violence - some of these weapons have since been supplied to other ethnic Albanian armed groups in Macedonia and southern Serbia, but it is believed that many 'KLA weapons are now either stored by private citizens or used for criminal purposes'. BICC Conversion Survey 2002, p 139.

1040 Kosovo and the Gun, SAS 2003, p 14.

supportive civilians. [1041]

In addition to armed groups, small arms are owned and used by a wide variety of actors, including: international security providers such as KFOR and UNMIK, criminal actors, businessmen, ex-combatants, private security companies, a small number of politicians, hunters and recreational shooters, and civilians, who hold the 'overwhelming majority' of SALW. [1042] Most prevalent in rural or semi-rural areas, guns in Kosovo seem to be mainly kept on family basis: 'although controlled by the adult male members of the household, they are 'family guns' rather than individually held', and the majority are stored in or nearby homes.[1043] The most common weapons in circulation are pistols and assault rifles, although rifles and shotguns are also present in the entity, and 'to a much lesser extent, rocket launchers, sub-machine guns, sniper rifles, and grenades'.[1044] Although 'the geographical distribution of SALW can in principle shift rapidly' across Kosovo, it appears that Mitrovica and Peje/Pec have the densest holdings of arms, although large weapons caches are regularly found throughout Kosovo, with almost daily KFOR announcements of seizures.[1045]

With trust in security providers varying enormously by ethnic group, research found little difference in the primary motive for weapons possession in Kosovo – personal security and protection. Worryingly, 'both ethnic Albanian and ethnic Serb children and youth claim to rely primarily on themselves and on weapons to ensure their security' and in discussions 'youth consistently stated that approximately 25 – 50 per cent of them could personally and easily acquire a firearm within 24 hours'.[1046] SAS concludes that the 'widespread availability of guns' in the entity 'constitutes a central challenge to the reduction of insecurity and promotion of development', and has a number of consequences for Kosovo society: 'direct effects include fatal and non-fatal injuries, as well as psychological and physical disabilities due to small arms misuse... The indirect effects are more numerous – including social, economic, and human development dimensions'.[1047]

SALW-related crime

Armed crime is a problem throughout Montenegro, Serbia and Kosovo. Organised criminal networks are a serious problem, with mafia, corruption and armed violence reaching well into the political sphere. Also worrying is the 'growing problem of weapons possession among urban youths either as part of gangland or criminal activity', a legacy of post-conflict instability and increased crime, coupled with 'up-dated' models of traditional gun culture and easy availability of weapons.[1048] There are also substantial problems with trafficking in various illegal commodities between Kosovo, Montenegro, Serbia, Albania and Macedonia. Montenegrin experts for example, recently blamed the

1041 Ibid, p 15.

1042 Ibid, p ix.

1043 Ibid, p 17.

1044 Ibid, p viii.

1045 Ibid, pp 15 and 19.

1046 Ethnic Albanians tend to have trust in the Kosovo Police Service, and to a lesser extent KFOR, while ethnic Serbs have little trust in the KPS; the majority of both groups however have trust in the international CIVPOL. 'Findings suggest that Kosovans' perception of guns greatly depends on their level of satisfaction with the current political situation. Kosovo Albanians are comfortable with the current security and political situation and therefore see tradition and protection against criminality as the main motives behind gun possession. Ethnic Serbs, on the other hand, are much less in agreement with current institutional arrangements and political insecurity much greater weight in terms of justifying gun possession.' Ibid, pp ix, 9, 33 and 39.

1047 Ibid, pp viii and 35.

1048 SALW in FRY, Saferworld 2002, p 29.

flourishing drugs traffic between Kosovo and Montenegro on 'inadequate government support' and lack of technical equipment.[1049] A serious and growing problem exists with both narcotics[1050] and people smuggling,[1051] and it seems both these activities use similar routes and are linked to illicit SALW in various ways.[1052] While the level of SALW trafficking seems to have in general decreased in recent years in SCG and Kosovo, the serious problems with organised crime and flourishing trade in other contraband serves to highlight the fact that borders are porous and should market demand increase SALW trafficking could again become a more substantial problem (see SALW transfers below).

Republic of Montenegro

Recent research in Montenegro finds that citizens lack trust in the police, that Montenegro suffers from 'relatively high levels' of small arms and violent crime compared with the rest of the region, and that small arms misuse is inflicting 'an important public health burden to the Montenegrin population': findings that personal and family protection are the primary reason for gun possession are therefore logical.[1053] Armed crime is a particular problem in smaller towns and handguns are the most common weapon used in assaults.[1054] Small arms are also used in petty crimes and illegal possession is a significant problem, with thousands of cases a year. [1055]

Republic of Serbia

In its report on implementation of the UN PoA to the UN Biennial Meeting of States in 2003, the SCG Government notes that, 'the armed conflicts in the territory of the former Yugoslavia accounted for an enormous increase of the quantity of arms and ammunition in the possession of citizens, which culminated in terrorism and organized crime'.[1056] Although no official figures were available, it appears that armed crime rates are fairly high in Serbia, with gangland shoot-outs a relatively common occurrence in large cities such as Belgrade.[1057] The assassination of Prime Minister Djindjic in 2003

1049 It is estimated that 100 kg of heroin enters Montenegro every day, mainly on its way to markets further afield in Western Europe. 'Large Quantities of Drugs From Kosovo Smuggled Into Montenegro', Daily Media Review, 17 December 2003, www.seesac.org.

1050 The substantial seizures of drugs indicate how serious a problem this is becoming. In October 2003 alone, local press notes: 10.246 kg heroin seized on the Serbia-Montenegro crossing; the arrest by Belgrade police of two people caught with 850 g of heroin; the apprehension by UNMIK police of three smugglers trying to bring 36 kg of heroin into Kosovo from Albania. 16 and 17 October, Weekly Media Review, 13 - 20 October 2003; www.seesac.org.

1051 The Deputy Chief of Serbia's border police stated publicly that human trafficking has become the dominant criminal activity in South Eastern Europe. The Serbian MoI has established 33 units to fight the problem and is achieving results; arrests have also been made in Montenegro, helping to cut people smuggling channels to Western Europe. 16 October 2003, 17 October 2003; Weekly Media Review 13 - 20 October 2003; 'Human Trafficking Remains a Problem in Serbia - IWPR', Daily Media Review, 25 November 2003; www.seesac.org.

1052 Belgrade police confiscated illegal weapons, in addition to substantial amounts of illegal narcotics, from criminals in October 2003. 17 October 2003, Weekly Media Review, 13 - 20 October 2003, www.seesac.org.

1053 Respondents in SAS research said the police are 'biased, behave rudely and unprofessionally, frequently use policies of nepotism, and are often used as a 'repressive instrument of the state' that strictly follow the politics of the party in power'. Montenegro SALW Survey, SAS 2004, pp 3, 20 and 30.

1054 'Handguns, and more specifically pistols, appear to be the primary weapon used in assaults, as this weapon type was involved in at least 35% of assaults which took place in 2003... Handgun makes that were used repeatedly in assaults during 2003 included Glocks and Zastavas. It is also important to note that although most assaults were carried out using unregistered weapons, in some cases registered handguns were also used. Other small arm types commonly used in assaults included explosives, automatic rifles, hunting rifles and grenades.' Ibid, pp 18-19.

1055 'With respect to illicit possession of firearms, statistics vary from source to source. Criminal justice sources claim that approximately 3,000 to 4,000 such cases go to court on an annual basis,1055 while MUP gave a range of 1,000 - 1,800.1055 The OSCE reported between 82 and 147 annual cases of illegal possession between 1999 and 2001.' Ibid, p 19.

1056 Report of Serbia and Montenegro on the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, July 2003 (hereafter 'SCG UN PoA report, 2003').

1057 Author's observations from local news reporting; also, 'Shooting in the Centre of Belgrade Saturday Night', Balkan Times, 14 September 2003, www.balkantimes.com.

indicates the extensive reach and power of criminal networks in the country, which, 'having been protected from arrest and prosecution by the Milosevic regime', have now developed highly lucrative illegal business interests that they are prepared to exercise serious violence to protect.[1058] The weapons of choice for criminal activities in Serbia are said to be AK-47s, 9mm and 7.62mm pistols; according to MoI officials, about 90 percent of criminal activities involving firearms in the country are carried out using illicit firearms.[1059] Of increasing concern is the inflow of more modern weapons, such as Heckler & Koch MP5K and Glock 9mm Pistols, which are now the aspirational weapons of preferred choice for criminal elements; as the SEESAC Team Leader commented, 'fashion applies to SALW too!' [1060]

The Entity of Kosovo

'Criminality, particularly crime involving small arms, is prevalent in Kosovo': although violent crime rates are not much greater than neighbouring countries, an extremely high proportion of them are committed with small arms, and recent Small Arms Survey research indicates that the guns themselves are part of the problem, since the 'substitution effect' (when one kind of tool becomes scarce, it is replaced with another to commit a crime) does not appear to be strong.[1061] 'Organised gangs appear to operate with impunity', suggesting at least endorsement by former paramilitary structures such as the KLA, and there are 'widespread reports that ethnic Albanian civilians are at risk from ethnic Albanian irregular forces engaged in criminal activities'.[1062] This view is confirmed by statistics for murders which occur largely between ethnic-Albanian Kosovar men.[1063] It is clear that illegal SALW remain easy to come by and are widely diffused throughout Kosovo.

Small Arms policy and practice

Government policy and the international community

State Union of Serbia and Montenegro

The SCG Government's overall policy trends have been similar to that of many countries in the region, with high priority given to joining Euro-Atlantic structures, the EU and NATO, and it appears that this direction is likely to continue despite recent election results.[1064] The country is becoming more acceptable to the international community, it has improved relations with neighbouring countries, is participating more in international fora and mechanisms and undertaking reforms in the military as well as economic and

1058 SALW in FRY, Saferworld 2002, p 26.

1059 'Of the incidents involving legally held weapons, only one or two percent are related to armed crime, with remainder associated with personal injuries, suicides etc.' BICC Conversion Survey 2002, p 136.

1060 Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

1061 Kosovo and the Gun, SAS 2003, p ix.

1062 SALW in FRY, Saferworld 2002, p 27.

1063 Ibid, p 7.

1064 'Serbia-Montenegro Urges EU to Continue Assistance Towards Euro-Atlantic Integration', Daily Media Review, 15 January 2004, www.seesac.org.

1065 Visa regimes have been relaxed with Croatia and BiH in the last couple of years and in October 2002 the demilitarization of border belt with Croatia began. Ratification of international law enforcement agreements has also stepped up recently, with Serbia and Montenegro ratifying UN protocols on smuggling as well as participating in instruments such as the UN PoA. 02 October, Weekly Media Review, 29 September - 06 October 2003, and 06 November, Weekly Media Review 03 - 10 November 2003, www.seesac.org.

social spheres in order to achieve the goals of closer European integration.[1065]

Part of Serbia and Montenegro's continued moves towards integration with European structures involves their upcoming membership of NATO's Partnership for Peace programme, slated for May 2004. [1066] As the SCG President stressed in December 2003, progress in the area of military reform is an important prerequisite for SCG's full integration into Euro-Atlantic structures and it is therefore 'necessary that reforms in this sphere remain the country's top priority'. [1067] Montenegro clearly shares these objectives, as Prime Minister Djukanovic emphasised that military reform is one of the 'basic requisites for creating a regional security system and quick inclusion of the Western Balkans into Euro-Atlantic security structures'.[1068]

Substantial reforms of the former VJ or Yugoslav Army, much of which remained under Belgrade's control following the break-up of the former Yugoslavia, are under development and much progress has been made. The new Serbian and Montenegrin MoD and state army, VSCG, is structured according to old socialist models (oversized for the population it now serves); reform of the huge numbers of staff, out of date equipment and various facilities and bases of the VSCG is a serious challenge. According to NATO officials, the numbers of VSCG staff must be reduced to from 78,000 to 50,000, a key precondition for PfP admission, along with reform of the defence system to bring it under full civilian control.[1069] These reforms will inevitably result in substantial amounts of surplus weaponry, including SALW (see Stockpile Management below).

In a promising move towards transparency, the SCG Defence Minister Tadic has announced that a National Defence Strategy would be drafted by 15 January 2004, after which it would be put to a public debate involving all relevant groups.[1070] Progress is being rewarded – indicated by invitations to participate in NATO summits, and the possible deployment of SCG Army and Serbian gendarmerie personnel in Afghanistan.[1071] Military reform is, however, dogged by broader political issues between the Republics of Serbia and Montenegro. Despite the state-level of the military, Montenegro is requesting substantial authority over military matters to be assigned to the Montenegrin Government.[1072] A strategy for the establishment of a Montenegrin security system is under development,[1073] and an important aspect of this 'division of labour' is the assumption by Montenegrin state services of border control. The Montenegrin Interior Ministry took over control of the Montenegrin lengths of the state border from the VSCG in December 2003, 'part of a comprehensive reform is to create conditions for Montenegro to join the European protection system'.[1074]

1066 'Serbia and Montenegro and Bosnia Herzegovina to Join Partnership for Peace in May 2004', Daily Media Review, 03 December 2003, www.seesac.org.

1067 'Marovic and Krga Satisfied with Military Reforms', Daily Media Review, 24 December 2003, www.seesac.org.

1068 Increasing military co-operation and European integration processes remain clear priorities for the SCG Government: in October preparations were made for a military co-operation agreement between SCG and Turkey, and the head of the International Military Cooperation Department announced publicly that the main priorities this year were European integration processes, especially PfP. 'Djukanovic Says Stabilisation Through Demilitarisation', Daily Media Review, 17 December 2003, and 17 October 2003; Weekly Media Review, 13 - 20 October 2003, www.seesac.org.

1069 Although the state will not be able to end conscription in the next few years, efforts will be made to reduce it and civil service has recently been introduced; after phased reforms it is hoped that the objective of a fully professional army will be reached between 2005 to 2010. 15, 16 September 2003, Weekly Media Review 15 - 22 September 2003; 'Military Service Without Weapons For the First Time in SCG', Daily Media Review, 23 December 2003; 'Debate on Professional Army', Daily Media Review, 23 December 2003, www.seesac.org.

1070 'SCG Defence Strategy to Be Drafted by 15 January 2004', Daily Media Review, 26 December 2003, www.seesac.org.

1071 A training centre to prepare SCG soldiers for peacekeeping missions is also under development, a further indication of greater assimilation into Euro-Atlantic structures. 02 October, Weekly Media Review, 29 September - 06 October 2003; Weekly Media Review, 01 - 08 September 2003; 'NATO Invites Serbia-Montenegro to Summit', Daily Media Review, 02 December 2003; www.seesac.org.

1072 'Montenegro Requests Its own Ministry of Defence', Daily Media Review, 18 December 2003, www.seesac.org.

1073 'Strategy for Montenegrian Security System to be Adopted in 2004', Daily Media Review, 27 November 2003, www.seesac.org.

1074 'Montenegrin Police Take over Border Control', Daily Media Review, 26 December 2003, www.seesac.org.

Retaining previous facilities and equipment, the Montenegrin MoI department for border control is likely to need support to build its capacity to effectively take on these new responsibilities.

Republic of Montenegro

The Montenegrin Government continues to collaborate with a host of international organisations, namely the UNDP, USAID, and the OSCE, on issues of weapons control and police reform. In particular, the UNDP is working towards further SALW control activities in 2004, it is hoped a second weapons collection initiative (currently under discussion), and the establishment of a national SALW committee on SALW that will include members of the NGO community, religious and community leaders. The EU, USAID and OSCE are important international players, particularly with regard to law enforcement support, including police reform, border policing and judicial reform to help combat organised crime.[1075]

Republic of Serbia

International organisations are also active in Serbia. In addition to the SEESAC office in Belgrade and direct support for legislation reform and SALW destruction, from the US and NAMSA, assistance on SALW-related activities has come from the OSCE, NATO, UNDP, EU and bi-lateral donors, such as the US, UK and German Governments. The police are undergoing reform,[1076] and have benefited from international assistance in terms of re-structuring, the multi-ethnic police project in southern Serbia, border control, organised crime and the introduction of community policing across the country. The OSCE is the main actor on police reform and, recently, border control. Support for regular and border police from the OSCE and bi-lateral donors includes training and also technical capacity-building through the provision of technical equipment.[1077] The Customs Service is also due for reform and a new law drafted with EU assistance due to take effect in 2004 will give the Serbian Customs Service much greater powers: customs working to combat smuggling will now be armed and authorised to detain suspects and undertake searches for contraband anywhere in the country, not just at border crossings.[1078]

The Entity of Kosovo

The international community remains the primary actor in Kosovo's governance, and debate continues to surround the entity's future. In late 2003, KFOR issued a statement to the effect that Kosovo was growing more, rather than less, unstable,[1079] and KFOR and UNMIK raised level of alert at their facilities due to a 'still unconfirmed potential threat' in November, deploying armoured vehicles and stepping up security procedures at checkpoints.[1080] Although reduction of KFOR's troop levels was under discussion earlier in 2003, by January 2004 it was confirmed that there would be 'no significant

1075 23 September 2003, Weekly Media Review, 22 - 29 September 2003, www.seesac.org.

1076 New laws are currently being drafted on police reform to modern international standards; the Council of Europe has supported efforts in this area. 'Draft Law on Police Force', Daily Media Review, 02 December 2003, www.seesac.org.

1077 29 October 2003, Weekly Media Review, 28 October - 03 November 2003; 'Police Introduce Automatic ID System', Daily Media Review, 05 December 2003; 'Specialist Training for Border Police', Daily Media Review, 26 December 2003; www.seesac.org.

1078 Legal reform has had clear results in areas such as people trafficking, with the prosecution of a group only a few months after the activity was outlawed by revisions to the Serbian criminal code. 'Serbian Customs to Get Greater Powers in 2004', Daily Media Review, 12 December 2003; 'Human Trafficking Trial in Serbia', Daily Media Review, 12 December 2003; www.seesac.org.

1079 09 October 2003, Weekly Media Review, 06 - 13 October 2003, www.seesac.org.

1080 'KFOR, UNMIK Raise Level of Alert in Kosovo', Daily Media Review, 28 November 2003, www.seesac.org.

downsizing' of KFOR troops.[1081] However, KFOR has begun rationalising its forces, and transferring some of its responsibilities to UNMIK. In November, UNMIK took charge of static security operations and the state and administrative borders of the province.[1082]

Equally, while retaining its presence in order to oversee and support the consolidation of local institutions, UNMIK has begun to handover some responsibilities to local municipal authorities, and this process is set to advance during 2004.[1083] These continuing moves to build autonomous institutions in Kosovo, while perceived as progressing too slowly by the ethnic Albanian majority in the province, are not received well in Belgrade. Discussions between Belgrade authorities and UNMIK on the recent plan for 'Standards for Kosovo' have not been fruitful, and the future of Kosovo remains one of the major fault lines in the Serbian and Montenegrin state's relationship with the international community.[1084]

In terms of SALW control, the UNDP is a major player, alongwith KFOR and UNMIK with their respective roles of security provision and policing. The UNDP's Illicit Small Arms Control (ISAC) project has helped to develop regulations on possession and to establish the UNMIK Weapons Registration Centre (donating three card printing machines), given funding for destruction, helped develop NGO and KPS capacity for SALW work, supported awareness raising on SALW as well as assistance in the facilitation of the September 2003 amnesty.[1085]

The OSCE has a major role to play in the province, and much of its work focuses on building and developing the capacity of the Kosovo Police Service, a multi-ethnic service which was established to fill the law enforcement vacuum created by the withdrawal of former-Yugoslav police and military. Although much of the KPS still works with UNMIK international CIVPOL officers, substantial progress has been made in developing local capacities, and KPS officers are now undertaking more advanced levels of police work.[1086]

Government SALW policy

Serbia and Montenegro's official statements on SALW are generally positive. Representatives stressed that the country 'fully supports' the UN PoA, which the Government feels 'represents an extremely important international document', and is therefore 'truly committed to the goals and tasks advanced' in the Programme.[1087]

1081 'New NATO Chief Pledges Continued Commitment to Kosovo', Daily Media Review, 17 - 18 January 2004, and 03 November, 2003 Weekly Media Review, 03 - 10 November 2003, www.seesac.org.

1082 'UNMIK Takes Over Borders from KFOR', Daily Media Review, 19 November 2003, www.seesac.org.

1083 'UNMIK Transfers Powers under Constitutional Framework to Kosovo Government', Daily Media Review, 31 December 2003, and, 'UNMIK Hand Over Responsibilities to Kosovo Municipalities', Daily Media Review, 20 November 2003, www.seesac.org.

1084 Serbian Government Rejects Plan for Implementation of Standards in Kosovo', Daily Media Review, 09 December 2003; 'No Agreement Reached Between Holkeri and Covic', Daily Media Review, 16 January 2004'; 'Serb Autonomy if Kosovo is Independent', Daily Media Review, 24 December 2003; www.seesac.org.

1085 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004, and, http://www.kosovo.undp.org/Projects/ISAC/smallarms.htm.

1086 Through the establishment of the training facilities and implementation of an accelerated training programme, to date 6,264 cadets have been trained. Initially operating in teams with UNMIK CIVPOL, who mentored the new Kosovar cadets, KPS officers are now undertaking many operations independently and are developing new capacities beyond day-to-day policing. A Department for Fighting Organised Crime has been established for example, and other specialised forces are under development, such as the special weapons and tactics (SWAT) training programme developed to train KPS officers in investigations and hostage negotiations. 'Class 27 Graduates From OSCE's Kosovo Police School', Daily Media Review, 12 December 2003; 29 October 2003, Weekly Media Review 28 October - 03 November 2003; 'SWAT to Become Part of Kosovo Police Service', Daily Media Review, 27 November 2003; www.seesac.org.

1087 Statement by HE Mr. Dejan Sahovic, Ambassador Extraordinary and plenipotentiary, Permanent Representative of Serbia and Montenegro to the United Nations, First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, July 2003 (hereafter 'SCG UN PoA statement, 2003').

At the Biennial Review Conference in July 2003, the Serbian and Montenegrin Government reported that the state has taken various measures to combat SALW trafficking, and that the Government is ready to 'continue and expand' existing regional and international co-operation to combat SALW trafficking.[1088]

According to the SCG report to the UN PoA, a 'preparatory process' for the establishment of a National SALW Co-ordinating Agency has apparently begun, but this has been delayed by the adoption of the Constitutional Charter on the new federal arrangement between the two states.[1089] As discussions are already underway regarding the establishment of a republic-level commission in Montenegro, it appears that commissions maybe established in both Belgrade and Podgorica, which may not necessarily be a negative development, although greater efforts will need to be made to fully co-ordinate between the 'two halves' of SCG on SALW issues. Co-ordination between the state and republic governments and the authorities in Kosovo on SALW control activities appears to be minimal, although efforts have been made in the area of border control. The PISG in Kosovo do not currently have responsibility for security or SALW issues – this lies with UNMIK and other international security providers such as KFOR.

While progress has been made on destruction and collection, no state or republic-level SALW action plans exist, and questions therefore remain over both the absence of any strategic approach, and the level of prioritisation accorded to SALW issues.

SALW production

Military production was 'a pillar of the economic and political system in the former SFRY', which was an important player in the global defence market before 1989, producing a range of products, including SALW, under both western and Soviet licences, which were exported 'in substantial quantities'.[1090] The majority of the former SFRY's military production facilities were located in Serbia, with the company Crvena Zastava in Kragujevac 'forming the backbone of small arms production'.[1091] Prior to the NATO bombing in the spring of 1999, SAS notes that 15 military plants employing some 30,000 people were operational; although some facilities were damaged in the bombing, many remained operational and approximately 20,000 people are still employed by the military production industry, the bulk of which remains state-owned.[1092] Despite the secession of former Yugoslav republics, and the UN embargoes from May 1992 to June 1996 and March 1998 to September 2001, SCG 'retained a substantial domestic arms industry' and SALW production continues, although Amnesty International ranked SCG (Yugoslavia) as a 'small' SALW producer in 2001.[1093] There is no known, or official, SALW production in Kosovo.

1088 Ibid

1089 Ibid

1090 Small Arms Survey 2003, p 46.

1091 'The geographic spread of production facilities - which reflected strategic thinking during the socialist period - worked to the advantage of the federal (and later the Serbian) government once war broke out, as it was able to sustain substantial small arms production, at least until the NATO bombing campaign in 1999.' BICC Conversion Survey 2002, p 128.

1092 Small Arms Survey 2003, p 46. Other sources suggest that prior to the NATO bombing, 11 military plants, employing approximately 20,000 staff, were operational, and that at present the military industry employs some 15,000 people; correspondence with Col Vlado Radic, the SCG National SALW Focal Point, 08 March 2004.

1093 BICC Conversion Survey 2002, p 135; 'Proliferation: global growth in small arms', Terror Trade Times, June 2001, http://web.amnesty.org/web/ttt.nsf/june2001/proliferation.

Following the secession of several republics, military production was restructured from the centre. Efforts were made to reconstruct production lines in 1993, and in place of the previous federal department of supply and procurement, a state-owned holding and trading company, Jugoimport, was established and surviving production facilities were re-grouped.[1094] For the duration of the conflicts, the country remained self-sufficient in SALW and ammunition production, although the industrial base for the production of high-tech military goods, aircraft spare parts, telecommunication equipment, etc, was substantially affected by bombing and sanctions.[1095] Since then there has been some diversification and conversion, and moves to regain former Yugoslav export markets;[1096] this has however proved difficult, and despite 'intense efforts', export markets are still much reduced.[1097] The minimal investment in the last few years mean that in general SCG factories are still producing rather out-of-date weaponry, with few export options, and the level of industrial capacity devoted to military products will be reduced, although recent announcements confirm that the country 'has no intention of stopping its arms production' and officials are still hopeful for the future.[1098] Alongside restructuring of the armed forces, recent announcements indicate that the military industry will also 'be brought down to a sensible level', with the commercialisation of about 75 percent of the industry, some of which will be privatised; current plans will see six companies, with approximately 5,000 employees, remaining state-owned.[1099]

Although little official information is available, the main producers of SALW and SALW ammunition appear to be the Zastava and Prvi Partizan factories. NISAT databases record Zastava production of pistols/revolvers, rifles/carbines and sub-machine guns in 2000, and Prvi Partizan production of ammunition below 12.7mm in 1998; Jugoimport (or the Federal Directorate of Supply & Procurement) is noted by NISAT as producing pistols/revolvers, shotguns, rifles/carbines, sub-machine guns, mortars less than 100mm and ammunition both above and below 12.7mm in 1998.[1100]

The oldest former Yugoslav military plant, also producing some civilian goods such as cars, Zastava's weapons-producing facilities in Kragujevac survived the NATO bombing, but have been seriously affected by lack of demand. With no new investments in the last ten years, the company's financial situation is 'very fragile', and only 30 percent of production capacity is currently in use.[1101] The company has, however, managed to develop some new weapons in recent years, such as an advanced version of a police revolver based on a US design, and its main products are now handguns, which it is attempting to market abroad as well as domestically.[1102] Recent reports indicate the company is stepping up production of higher-tech, more marketable designs. In

1094 BICC Conversion Survey 2002, p 135.

1095 Ibid

1096 In May 2001 Jugoimport claimed to earn most of its revenue from food and alcohol sales; however, 'the Yugoslav defence industry seems interested in regaining lost ground following the lifting of sanctions, especially in the field of SALW, where - prior to the war - Yugoslavia had exported to the USA, Sweden and Germany'. BICC Conversion Survey 2002, p 135.

1097 Small Arms Survey 2003, p 46.

1098 SCG Defence Minister Tadic has admitted publicly that arms production and export is 'not regulated well', and that better regulation to prevent abuses of the system is important as SCG does not want to be 'part of the international community creating or generating problems'. 'Controlling the Arms Trade', Daily Media Review, 26 December 2003, www.seesac.org.

1099 'Tadic: Relocation of Army Bases', Daily Media Review, 11 December 2003, www.seesac.org.

1100 As Jugoimport is primarily a trading entity, the weapons NISAT notes as 'produced' by the company will presumably have been manufactured by other production companies in SCG and traded by Jugoimport. NISAT databases, www.nisat.org.

1101 'In the later 1980s, 90 per cent of the output was military-related, now the share is 40 per cent. During the 'golden age' of 1975-90, the company exported its products worldwide (including large amounts to the US market) and employed 9,000 people. Today, the number of employees has dropped to about 4,500, and of those about 40 per cent do no actual work but are paid. Both export and internal markets have shrunk dramatically, and the company's main customers are the MoD and police of Serbia and Montenegro.' Small Arms Survey 2003, p 47.

1102 Ibid

January 2004, Zastava's General Director announced that the company will start both restructuring and the production of M21 NATO standard automatic rifles this year. He also noted that Zastava is working intensively on preparing for the production on a new product, a 12.7mm machine gun, a modernised version of a long-range rifle, popularly known as 'Black Arrow', and a 5.6mm rifle.[1103] The Uzice-based Prvi Partizan factory is 'the main producer of small arms ammunition in Serbia and Montenegro', although its current output is 'very low', production utilises only 20 percent of capacity and although 70 percent of this is military-related, the 'bulk of the company's income derives from commercial products'.[1104] The company now focuses on producing sporting and hunting ammunition, most of which is exported to Western Europe and the US. SAS notes that Prvi Partizan is still worker-owned, though management hopes it will be privatised soon, albeit with the state retaining an important proportion of shares, as the company is in 'a very difficult financial situation'.[1105] Additional factories, such as the Valjevo-based Krusik plant and Slobada in Cacak, and other ammunition plants in Lucani and Krusevac, were more seriously damaged in the 1999 air strikes and production may have been affected, although no definite information was available.[1106]

Defence restructuring has produced, and will continue to produce, substantial amounts of surplus military equipment. With the aim of using the profits to modernise its equipment, the SCG Army is selling some of this surplus, apparently expecting to make a profit in the region of US$4–5 million. Press reports note that strict procedures are being followed to ensure that weapons buyers and destinations are legitimate.[1107]

Table 39 – Serbia and Montenegro's commitments to arms or SALW control agreements

ARMS OR SALW CONTROL AGREEMENT	SERBIA AND MONTENEGRO'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	-
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	-
EU Joint Action on SALW	-
Wassenaar Arrangement	-

1103 'Zastava Oruzje Pocinje sa Proizvodnjom Automatske Puske po NATO standardima', www.b92.com, referenced on 11 January 2004.

1104 Small Arms Survey 2003, p 46.

1105 Ibid

1106 Reports on the damage inflicted on military production facilities by the NATO air strikes vary. The SAS for example, reports that Krusik and Slobada were 'destroyed' during the bombing, and that there is unconfirmed information that Slobada in Cacak (as well as the Milan Blagojevic and Miloje Zadic plants in Lucani and Krusevac respectively) is again operational. A Saferworld research team in 2001 was however told that 'all military-related factories were functioning', and gathered information which suggested that sanctions and loss of key personnel and expertise had a greater impact on the industry than bomb damage. Ibid, p 46; SALW in FRY, Saferworld 2002, p 47.

1107 Weekly Media Review, 01 - 08 September 2003, www.seesac.org.

Small Arms progress

Legislative and regulatory issues

In SCG, responsibility for military production, import and export lies with the state union government and laws and regulations at that level are therefore relevant. Responsibility for civilian possession of arms lies with the respective Ministries of the Interior of the two republics, and legislation and regulation is therefore at the republic level. With regard to the internationally-administered entity of Kosovo, UNMIK is responsible for both areas of regulation. UNMIK operates a weapons licensing system for possession, as detailed below, and is currently attempting to develop legislation to cover arms export and imports; however, at present no-post Yugoslav laws or regulations exist in this area.[1108]

Production and transfer

Production, import and export of arms in SCG is governed by the 1996 Law on Production and Circulation of Armaments and Military Hardware.[1109] While the Law on Production notes that the primary body responsible for arms imports and exports is the Federal Authority for Defence Issues, there are provisions allowing companies registered for foreign trade to apply to the Authority for licences to conduct foreign trade in arms: limited duration licences are issued for 'each and every particular delivery'.[1110] The Authority is also responsible for determining the foreign trade 'plan' for arms imports and exports and companies can only engage in arms trading in accordance with this plan. Transit is regulated by the MoI, and regulations exist on the security measures necessary for transport across the country's territory.[1111] No information was available on any criteria or the procedures in place for decision-making and the issuing of export licences.

Following the Orao scandal in 2002 (see below SALW transfers) the Belgrade authorities admitted that tighter controls were needed and new legislation on arms production and trade is being drafted.[1112] In a promising move towards transparency, the new legislation has benefited from some public debate, and will help to modernise the registration systems for companies and the issuing of permits and end-user certificates (EUCs) with the aim of preventing illegal sales.[1113] The Draft Law on the Trade in Arms, Military Equipment and Dual Purpose Goods will include much stronger provisions on licensing, EUCs and brokering, with the aim of reducing the possibility of illegal diversion of authorised arms shipments.[1114] It is to be hoped that appropriate mechanisms for parliamentary oversight and other efforts to increase transparency over export decision-making will also be introduced, in order to ensure compliance with SCG's existing international commitments.

1108 Kosovo and the Gun, SAS 2003, p 34.

1109 Official Gazette No 41, 06 September 1996.

1110 'The Arms Export Regime', SEESAC Arms Law Roundtable supporting document, www.seesac.org.

1111 Ibid

1112 'Controlling the Arms Trade', Daily Media Review, 26 December 2003, www.seesac.org.

1113 'SCG Defence Minister Warns Against Smuggling', Daily Media Review, 02 December 2003, www.seesac.org.

1114 Ibid, and, SCG UN PoA statement, 2003.

Possession

Republic of Montenegro

The 1979 Weapons Act and amendments govern civilian arms possession in Montenegro.[1115] The Weapons Act is based on the old Yugoslav Law and therefore not dissimilar to other legislation in the region. It is, however, more lax on a number of conditions of possession than the Serbian legislation. Civilians must obtain a permit to acquire a weapon, and then a licence to keep and carry a weapon. Other legal entities and government bodies are also permitted to possess weapons for the purposes of property protection or sport. The most serious failing of the Act is that certain provisions are extremely out of date, with penalty provisions in particular posing little deterrent to illegal actions as they specify prison terms of no longer than 60 days and fines in a now obsolete currency. It also appears that domestic trade in weapons and ammunition is not regulated, at least according to the 1979 Weapons Act, which was the only relevant piece of legislation available for analysis.

A new draft law on possession is under discussion, and should strengthen regulation on civilian possession. The draft law preserves the current system for obtaining a gun license, but 'stipulates a new ban on carrying legally owned weapons without a separate license', and licences for carrying weapons will be 'strictly monitored' and only issued to a small group of authorised official holders performing specific security-related jobs or sporting activities.[1116] With this new legislation, in response to international pressure and local appeal, the Government hopes to discourage citizens from carrying weapons in public, particularly as it will contain harsher and more up-to-date penalty provisions.

Republic of Serbia

With the updating of the 'relatively lax former gun laws' in 1998,[1117] the Serbian 1992 Weapons and Ammunition Act and its amendments now govern civilian possession in the republic. As in Montenegro, and many other former-Yugoslav states, a dual-licensing system is in place, and citizens must apply for licences to acquire weapons and then to possess them. The Serbian legislation is more restrictive than the Montenegrin in that it more clearly prohibits carrying of weapons, contains provisions governing trade in weapons and ammunition and has stronger penalties. Specific licences are required for weapons held for personal protection. A recent local news programme on weapons possession in Serbia reported that the great majority of weapons are licensed for hunting and sports, with much more limited numbers of licences issued for personal protection to specific groups of people, such as retired policemen.[1118] A draft amendment to the Act, which would further strengthen controls over possession, was under discussion in 2002 but has not yet been passed.

The Entity of Kosovo

Until early 2001, weapons possession in Kosovo was regulated by the old Yugoslav gun law, which was outdated and 'offered very limited legal means to combat proliferation'.[1119] This law has now been replaced by a stricter UNMIK regulation, No

1115 Official Gazette, 1979 - 1990; 'Arms Laws on Possession', SEESAC Arms Law Roundtable supporting document, www.seesac.org.

1116 Montenegro SALW Survey, SAS 2004, p 36.

1117 BICC Conversion Survey 2002, pp 135-6.

1118 'Gun Culture or Violence' news clip, VIN news programme No. 284, broadcast 2130 hours B92, 09 February 2004.

1119 BICC Conversion Survey 2002, p 139.

2001/7 on 'the Authorisation of Possession of Weapons in Kosovo', according to which specific individuals in need of personal protection may apply to UNMIK for a Weapons Authorisation Card (WAC), which allows them to acquire and carry a weapon at all times. Very few individuals are awarded a WAC by the UNMIK 'threat assessment committee' that assesses every application, and only about 200 WACs have been issued, to politicians, local officials, or their bodyguards.[1120]

In early 2003, regulations were also passed on the regulation of hunting and recreational weapons, which can now be registered. A three-month 'window' was created between 01 February and 01 March 2003, during which owners of hunting or sporting weapons could apply for a weapons registration card them at their local police stations without facing prosecution. Even though this deadline has now passed people can still legalise these weapons and small numbers continue to do so. Nearly 27,000 applications have been made to date, the vast majority, 25,500, during the three-month window. The UNMIK Weapons Registration Office has responsibility for issuing registration cards and the legalisation process takes some time, as all applications must be considered and background checks made; there have also been problems with printing the cards, though these have now been remedied. Weapons registration cards contain the owner's name, date of birth, photograph and the make, model, calibre and serial number of the gun. The current batch issued by the Registration Office have an expiry date of 2005, reflecting the 2-year licence period.[1121] The vast majority of the weapons registered are for hunting, although a few sporting guns have been licensed. The heaviest legal weapon is an AK-47, only possible to licence under a WAC for personal protection, and it is not possible to license military-style weapons for hunting. The sanctions for illegal weapons possession are severe, with a maximum of 8 years imprisonment and fines up to 7,500. Unregistered weapons found by UNMIK or KFOR will be seized and owners will face criminal charges.[1122]

1120 'UNMIK police has issued such permits very restrictively': on average, fewer than ten per cent of applications are accepted, mainly from individuals facing specific threats, including leading political figures. KFOR also has the authority to issue WACs, but only to KPC members. Kosovo and the Gun, SAS 2003, p 34.

1121 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1122 Small Arms Survey notes that, 'in practice, however, prosecution for this type of crime has been relatively rare'. Kosovo and the Gun, SAS 2003, p 34.

Table 40 – Features of Serbia and Montenegro's legislative and regulatory framework

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	SERBIA AND MONTENEGRO
National	
National co-ordinating agency	No
National point of contact	Yes
Laws & Procedures on Production, Export, Import and Transit	
Legislation	Yes[1123]
Production	Yes[1124]
Export	Yes[1125]
Import	As 'Export' above.
Transit	Yes[1126]
National System of Export & Import Licensing or Authorisation	
System	Yes[1127]
Diversion risk	No
End-user certificate	No
Retransfers	There are no specific provisions in the 1996 Law on Production; it is not clear whether re-transfers are treated as 'imports' and 'exports' or are subject to reduced regulation.
Verification (pre/post)	No
Brokering controls	No[1128]

1123 The primary law governing this area is the 1996 Law on Production and Circulation of Armaments and Military Hardware, Official Gazette No 41, 06 September 1996. The Law on Production governs 'production, circulation and transport of armaments and military hardware as an activity of national interest, planning of security measures, planning of production and circulation of armaments and military hardware, quality control of armament and military hardware production, as well as other issues relevant for production, circulation and transport of armaments and military hardware'; the Law does not apply to 'sports and hunting weapons and ammunition, commercial explosives, anti-hail rockets and fireworks' (Articles 1 and 2).

1124 Only licensed companies may engage in production of armaments and military hardware; licences are issued by the federal authority for defence, and decisions are made on various factors, including the strategic 'defence and security needs of the country' according to which companies must plan their production, and records are kept of all companies licensed for arms production (Articles 8, 9, 10, 12 and 13); unlicensed companies may undertake military production in times of war or similar states of emergency (Article 11).

1125 'Domestic circulation of armaments and military hardware is carried out by the federal authority responsible for defence and companies producing armaments and military hardware' (Article 20). Foreign trade in arms is carried out by the federal authority responsible for defence and/or public companies 'engaged in activities of general interest, established by the Federal Republic of Yugoslavia in this field'; companies registered for foreign trade may also engage in foreign arms trade (Article 20). 'Circulation' of arms is only permitted on the basis of a limited-duration licence for 'each and every particular delivery'; such licences are issued by the federal authority for defence on submission of information on i) the type, quantity and price of arms, ii) the parties involved in the transaction (buyer, seller, agents and representatives), iii) the terms of the transaction, and iv) the method of payment (Article 21). Licences can be revoked by the federal authority if it determines, i) that the licence was issued on the basis of false information, ii) the company is not conducting business in accordance with the law, and iii) if supervision of relevant activities is prevented (Article 30). Records are kept on all companies engaged in arms trading and foreign payments and transactions can only be carried out through an authorised bank designated by the federal government (Articles 22 and 23). In general, only military products passing quality assurance tests can be exported and companies must plan their production and sales/exports according to government foreign trade planning (Articles 25 and 26). Penalty provisions in the law include: prison terms of six months to five years for production or 'circulation' of armaments and military equipment without proper licensing; fines ranging from 15,000 to 150,000 dinars (250 to 2,500) for a number of 'commercial offences', including the submission of false information in a licence application or transport or transit of arms or military equipment over state territory without permission (Articles 31, 32 and 33). Law on Production, 1996.

1126 Under Article 27 of the 1996 Law on Production, transit of armaments or military hardware over the territory of the country is only permitted if carried out according to statutory regulations: only appropriately registered companies may undertake transport of arms, and this must be done in accordance with statutory security measures and with an armed escort provided by the sender.

1127 Export licensing is governed by the 1996 Law on Production and Circulation of Armaments and Military Hardware.

1128 There is no specific regulation of brokering in the Law on Production; however, under Article 21, applications for licences for each arms consignment must include information on all parties to the transaction, including 'agents and representatives'.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	SERBIA AND MONTENEGRO	
Domestic Possession, Stockpiling & Trade		
Legislation	Montenegro	Yes[1129]
	Serbia	Yes[1130]
	Kosovo	Only possession is currently regulated.[1131]
Manufacture	Montenegro	Yes, as noted above under 'Production'; however, no legislation governing the manufacture of non-military weapons was available for analysis.
	Serbia	
Marking and tracing	Montenegro	To a limited extent, in that only 'stamped' weapons can be licensed for possession.[1132]
	Serbia	No provisions in 1992 Weapons Act or amendments; however, information on usual practice suggests that marking is standard.[1133]
	Kosovo	To a limited extent, in that only marked weapons can be licensed for possession.
Possession	Montenegro	Yes[1134]
	Serbia	Yes[1135]
	Kosovo	Yes[1136]
Stockpiling	No legislation regulating stockpiles was available for Serbia or Montenegro; however, limited reference is made to storage of non-military weapons in the two republic's legislation governing possession.[1137]	
Trade	Serbia	Yes[1138]
	Montenegro	No; trade is not covered by the 1979 Weapons Act.

1129 Weapons Act, Official Gazette of the Republic of Montenegro, 1979 - 1990, governs 'acquisition, keeping, carrying, repair and modification of weapons, weapons parts and ammunition' (Article 1).

1130 The Weapons and Ammunition Act, Official Gazette of the Republic of Serbia No 6, 29 February 1992, and subsequent amendments (Official Gazette No 53, 16 July 1993, No 67, 30 August 1993, No 48, 20 July 1994, and No 44, 08 December 1998) govern 'acquisition, keeping, carrying, sale, transport, repair and modification of weapons, parts of weapons and ammunition' (Article 1).

1131 UNMIK regulation, No 2001/7 on 'the Authorisation of Possession of Weapons in Kosovo'.

1132 Interestingly, the 1979 Montenegrin Weapons Act includes the provision absent from the Serbian Act, that 'a weapon license or permit to keep a weapon shall not be issued for a weapon that has not been properly proofed or stamped' (Article 23).

1133 While there is no reference to marking in the 1992 Weapons and Ammunition Act, there may be provisions on marking contained in supporting regulations or by-laws that were not available for analysis. The SCG National Focal Point stated that unmarked weapons cannot be owned in Serbia, that 'every weapon - shooting, hunting or sports - is marked at the Institute for Marking in Kragujevac', and that SALW manufactured in Serbia are also marked as standard practice; correspondence with Col Vlado Radic, SCG National SALW Focal Point, 08 March 2004.

SALW transfers

Republic of Montenegro

The Small Arms Survey finds that the 'the volume of the legal trade in small arms in Montenegro appears to be relatively modest', with officials claiming the amount of Montenegrin exports as 'negligible', although such statements are hard to verify as reporting and transparency on exports in Montenegro is limited.[1139] Traditionally 'a major arms smuggling point in the Balkans', Montenegro has acted as a hub for illegal weapons trafficking in the sub-region, and as an important departure point for illegal weapons shipments into Western Europe and beyond.[1140] SAS note that reports of small arms trafficking include Montenegro as a transhipment point for 'weapons smuggled from Serbia to the Middle East, from Russia to Libya, from the Balkans to Western Europe, but also as a regional transit point between Bosnia and Kosovo'.[1141] In particular, the Orao scandal in late 2002 exposed Montenegro as the departure point

1134 Similarly to the Serbian 1992 Weapons and Ammunition Act, the Montenegrin 1979 Weapons Act in general forbids the possession of military-style weapons, and requires the application for a 10-year permit to acquire a weapon, weapons parts or ammunition, after which a person can acquire a weapon and then apply for a licence to keep and carry a weapon - the criteria for licences to acquire and permits to keep and carry are similar to Serbian legislation, and antique weapons may also possessed without a permit, although they must be registered (Articles 12 to 16). The Montenegrin Weapons Act does include a number of other categories for possession, including licences to persons who have received a weapon as a gift from the Yugoslav Army or a marksman who has been rewarded with a weapon for achieving top sporting results (Article 20), and appears to be slightly more relaxed about the carrying and transport of weapons, although it notes that 'a weapon shall not be carried on a public place in a manner which would harass citizens or cause their disagreement', and that outside of hunting or sporting grounds, 'weapons may be carried only in special cases and unloaded' (Article 34). Government authorities and enterprises, as well as individuals, are allowed to acquire and possess firearms for the purposes of hunting, or 'self-defence', which includes the activities of businesses providing organised security services or where a weapon is necessary for the protection of private property, such as herds or crops (Article 13); weapons should not be removed from the property protected except in the case of related 'outdoor' activities, such as forestry, agriculture, when weapons may be removed and taken home (Article 29). Licence-holders must keep their licences with them, weapons may not be 'lent' to other people, and licences cannot be inherited (Articles 35 to 39). Registers must be kept of all permits and licences issued, and the MoI is responsible for supervising the application of the Act (Articles 66 to 70). Penalties are very poorly provided for, ranging from 30 to 60 days imprisonment and fines of between 1,000 to 300,000 dinars, a currency no longer in use in Montenegro (Articles 71 to 77).

1135 Possession is governed by the 1992 Weapons and Ammunition Act. Citizens are forbidden to acquire, keep or carry 'semiautomatic and combined longarms, except hunting weapons, as well as to acquire, keep and carry automatic longarms, automatic and shortbarrel weapons and special weapons' (Article 5); firearms, parts and certain ammunition may only be acquired on the basis of a permit issued by the MoI (Article 7). Firearms permits will not be issued to minors or other persons without legal competency, persons who are not medically fit, persons with a criminal record, under criminal prosecution or guilty of various misdemeanours, or a person not trained in the use of firearms (Article 8). After obtaining a permit to acquire a weapon, a weapons owner must apply for a weapon licence no later than eight days from the actual acquisition of the weapon (Article 9); state and other legal bodies or enterprises may acquire and keep weapons and ammunition, including semi-automatic and automatic weapons (except automatic pistols) for the purposes of security and protection of property (Article 17). The possession of trophy, inoperable or antique weapons is permitted by persons complying with conditions for weapons acquisition permits, although a licence for possession is not required, only 'permission' from the competent authority is required; carrying or acquisition of ammunition for such weapons is not permitted (Articles 10 and 11). Five-year permits may also be granted to carry weapons for personal safety, following the submission of a written explanation and request to the competent authority (Articles 11a and 11b). Licensed weapons may be transported under certain conditions, and unloaded and dismantled; lending weapons and use of weapons in public buildings or places where they may endanger safety is forbidden (Articles 12a, 13 and 14). Registers of all permits and licences issued must be kept by the competent authorities (Article 31). Penalties range from six months to three years' imprisonment and fines between 3,000 to 150,000 dinars (50 to 2,500) (Articles 33 to 39).

1136 UNMIK regulation, No 2001/7 on 'the Authorisation of Possession of Weapons in Kosovo', as noted above, allows licensing of weapons for personal security and hunting or sporting weapons. Weapons for personal protection, including weapons up to AK-47 calibre and type, are licensed on an extremely restrictive basis, through the issuing of a WAC. Hunting and sporting weapons can be licensed through application for a weapons registration card, valid for 2 years. Penalties for illegal weapons possession are severe, with a maximum of 8 years imprisonment and fines up to 7,500: unregistered weapons found by UNMIK or KFOR will be seized and owners will face a criminal charge.

1137 Weapons and ammunition kept and carried in accordance with the Serbian 1992 Weapons Act must be 'stored under lock and otherwise secured to prevent access by unauthorised persons' (Article 12).

1138 The 1993 Weapons Act regulates trade in weapons, parts and ammunition, which is only permitted by enterprises licensed by the competent authority. Licences to trade are only issued if storage requirements on safety and security from theft are met and if the persons responsible for the enterprise and handling the weapons met the provisions specified for a permit to acquire a weapon (Article 27). In addition, licences for 'each and every contracted quantity' of weapons or ammunition traded are required and must include the name and address of buyer, seller and manufacturer, the type and quantity of weapons, parts and ammunition (Article 28). Penalties range from six months to three years' imprisonment and fines between 3,000 to 150,000 dinars (50 to 2,500) (Articles 33 to 39).

1139 Official imports are also 'relatively small', with approximately 560,000 worth of small arms and ammunition imported in the first ten months of 2003; the majority of these were a large shipment of nearly 800 pistols by the MoI and the remainder ammunition, pistols, revolvers, and rifles imported by a handful of authorised firms for domestic resale. SAS lists small arms importing firms (operating from January to October 2003) as: Boom Company (Podgorica), Kuljaca Company (Budva), Idea (Podgorica), Una (Tivat), Bratogost SD (Niksic) and Jugoimport Montenegro (Podgorica). Montenegro SALW Survey, SAS 2004, p 13.

1140 Ibid

1141 Ibid.

for substantial illegal weapons sales to embargoed countries such as Iraq, organised through former military officials and the state-owned Jugoimport firm (see below).[1142]

At present, however, it appears that 'small arms trafficking across borders is becoming negligible in Montenegro', although trafficking in other contraband is increasing; a handful of small-scale seizures at the border were reported in 2003 and there is a 'strong consensus that the market is saturated with weapons'.[1143] However, should demand for weapons increase outside of Montenegro, it is highly likely that levels of small arms trafficking could pick up again, arguably assisted by lax border controls and widespread corruption, which appears to reach up to high levels of government. Indicative is the trial of the former Montenegrin Minister of the Interior and current SCG Deputy Defence Minister in Italy on charges brought by the Italian authorities for co-ordinating weapons smuggling,[1144] and similar charges and allegations against top-level Montenegrin officials.[1145]

Republic of Serbia

The US appears to be the primary market for SCG military products and is also involved in efforts to support restructuring of the industry.[1146] Statements made by the director of Jugoimport in January 2004, confirmed the US as an important market for military production, and noted that the company's arms contracts in the first 11 months of 2003 were worth almost US$60 million, 16 percent higher than contracts for the previous year. The contracts apparently included light weapons, such as self-propelled artillery and howitzers.[1147] In November 2003, Zastava signed an agreement with the Virginia-based KBI company on 'long-term co-operation' and the export of hunting carbines, small calibre rifles, CZ-99 and CZ-999 pistols and carbine mechanisms to the US.[1148] The general manager of the Prvi Partizan facility has also been reported in local press in November 2003, announcing an arms and ammunition export contract to the US, which will he hopes will allow the company to make full use of its capacity and export 90 percent of its total ammunition production, worth approximately US$12 million.[1149] According to the same source, Prvi Partizan exports products to the EU, Australia, New Zealand, Asia and Africa.[1150]

Despite these reports on SALW sales abroad, the actual level of SALW export is difficult to verify. SCG submitted a report on 2002 to the UN Register of Conventional Weapons in February 2002, but no imports or exports were registered.[1151] The NISAT databases

1142 See section on Serbia below for more details. 'Arming Saddam: the Yugoslav Connection', ICG Balkans Report No 136, 03 December 2002 (hereafter 'The Yugoslav Connection, ICG 2002'), pp 1-2.

1143 Montenegro SALW Survey, SAS 2004, pp 3,13 and14.

1144 Weapons were allegedly smuggled from Italy to Montenegro in violation of the UN embargo in March 1998. 09 October, Weekly Media Review, 06 October - 13 October 2003, www.seesac.org.

1145 'Djukanovic 'Could Be Charged' in Italy', Daily Media Review, 17 December 2003; 'Italy Releases Warrants on Montenegrian PM's Close Friends', Daily Media Review, 20 November 2003; 'Montenegrin Interior Minister Sought for Questioning', Daily Media Review, 01 January 2004; 'Judge Submits Evidence of Surveillance', Daily Media Review, 20 November 2003; www.seesac.org.

1146 In October 2003 for example, SCG Military industry representatives made a 2-week visit to the US, with the aim of exchanging experience on conversion from civil to military production. 17 October 2003, Weekly Media Review, 13 - 20 October 2003, www.seesac.org.

1147 'Serbian arms export company head pleased with increased exports in 2003', Beta news agency, Belgrade, in Serbian 0814GMT, 02 January 04, BBC Monitoring International Reports, 06 January 2004.

1148 14 November 2003, Weekly Media Review 10 - 16 November 2003; 'Arms and Ammunition Exports to US', Daily Media Review, 02 December 2003, www.seesac.org.

1149 'Arms and Ammunition Exports to US', Daily Media Review, 02 December 2003, www.seesac.org.

1150 Ibid

1151 The date of the report's submission is not a typing error - the UN database records the submission date of the SCG report as 27 February 2002. http://disarmament.un.org:8080/UN_REGISTER.nsf, referenced 13 February 2004.

also contain no data on exports, although some SALW imports were registered,[1152] and Serbia and Montenegro has not reported any small arms exports or imports to the United Nations COMTRADE database since 2000.[1153]

Illegal trade in SALW and other military equipment is clearly a problem. Substantial 'sanctions-busting' activities were undertaken by the Serbian Government during the early and mid 1990s in order to circumvent controls and supply Serb paramilitary groups in Croatia and the Republika Srpska in Bosnia and Herzegovina in violation of the UN embargo.[1154] The role of various branches of the Belgrade administration is believed to have been 'extensive', and despite 'clean-up' efforts, the legacy of these activities and the accompanying corruption will be difficult to eradicate, as the arrest of the head of the Customs Service in late 2000 indicated.[1155] A local opinion poll conducted in 2000 concluded that popular perceptions held that the Customs Service was thoroughly corrupt and that 'smuggling, a means of survival for many over the last decade of economic crisis, had become morally acceptable'.[1156] Police and security forces have made attempts to prevent SALW proliferation since then, but BICC notes that 'the badly-equipped and underpaid officers often find themselves outgunned (or bought off) by organised crime syndicates'.[1157] Other sources also comment that illicit transfers of high-quality new foreign weapons such as night surveillance equipment, 'are sophisticated enough to deter the police and security forces from attempting to stop smuggling operation'.[1158]

Weapons seized in South Serbia during the crisis period of 2001.

As recent arrests and seizures indicate, arms smuggling continues in Serbia, often part of chains that spread across the sub-region.[1159] Little information is available, but research done in Montenegro, Kosovo and Macedonia, confirm that networks of traffickers are active across the sub-region, although since the end of 2001, smuggling levels have fallen due to lack of demand and market saturation. Demand for illicit arms continues abroad, however, and evidence discovered in late 2002 of substantial weapons transfers to countries under UN arms embargoes indicates that export control could be much improved.

NATO raids on the Orao military factory in Republika Srpska, BiH, in October 2002 provided evidence of illicit transfers of weapons and technology from BiH and the then FRY to Iraq. Documents discovered by NATO indicate that 'significant elements of the arms activity... were spread across borders to include not only the Serb entity in Bosnia but also the Federation', and these were traced back to the Belgrade-based state import/export company, Jugoimport.[1160] 'The disclosures open a window on the real

1152 SALW were imported in 1998 and 2000 from the UK and Ireland - no details were available. NISAT databases, www.nisat.org, referenced 13 February 2004.

1153 Montenegro SALW Survey, SAS 2004, p 13.

1154 BICC Conversion Survey 2002, p 135.

1155 SALW in FRY, Saferworld 2002, p 54.

1156 Ibid, p 54.

1157 BICC Conversion Survey 2002, p 135.

1158 In interviews with MOD officials in 2001, Saferworld was 'told that organised criminals and insurgents sometimes outgun the police'. SALW in FRY, Saferworld 2002, p 54.

1159 In September 2003 for example, police arrested three persons for illegal possession and sales of firearms in Kraljevo and Novi Pazar: large quantity of pistols, revolvers and ammunition were confiscated; the weapons had been moved from Belgrade and Kraljevo to Novi Pazar. 02 October 2003, Weekly Media Report, 29 September - 06 October 2003, www.seesac.org.

1160 The Yugoslav Connection, ICG 2002, Executive Summary.

power structures inside Yugoslav politics. That the special relationship with Iraq (and with Liberia) continued indicates that civilian control over the military is still absent, that connections between criminal, military and political elements are extensive'.[1161] According to reports, it is apparent that in contravention of UN sanctions the then FRY 'engaged in transactions respecting missile, aviation and chemical technology and equipment' to Iraq.[1162] The evidence found by SFOR, submissions by the US Government to top-level FRY officials and the seizure of a Montenegrin freighter bound for Syria by the Croatian authorities, indicate that substantial illicit weapons trafficking has been conducted by networks across the former FRY and BiH.[1163] The then FRY government reacted quickly, removing the head of Jugoimport and the Deputy Minister of Defence. However, commentators question whether these moves have gone far enough, noting subsequent press reports and leaks that 'indicate a pattern of continuing FRY sales to Iraq', including sales of SALW.[1164]

Sources also suggest that Belgrade-based companies have supplied SALW to another country under a UN arms embargo – Liberia.[1165] Following the investigation by the UN panel on implementation of the arms embargo on Liberia, a BBC 'Correspondent' documentary broadcast in late 2003 followed the links from weapons found in Liberia to Serbia. Authorities in Belgrade confirmed that the serial numbers and markings of the weapons found in Liberia were produced in the Zastava arms factory, and although no shipments had been authorised for Liberia, shipments had been authorised on the basis of Nigerian-issued End-User Certificates. The documentary discovered, however, that the Nigerian Government had never issued any EUC for the weapons, and concluded that the Belgrade-based Serbian firm Temex brokered the deals using falsified EUCs.[1166]

The Entity of Kosovo

There is no military production in Kosovo. Nevertheless, the substantial amounts of illegal weaponry in the entity, and its porous borders, mean that illicit SALW trafficking is a problem, and it is clear that illicit arms stocks in Kosovo have fuelled conflicts in neighbouring countries such as Macedonia. Recent research suggests that currently 'gun smuggling is not a major activity on the Kosovo borders, compared with other types of smuggling and with gun smuggling in the region generally', simply because the current market saturation and lack of demand mean guns are less profitable than other contraband, which can be smuggled across Kosovo's borders with ease.[1167] The low-levels of trafficked small arms tend to come primarily from Serbia, a source of higher-quality Yugoslav-manufactured pistols, and Albania, from where relatively low-cost assault rifles are available.[1168] The main exit for weapons is to Macedonia, where

1161 Ibid

1162 Ibid

1163 The 12 October 2002 SFOR raid found letter on Jugoimport-SDPR stationery signed by a Yugoslav Army Colonel and addressed to the Iraqi MoD, offering Yugoslav assistance for concealing unspecified equipment from UN weapons inspectors, and referring to Yugoslav specialists currently working in Iraq; 'it also indicated that current weapons purchases from the FRY were being routed through Syria and that a cargo for Iraq was in the Montenegrin port of Bar awaiting Syrian permission before it set sail'. Also in October 2002, the US Embassy in Belgrade directed a 'non-paper' to the FRY President and other senior Yugoslav officials; 'the non-paper asserted that the FRY had sold cruise missile technology to Libya and possibly Iraq... It also stated that the FRY had sold 200 tons of Yugoslav Army weapons stocks to Liberia, another country under a UN arms embargo'. On the 22 October 2002, Croatian authorities seized the Montenegrin-registered 'Boka Star' freighter that had sailed from the Montenegrin port of Bar to Rijeka in Croatia, carrying a 208-tonne cargo of materials for rocket fuel, falsely labelled as active coal; 'the cargo allegedly belonged to Jugoimport-SDPR and was destined for Iraq via Syria'. The Yugoslav Connection, ICG 2002, pp 1-2.

1164 The Yugoslav Connection, ICG 2002, p 2.

1165 'Correspondent' documentary programme, broadcast on the UK BBC2 television channel, 07 December 2003; and, The Yugoslav Connection, ICG 2002, Executive Summary.

1166 'Correspondent' documentary programme, broadcast on the UK BBC2 television channel, 07 December 2003.

weapons are 'sought after by ethnic separatists and criminal elements', to southern Serbia and further afield: 'the interdiction of transhipment notwithstanding, there is a certain illicit transit trade through Kosovo'.[1169] Using much the same methods employed during the conflict, including mule trains across mountainous areas, arms smugglers tend to be organised into criminal groups, and it seems that there are links between SALW and other contraband, as trafficking tends to have a territorial, rather than commodity-specific, dimension, with certain 'networked' groups controlling the movements of various goods through 'their' area.[1170] Despite the relatively small scale of arms trafficking, its existence and the weakness of border control, is 'a looming concern', as 'small arms trafficking could increase if the demand for small arms surged in either Kosovo or FYROM'.[1171] Although there have been efforts to tighten security measures at border crossings, 'weapons smuggled in cars and trucks can probably pass the Kosovo borders at any time'.[1172]

Suspicions that former armed factions continue to be involved in illegal activities also seems to have some basis, as evidenced by the arrest of former-KLA Commander Azreni in November 2003 for the illegal purchase and distribution of arms to members of the armed formation.[1173] Also in late 2003, British journalists posing as Irish terrorists bought 13.5 kg of top-quality explosive in Kosovo, and during their undercover activities, which included contacts from the KLA and mafia, were apparently offered various weapons 'in quantities that would, according to this daily, be sufficient to equip small armies'.[1174]

SALW collection programmes and capacities

Republic of Montenegro

One SALW collection has been held in Montenegro. The two-month 'Farewell to Arms' initiative was held from 12 March to 12 May 2003, an amnesty and collection period organised through the MoI with funding from USAID/ORT and co-operation with a local NGO network. With the help of the Akcija NGO Network and USAID/ORT the MoI disseminated information on the logistical procedures of the amnesty, and engaged in supporting press-work, including weekly updates on collection totals. Based on pre-existing relationships, co-operation between the MoI and USAID/ORT and NGO representatives was in general very good, and involving NGOs in the process is believed to have assisted public confidence in the collection.[1175] Citizens were encouraged to hand in weapons 'anonymously' through calling a special NGO-operated hotline

1167 The low levels of arms smuggling are 'not because such trade would be impossible or even difficult' - both international borders and the administrative boundary with Serbia and Montenegro are 'porous', despite the presence of international police and military, and 'organized and unorganised crime takes advantage of this fact, and smuggling and contraband are rife'. Kosovo and the Gun, SAS 2003, p 27.

1168 Ibid

1169 A major inflow or hub for smuggled weapons is Peje/Pec, and another key transit route is through the southernmost tip of Kosovo, from Albania via Dragash/Dragas to Tetovo in FYROM. Ibid, p 30.

1170 Ibid, pp 29-30.

1171 Ibid, p ix.

1172 The KPS border service have now upgraded weapons, including AK-47s, as 'a response to the increasingly well-armed smugglers crossing the border', and the customs officials are now offered financial incentives for discovery of illegal weapons shipments in an attempt to combat corruption. Ibid, pp 12 and 28.

1173 It is reported that Azreni was sentenced to 72 hours detention in Gnjilane over this incident. 11 November, Weekly Media Review, 10 - 16 November 2003, www.seesac.org.

1174 'Kosovo Has Become an Arms and Explosives Market, Sunday Mirror Reports', Daily Media Review, 08 December 2003, www.seesac.org.

1175 Telephone interview with Kaca Djurickovic, SALW Project Assistant, UNDP Podgorica, 12 February 2004.

number to arrange for collection of arms from homes or nearby neutral places by a team composed of one or two plain clothes police officers and an NGO representative to help provide additional reassurance.[1176] A small number of weapons were also handed in to local police stations, and in a limited number of cases police also approached individuals they knew had received weapons distributed by the MoI to 'reserve' forces in the late 1990s to encourage surrender (see above, Small Arms Problem).[1177]

The initiative resulted in the collection of 1,600 guns and 3,000 hand grenades, mines and other explosive devices, all of which were subsequently destroyed with support from SEESAC, which also provided technical advice on SALW awareness and legislative issues.[1178] Although the authorities and USAID/ORT and Akcija partners claim the initiative was a success, the public view is less enthusiastic, noting the relatively low numbers of weapons collected: Small Arms Survey respondents 'generally agreed that another amnesty period, followed by the adoption and swift implementation of the new draft law on firearms that bans public carrying of weapons, would send the appropriate message that the government is taking the threat posed by small arms to public security seriously, and is being proactive on the matter'. [1179] In addition, although it is claimed that the active involvement of the MoI in the collection process increased public trust in the police, it is clear from SAS research that the public still has a 'profound mistrust in the police', and indeed this seems to be one reason why the initiative was not more successful.[1180]

Table 41a – Summary of SALW collection in Montenegro 1999 – 2003[1181]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
MoI-implemented amnesty and collection, 12 March – 12 May 2003	1,600	NA[1182]	Support from USAID/ ORT.
TOTALS	**1,600**		

Republic of Serbia

In addition to ongoing police and military confiscation of illegal weapons, Serbia has organised three main amnesties and collections in recent years – in 1997, 1998 and 2003.

Preceding the entry into force of stricter weapons possession legislation in 1998, citizens were allowed to hand in or 'legalise' weapons by applying for a licence. Backed by a SALW awareness-raising campaign, the initiative resulted in the 'legalisation' of approximately 60,000 weapons and the confiscation of about 7,000 automatic weapons.[1183] This policy was repeated in 1998 for handguns and sporting rifles.[1184] In

1176 Unfortunately, no training was given to NGO telephone operators or the NGO representatives that accompanied the collection 'teams' to citizens homes; thankfully, the collection proceeded without accident, but there are serious safety concerns over involving untrained civilians in SALW collection. Montenegro SALW Survey, SAS 2004, p 39, and, telephone interview with Kaca Djurickovic, SALW Project Assistant, UNDP Podgorica, 12 February 2004.

1177 Telephone interview with Kaca Djurickovic, SALW Project Assistant, UNDP Podgorica, 12 February 2004.

1178 'Support to the Republic of Montenegro Weapons Destruction', SEESAC Activity Report AR/006, 30 May 2003, www.seesac.org.

1179 Montenegro SALW Survey, SAS 2004, p 40.

1180 Ibid

1181 Statistics taken from SEESAC Press Release 23 May 2003, www.seesac.org.

1182 Statistics on ammunition weight in tonnes was not available, however, in addition to the SALW collected, 30,000 hand grenades, mines and other types of ammunition were also surrendered. 'Destruction of Small Arms in Montenegro', Ibid.

1183 BICC Conversion Survey 2002, p 136.

addition to SALW voluntarily collected from citizens, a substantial number of weapons have been confiscated in the country according to Serbia and Montenegro's report to the UNDDA on implementation of the UN PoA. In 2001, 52,000 pieces of small arms were collected, and in 2002, an additional 23,223.[1185] No current totals for weapons confiscations were available.

The state of emergency declared in March 2003 following the assassination of PM Djindjic resulted in substantial police crackdowns on organised crime and other factions connected to the murder. A total of 2,046 weapons, 33,478 rounds of ammunition and 198.5 kg of explosives were confiscated by law enforcement and security services during the period of martial law from 12 March to 22 April 2003.[1186] At around the same time, it became apparent that the atmosphere of heightened police activity, and also public disgust at the violent death of Djindjic, was resulting in various spontaneous surrenders of weapons by civilians. A number of police discoveries of weapons abandoned in public places, such as rubbish containers, prompted the emergency government to implement an amnesty period to allow citizens to hand in weapons without fear of prosecution to their nearest police station or military facility.[1187] A fifteen-day amnesty was proclaimed on 25 March 2003, but the initial success of the initiative led to its extension until 24 April 2003. Little time was available for preparation for the amnesty, but with support from SEESAC, public information and awareness-raising was organised and published lists of collection points and the procedures for the amnesty were disseminated. The initiative proved extremely successful, no doubt due to the political and social context, and in addition to over 30,000 'legalisations' of non-military, hunting and sporting weapons,[1188] 40,500 SALW and 2,005,459 rounds of ammunition were voluntarily surrendered to the Serbian MoI.[1189] Destruction of the collected weapons has begun (see SALW Destruction, below).

Table 41b – Summary of SALW collection in Serbia 1999 – 2004[1190]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
SCG Government – 2001	52,000		
SCG Government – 2002	23,223		
SCG Government, 12 March – 22 April 2003	2,046		
MoI-implemented amnesty and voluntary surrender, 24 March – 20 April 2003	40,500	NA[1191]	
TOTALS	**117,769**		

1184 SALW in FRY, Saferworld 2002, p 66.

1185 SCG UN PoA report, 2003.

1186 136 SALW, 1,463 mines, 272 hand grenades, 10 kg of explosives and 113,095 rounds of ammunition were found and seized in the GSZ in southern Serbia, apparently during the state of emergency; these figures have not been noted in collection totals below as it is unclear whether they have already been included in the confiscation totals given for the March to April period. SCG UN PoA report, 2003.

1187 Author's observations during residence and work in Belgrade at the time, March 2003, and 'Support to Republic of Serbia National Weapons Amnesty', SEESAC Activity report AR/001, 14 April 2003, www.seesac.org.

1188 The MoI confirms that 34,917 applications to 'legalise' weapons were submitted during the amnesty; some of these applications are likely to be refused, but the processing of applications is ongoing and so the number of licences approved was not available at the time of writing. Statistics from MoI official, 13 February 2004.

1189 SEESAC SALW Collection Database, www.seesac.org, as referenced 10 February 2004.

1190 Statistics on voluntary collection totals taken from the SEESAC SALW Database, www.seesac.org, as referenced 10 February 2004, and additional data on collections from SCG UN PoA report, 2003.

1191 No information on the amount of ammunition surrendered in tonnes was available; however, 2,005,549 rounds were collected during the amnesty. SEESAC SALW Collection Databases, www.seesac.org.

The Entity of Kosovo

Since the end of the war in June 1999, both UNMIK Police and KFOR have attempted to remove illegal weapons from circulation through searches and confiscations, and also, to a limited extent, through amnesties.

KFOR searches and seizures of illicit weapons are 'a more or less constant feature of the soldiers' work', with such activities undertaken, and results gained, on an almost daily basis.[1192] UNMIK police on the other hand, in general only collect guns connected to law enforcement operation, such as house searches as part of criminal investigations.[1193] Apparently, 'current efforts to collect military-style weapons are met calmly' by most Kosovars, while 'seizures of hunting rifles... have been met with fierce resistance'.[1194]

Two amnesties organised jointly by KFOR and UNMIK have been held in Kosovo, both in tandem with continued seizure operations: the first from 01 May to 03 June 2001, and the second from 15 March to 15 April 2002. The amnesties permitted people to hand in weapons anonymously to police or KFOR at special collection points. During the second amnesty, over 80 percent of the collected weapons were gathered by KFOR, 'which had better organisational means and resources to implement the amnesty'.[1195] Interestingly, in addition to the weapons surrendered at collection points, there were increased 'casual findings' of weapons left in places the police were likely to search during the amnesty periods, indicating that not everyone trusted the authorities' promises of anonymity or immunity from prosecution.[1196]

Small Arms Survey research notes that perceived shortcomings of the 2001 and 2002 amnesties included: 'lack of information and communication on the part of the authorities before the starting date, their short time period, and overly visible collection points (which made people shy away from handing in weapons)'.[1197] The amnesty efforts also suffered from limited support from Kosovar political leaders, although apparently support was more forthcoming from central authorities than the municipal level. Amnesty results were also substantially less successful among the minority Serb communities, whose political leaders gave the initiatives no support: 'one of the reasons for this is undoubtedly that Kosovo Serbs continue to feel they have to protect themselves'.[1198] In general, it appears that the 2001 and 2002 amnesties were much more strongly promoted by the international authorities than by the local communities, and this may be a key reason for the limited number of weapons they returned.[1199]

The international community's approach towards amnesty and collection efforts changed somewhat with the implementation of the UNDP Illicit Small Arms Control project in 2002. Originally designed to pilot the 'weapons for development' approach in Kosovo, the ISAC project re-oriented its strategy in 2003, and supported a joint amnesty organised with UNMIK and KFOR in September 2003 with competitive incentives for municipalities.

1192 Kosovo and the Gun, SAS 2003, p 23.

1193 Ibid

1194 Ibid, p 24.

1195 Ibid, p 21.

1196 Ibid

1197 'In this regard, the second amnesty is considered more successful than the first. For instance, in conjunction with the 2002 amnesty, American and Russian KFOR troops worked together on publicising the measures, going from village to village with megaphones'. Ibid, p 22.

1198 Ibid

1199 Ibid

UNDP had originally planned a 'weapons in exchange for development' pilot project in Kosovo. As the project progressed, late deliveries of funding, uncertainty over amnesty timing and the tensions over the summer of 2003 combined to change the ISAC project plans.[1200] Although referred to as 'Weapons in Exchange for Development', the concept was in reality a 'Weapons in Competition for Development' (WCD) component.[1201] As ISAC staff note, previously positive contacts with municipality leaders over possible development projects 'closed up' once incidents of inter-ethnic shootings raised perceptions of insecurity in the entity. The new approach involved 'weapons in competition for development', and a subsequent two-tier level of 'prizes': announcements on 01 September 2003 stated that the municipalities surrendering the top three weapons totals would win US$250,000 worth of development funds. As the amnesty progressed the conditions were made more inclusive, and on 22 September UNDP announced that any municipality surrendering over 300 weapons would qualify for US$25,000 worth of development funds.[1202] Funds would go straight to projects to be identified by the particular communities who surrendered the weapons, or at a broader municipality level, and implemented by UNDP.

A top-level Steering Committee for the amnesty was established, comprising the Heads of UNDP, UNMIK policing and KFOR, as well as the Minister for Justice and the Prime Minister of the PISG. It was supported by a Task Force of representatives of the Committee members who were able to tackle more practical issues at monthly meetings.[1203] KFOR and UNMIK police were the main international organisations involved in the one-month amnesty, which was implemented from 01 September to 01 October 2003. The amnesty logistics were primarily implemented by KFOR, which manned collection points across Kosovo and played a major role in distributing campaign materials such as posters, the vast majority of which were posted by KFOR.[1204] Local police stations were also an option for weapons surrender, and CIVPOL and KPS advertised the collection in local stations and other awareness-raising activities were carried out as part of a Kosovo-wide campaign. Unfortunately, the totals of weapons surrendered in the amnesty were very disappointing: only 155 weapons were handed in.

Reasons for this very low total include the still-low levels of trust in security providers, and in the municipal authorities, which some may have believed would pocket much of the development funds awarded (even though UNDP funds would go directly to contractors), and lack of community allegiance, meaning that benefits to the community are not perceived as sufficient incentive to hand over weapons. The limited amount of time for preparation of the UNDP's 'new' WCD strategy once the project had been re-oriented also meant that public awareness of the new conditions for incentives was less than desirable, and this change in approach at a rather late stage could well have confused communities as to nature of the initiative.[1205] The clearest reason, however, would appear to be the continuing uncertainty over the future of the entity, and people's not unjustified fears for their safety should the situation in Kosovo change. As an ethnic Albanian interviewed by IWPR said, 'If they don't give us independence, that might

1200 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1201 Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

1202 Correspondence with UNDP ISAC staff, 16 February 2004.

1203 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1204 Ibid

1205 Ibid

mean that Serbian [security] forces are allowed to come back – and we don't want to be caught empty-handed when that happens'.[1206] These fears for future security were strengthened by the heightened inter-ethnic tensions and violent incidents over the summer, and UNDP staff note 'timing was a major factor – both for the project groundwork and the security situation during the groundwork and the amnesty, timing was against us'. [1207] It is still unclear whether the UNDP will conduct a full evaluation of the amnesty collection efforts; it is to be hoped that it will, as an evaluation of the initiative would provide a very valuable contribution to the current body of knowledge and lessons learned, and facilitate the development of best practice. Much could be learnt from the failure of the voluntary surrender component of the ISAC project, which should also be compared with the ISAC successes in terms of SALW awareness and weapons registration.

Table 41c – Summary of SALW collection in Kosovo 2001 – 2003[1208]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
KFOR (with UNDP support from 09 January – 30 September 2003) from 05 January 2001 – September 2003	11,711	NA	155 weapons were collected during the 2003 amnesty.
TOTALS	**11,711**		

Summary of SALW collection in Montenegro, Serbia and Kosovo

Table 41d – Summary of SALW collection in Serbia and Montenegro, including Kosovo 1991 – 2003[1209]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
Montenegro	1,600	NA	
Serbia	117,769	NA	
Kosovo	11,711	NA	
TOTALS	**131,080**		

SALW destruction programmes and capacities

As the State Union of Serbia and Montenegro maintains an army at the state level, destruction of national arms (eg MoI surplus or seized weapons and weapons collected from civilians) is detailed below according to Republic, and entity. Information on destruction undertaken by the SCG Army is given last, and followed by a combined table of destruction totals.

1206 'Armed to the Teeth', Balkan Crisis Report, IWPR and Saferworld, 27 November 2003, www.iwpr.net.

1207 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1208 Statistics taken from the SEESAC SALW Database, www.seesac.org, as referenced 13 February 2004.

1209 Statistics taken from the SEESAC SALW Database, www.seesac.org, as referenced 15 January 2004, and additional data as noted in sub-tables above.

State Union-level destruction

Between November 2001 and January 2004, the SCG Ministry of Defence destroyed a total of 79,790 pieces of SALW, predominantly surplus stocks.[1210] These weapons were destroyed in two main tranches. The first was a 2001 project to destroy just over 52,000 SALW with financial support from the US State Department funds at the army maintenance and service works in Cacak. The second project destroyed an additional 27,723 SALW with NAMSA funding of US$381,425, starting in March and ending in December 2003.[1211] 'Small arms and light weapons were destroyed in the Maintenance and Supply Works by the following methods: cutting by saw and flame (acetylene and oxygen), bending and mangling by applying pressure. Fragmentised small arms and light weapons are recycled in the Smederevo Steel Works'.[1212] This was a very expensive destruction operation when compared to other national and regional initiatives (US$13.75 per weapon versus US$2 – US$6 per weapon), but also included anti-aircraft and mortar pieces.[1213] NAMSA is now exploring possibilities for supporting the destruction of the Army's anti-personnel landmine stocks in accordance with SCG's commitments under the Ottawa Convention. No information was available on ammunition destruction at the state level.

In general, Serbia and Montenegro is 'very well equipped' for SALW destruction, with facilities at Cacak, Nikisic and Smederevo. There is, however, a lack of capacity in terms of qualified manpower.[1214] Future training projects in this area would be beneficial, particularly in light of Army of Serbia and Montenegro's recent announcements that substantial amounts of military equipment, including nearly 100,000 SALW are now scheduled for destruction.[1215]

Table 42a – Summary of SALW destruction at the state-level in Serbia and Montenegro 2000 – 2004[1216]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
SCG MoD-implemented destruction, 2001	approx. 52,000		Supported by US State Department
SCG MoD-implemented destruction, March – December 2003	27,723		Supported by NAMSA
TOTAL	**79,790**		

1210 The weapons comprised: 515 hand guns, 277 automatic, gas and 'signal' hand guns, 7,939 rifles, shotguns, hunting carbines, hunting and small calibre rifles, 10 recoilless guns, 2,511 semi-automatic rifles, 191 semi-automatic sniper rifles, 5,328 automatic weapons, 1,564 machine guns, 60 mortars, 1,200 SAMs, 28 rocket launchers, 92 anti-aircraft artillery and 686 air rifles and pistols. In addition, over 50,000 of the weapons destroyed came from surplus stocks at the Technical Repair Institute at Cacak, which submitted 20,000 small calibre and 31,058 large calibre weapons for destruction. Data taken from the SEESAC SALW Databases, referred to on 10 February 2004.

1211 Interview with Craig Rutherford, SEESAC Deputy Team Leader, 10 February 2004.

1212 SCG UN PoA report, 2003.

1213 The final NAMSA report is awaited, and this should make clear comparable costs for small arm, light weapons, mortars and anti-aircraft guns. Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

1214 Interview with Craig Rutherford, SEESAC Deputy Team Leader, 10 February 2004.

1215 In line with restructuring, part of the first stage of restructuring of the Army of Serbia and Montenegro will include the dismantling of 210 T-55 main battle tanks, approximately 300 cannons and howitzers, 1,000 20m cannons and 80,000 infantry weapons, planned for 2004. Another option reported in the local press is the sale of this weaponry to markets abroad, or domestically for adaptation to civilian uses (tanks converted to heavy construction machinery for example). 'VSCG to dismantle 210 tanks and 300 cannon in 2004', VIP News - D&S, 08 January 2004; 'Tenk ode u bager', M Vuksanovic, Vecernje Novosti, 19 January 2004.

1216 Statistics taken from the SEESAC SALW Destruction Database, www.seesac.org, referred to on 10 February 2004, and consultations with Craig Rutherford, SEESAC Deputy Team Leader, 10 February 2004.

Republic of Montenegro

The first small arms destruction in Montenegro was carried out on 27 May 2003 and included weapons collected through the 'Farewell to Arms' collection initiative held from March to May 2003. Based on a Memorandum of Understanding (MoU) signed between the Montenegrin Minister of Interior and UNDP Serbia and Montenegro, the destruction took place at the Niksic Steel Industrial Complex. Organised by the Montenegrin MoI, with financial assistance and verification functions carried out by SEESAC in conjunction with UNDP, the 'seed funds' allocated by SEESAC for destruction were used to develop the capacity of the MoI's destruction agencies, and to provide the MoI with computer equipment 'necessary to enhance efficiency and operational capacity in their small arms control initiatives'.[1217] The cost per weapon destroyed, including transport and security costs, was US$5 per weapon, but future destruction costs are predicted to be lower as capacity development has now taken place, and economies of scale will begin to apply.[1218] The weapons were destroyed in the Zeljezara-Niksic smelter, producing approximately 16 tonnes of molten steel. SEESAC databases contain listings for a total of 5,028 weapons destroyed on 27 May 2003, including: 89 revolvers, 872 pistols, 147 shotguns, 1,704 rifles, 1,021 assault rifles, 90 sub-machine guns, 397 light machine guns, 450 medium machine guns, 257 heavy machine guns and one anti-aircraft gun.[1219] The collected weapons, 1,600, were only part of the weaponry destroyed, 'the other 3,400 presumably coming from state owned surplus stockpiles or weapons seized by the police from criminals'. [1220]

May 2003, 5,028 weapons await destruction in Montenegro's Zeljezara-Niksic smelter.

An assortment of over 3,000 hand grenades, mines, and approximately 63,777 rounds of small arms ammunition, and over two tonnes of assorted ammunition natures collected either prior to or during the amnesty were also destroyed on 27 May 2003 by either firing or detonation at the Niksic military polygon; the destruction operation was also monitored by SEESAC technical staff. [1221]

SEESAC notes that, with the UNDP Liaison Office in Podgorica, it intends to support further arms destruction with both equipment and training, and it is to be hoped that further destruction will continue, particularly as the downsizing of Montenegrin MoI forces is likely to result in a larger number of surplus SALW. While destruction costs are now likely to be lower than US$5 per weapon, destruction capacity for ammunition is limited.[1222] A capacity-building equip and train activity, sponsored by SEESAC and conducted by the International School of Search and Explosive Engineering (ISSEE), will take place from 19 – 30 April 2004. This will provide basic equipment, training in alternative techniques and then opportunity for the EOD organisation to accredit themselves to UK City & Guild and IMAS standards.[1223]

1217 'Destruction of Small Arms in Montenegro', Press Release 27 May 2003, www.seesac.org.

1218 'Support to the Republic of Montenegro Weapons Destruction', SEESAC Activity Report AR/006, 30 May 2003, www.seesac.org.

1219 SEESAC SALW Databases, www.seesac.org.

1220 Montenegro SALW Survey, SAS 2004, p 41.

1221 'Support to the Republic of Montenegro Weapons Destruction', SEESAC Activity Report AR/006, 30 May 2003, www.seesac.org.

1222 SAS notes that 'future destruction costs are predicted to be lower now that the capacity development for weapons destruction has already taken place and economies of scale begin to apply'. Montenegro SALW Survey, SAS 2004, p 41.

1223 Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

Table 42b – Summary of SALW destruction in Montenegro 2003[1224]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
Montenegrin MoI-implemented, 27 May 2003	5,028	2.0 + [1225]	Financial assistance and verification functions provided by SEESAC.
TOTAL	**5,028**	**2**	

Republic of Serbia

A substantial amount of destruction has taken place in Serbia, all linked to the amnesty held in March and April 2003.

The March to April 2003 weapons amnesty in Serbia, combined with police confiscations at the time, resulted in the collection of almost 55,000 SALW. SEESAC, and the UNDP and the Stability Pact, gave substantial support to the Serbian Government during the amnesty, and, with the end of the initiative, 'provided significant project advice and support for the destruction of SALW in support of the process'. [1226]

The MoI decided to destroy nearly 4,000 previously confiscated weapons in order to contribute to awareness-raising around the amnesty and collection initiative, and this first phase of the destruction took place at the Smederevo Steel Works on the 12 April 2003 with SEESAC support. Before an audience of government officials, international representatives and media, the Minister of Interior initiated the destruction of almost 4,000 SALW by loading weapons into the smelter in a 'hands on' gesture, followed by other dignitaries present. The 3,859 weapons destroyed included AK-47s, rocket propelled grenade launchers and pistols, and were smelted to produce an estimated 12 tonnes of steel, at a cost of approximately US$6 per weapon.[1227] Further to the weapons destroyed, the MoI also destroyed 40,000 rounds of small arms ammunition with SEESAC support on 16 April 2003. The ammunition was destroyed by burning in a small rotary kiln furnace at the Prvi Partizan ammunition facility in Uzice; SEESAC technical staff monitored the destruction. The destruction system at Prvi Partizan is only designed to destroy between 20–40,000 rounds per working day, (approximately 0.4 – 0.8 tonnes), and does not have a logistic disposal capability.[1228]

'Phase 2' of the post-amnesty destruction took place on 04 October 2003 at the Smederevo facility, following limited disassembly at the Institute of State Security in Belgrade. The 7,335 weapons destroyed comprised weapons collected during the March – April 2003 amnesty and MoI surplus.[1229] The smelting process converted the weapons into approximately 20 tonnes of molten steel, which will be recycled by the US Steel Sartid facility. The operational costs of destruction, approximately US$5

1224 Statistics taken from the SEESAC SALW Databases.

1225 No statistics on the total amount of ammunition destroyed by tonnes was available, however approximately 63,777 rounds of small arms ammunition, and over two tonnes of assorted ammunition natures collected either prior to or during the amnesty were also destroyed on 27 May 2003. 'Support to the Republic of Montenegro Weapons Destruction', SEESAC Activity Report AR/006, 30 May 2003, www.seesac.org.

1226 'Republic of Serbia - Destruction of SALW (Phase 2)', SEESAC Activity Report AR/019, 06 October 2003, www.seesac.org.

1227 'Arms Destruction in Serbia', Press Release 12 April 2003, www.seesac.org.

1228 'Serbia National Weapons Amnesty Ammunition Destruction', SEESAC Activity Report AR/002, 16 April 2003, www.seesac.org.

1229 04 October 2003, Weekly Media Review 29 September - 06 October 2003, www.seesac.org.

per weapon, were covered by the US State Department.[1230] SEESAC and diplomatic representatives from OSCE and the US provided monitoring and verification assistance, and SEESAC also used the destruction to field test a simple computer based destruction accounting system.[1231] In addition, SEESAC notes that this process of weapons destruction, 'has continued to draw valuable public attention to the process due to the extensive media coverage', and has also contributed towards maintaining the political momentum of the destruction initiative.[1232] The remaining 10,000 weapons were destroyed in a similar fashion on 21 February 2004.

SEESAC is now moving on to Phase 3 of the process, which will be to encourage further destruction operations for the remaining 18,000 weapons collected during the amnesty initiative, and then move on to the destruction of surplus stockpiled weapons.[1233]

Conversion of weapons into molten steel, Smederevo, October 2003.

Table 42c – Summary of SALW destruction in Serbia 2000 – 2004[1234]

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
MoI-implemented destruction, 12 April 2003	3,859		Confiscated weapons, destroyed with SEESAC funding.
MoI-implemented destruction, 16 April 2003		0.4 – 0.8[1235]	Destroyed with SEESAC funding.
MoI-implemented destruction, 04 October 2003	7,335		Amnesty-collected weapons, destroyed with US State Department funding and SEESAC technical support.
MoI-implemented destruction, 21 February 2004	10,000		Amnesty-collected weapons, destroyed with US State Department funding and SEESAC technical support.
TOTAL	**21,194**	**0.4 – 0.8**	

1230 'Future destruction costs are predicted to again be lower as capacity development continues and economies of scale start to apply'. 'Republic of Serbia - Destruction of SALW (Phase 2)', SEESAC Activity Report AR/019, 06 October 2003, www.seesac.org.

1231 This accounting system will shortly be available to all future SALW destruction agencies within South Eastern Europe. The Institute of State Security Firearms Team is conducting this trial in close cooperation with SEESAC. 'Republic of Serbia - Destruction of SALW (Phase 2)', SEESAC Activity Report AR/019, 06 October 2003, www.seesac.org.

1232 'Republic of Serbia - Destruction of SALW (Phase 2)', SEESAC Activity Report AR/019, 06 October 2003, www.seesac.org.

1233 The MoI weapons currently earmarked for destruction with SEESAC support include: 4,618 pistols, 740 shotguns, 6,538 rifles, 4,810 assault rifles, 88 sub-machine guns, 32 light machine guns, 4 light mortars, and 170 hunting weapons. 'Republic of Serbia - Destruction of SALW (Phase 2)', SEESAC Activity Report AR/019, 06 October 2003, www.seesac.org.

1234 Statistics taken from the SEESAC SALW Destruction Database, www.seesac.org, referred to on 10 February 2004, and consultations with Craig Rutherford, SEESAC Deputy Team Leader, 10 February 2004.

1235 Approximate estimation of the weight of the 40,000 rounds of ammunition destroyed. 'Serbia National Weapons Amnesty Ammunition Destruction', SEESAC Activity Report AR/002, 16 April 2003, www.seesac.org.

The Entity of Kosovo

KFOR first started destruction of confiscated and collected SALW in a Norwegian-funded facility in Obelic. This facility was discarded as upgrading was not deemed to be cost effective, and a new weapons and ammunition destruction facility at Janjevo is now operational thanks to a Dutch grant of US$56,000.[1236] Methods used are cutting, followed by melting in a furnace, and items such as manhole covers and metal trays are produced with the recycled steel. As part of the ISAC project, the UNDP has provided US$40,000 of funding to KSFOR for SALW destruction at Janjevo, approximately 3,500 weapons have been destroyed with these funds so far, at an estimated cost of under US$3 per weapon.[1237]

Unfortunately, little information on destruction totals is available, but in mid-2003 a total of 18,000 SALW had been destroyed by KFOR.[1238]

The 155 weapons collected during Kosovo's autumn 2003 amnesty are cut before melting.

Table 42d – Summary of SALW destruction in Kosovo 1999 – 2003

DESTRUCTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
KFOR-implemented destruction, 1999 to mid-2003	18,000[1239]	NA[1240]	
TOTAL	18,000		

Summary of SALW Destruction in Montenegro, Serbia and Kosovo

Table 42e – Summary of SALW destruction in Serbia and Montenegro, including Kosovo 1991 – 2003[1241]

COLLECTION ACTIVITY	SALW	AMMUNITION (TONNES)	REMARKS
Montenegro	5,028	2.0	
Serbia	21,194	0.4 – 0.8	
SCG	79,790		
Kosovo	11,711	NA	
TOTALS	117,723	2.4 – 2.8	

1236 'Short Mission Report - Clearinghouse Consultation in Kosovo, 14 - 17 May 2002', www.seesac.org.

1237 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1238 Kosovo and the Gun, SAS 2003, p 24.

1239 Statistics were taken from 2003 Small Arms Survey research as no statistics were available from the SEESAC Database. Ibid.

1240 KFOR is also undertaking ammunition destruction at Janjevo, as noted above, however no up-to-date destruction totals were available. 'Short Mission Report - Clearinghouse Consultation in Kosovo, 14 - 17 May 2002', www.seesac.org.

1241 Statistics taken from the SEESAC SALW Database, www.seesac.org, as referenced 15 January 2004, and additional data as noted in sub-tables above.

SALW stockpile management programmes and capacities

State Union of Serbia and Montenegro

The SCG report for the UN PoA in 2003 states that SALW in possession of MoD and armed forces staff are stored in 'magazines, warehouses and facilities for safekeeping'.[1242] According to the Government report, the security of these arms storage facilities is 'very high': 'every facility is provided sentry, sealed and specially secured with padlocks, locks, electric energy-light, and wire. By and large, the facilities are customized, and all security measures are very strict (fire and lightning protection and anti-explosion system). Up-to-date warehouse records are kept and the facility risk level is constantly reviewed. In that connection, a plan of emergency measures and procedures is in place in every facility'.[1243] SALW held by the Ministries of the Interior of Serbia and Montenegro are also kept in 'customized facilities', where the standards and responsibilities for safe storage are also very high. The report notes that so far there have been no incidents of theft or other security incidents.[1244]

In line with military re-structuring, the assessment of current stocks and identification of surplus is ongoing; when surplus is identified, the UN 2003 report notes that unnecessary SALW stocks 'will be treated as any marketable goods or will be earmarked for destruction depending on their condition, technical performance and utility'.[1245] Until 'pure' military surplus is identified, the Government notes that 'surplus stocks of small arms and light weapons are created by arms-and-weapons seizures in incidents of illegal crossings of the State border, illegal transport or sale and by seizures from organized criminal groups and individuals'.[1246] No information was available on the current size or number of SCG SALW stockpiles.

Republic of Montenegro

The restructuring of both the Montenegrin MoI and state SCG army means that the size of SALW stockpiles in Montenegro are difficult to assess. However, Small Arms Survey research concluded that there are '42,000 to 72,000 small arms are in the hands of the MUP and the State Union Army in Montenegro'.[1247] Other than the general note on high standards provided in the UN 2003 report detailed above, no information is currently available on MoI stockpile management practices.

Republic of Serbia

MoI stocks are equally hard to assess in Serbia, and no official information is available, although these are likely to be substantial (see above, Small Arms Problem). Other than the general note on high standards provided in the UN 2003 report detailed above, no information is currently available on MoI stockpile management practices.

1242 SCG UN PoA report, 2003.

1243 Ibid

1244 Ibid

1245 Ibid

1246 Ibid

1247 Montenegro SALW Survey, SAS 2004, pp 9-10.

The Entity of Kosovo

The NATO KFOR troops and international police officers in Kosovo are armed, though no information was available at the time of writing as to the size of these holdings. KFOR-held SALW, and the 1,800 KPC weapons 'held in trust', are stored in the Force's facilities, presumably according to NATO standards. Similarly, the new KPS has been established with international assistance and firearms carried by police are stored in accordance with international standards. As noted above, the KPC has 200 SALW for the purposes of guarding its facilities; no information was available on storage or security measures for these weapons.

In terms of illegally-held SALW possessed by civilians, Small Arms Survey research finds that, 'small arms tend to be stored indoors in purpose-built caches, or buried outdoors relatively close to households'.[1248] The increasing sophistication of purpose-built concealment in homes is 'a direct response to KFOR search operations' and 'more and more weapons are stored outside homes, buried in gardens, or cached further afield. Consequently, there are fewer weapons in apartment blocks in the cities than in individual homes in the countryside'.[1249] Caches of weapons belonging to armed groups in Kosovo, estimated by Small Arms Survey to be between 12,000 and 16,000 SALW, are likely to be buried or stored in unused buildings, and are sometimes mined.[1250]

In general, very little information is available on the size of stockpiles or management practices in SCG, and more research and transparency is needed.

SALW awareness activities

Although there has been relatively little co-ordinated awareness raising in SCG, with time-limited efforts mainly centering on the brief amnesty campaigns in Serbia and Montenegro in 2003, there is potential to do more work in this area, and on a promising note, the SCG report to the UN PoA in 2003 stated that the Government would welcome more assistance for public awareness-raising campaigns, particularly those aimed at educating children and young people.[1251]

Republic of Montenegro

The only co-ordinated SALW awareness-raising in Montenegro was the campaign accompanying the 'Farewell to Arms' amnesty and collection initiative in Spring 2003. In the run-up to the amnesty, the Akcija NGO Network conducted a campaign, also entitled 'Farewell to Arms', using radio and TV to spread the slogan 'respect life, return the weapons' to the authorities. Primarily aimed at family safety, Akcija messages encouraged pro-active participation in the initiative and return of illegal weapons to the police in order to prevent accidental deaths or injury by firearm misuse. The MoI also worked closely with Akcjia and USAID/ORT on publicising the initiative, holding press conferences and broadcasting weekly updates, as well as information on the procedures for weapons surrender.[1252]

1248 Kosovo and the Gun, SAS 2003, p viii.

1249 Ibid, p 20.

1250 As noted above, SAS estimates are that Kosovo Serb militia hold between 240 and 400 SALW, and Kosovo Albanian militia, including the NLA, between 11,800 and 15,800 weapons. Ibid, p 11.

1251 SCG UN PoA statement, 2003.

1252 Montenegro SALW Survey, SAS 2004, p 39.

SAS research confirmed that the Akcija SALW awareness campaign did achieve its goals (to inform the public about the amnesty and collection procedures, to appeal to citizens to participate for the safety of their families, and to outline the penalties for illegal possession at the end of the amnesty). 'The dream-sequence commercial that warned parents of the potential harm that could befall their child from unsecured guns and explosives was the most effective element of the campaign, while billboards that advertised the initiative had the least effect, as no one in the groups even remembered their content'.[1253] The campaign was overall felt to be quite 'powerful' and 'high intensity', although the value of informal channels of word-by-mouth advertisement among communities was 'equally important to the SALW awareness campaign's success'.[1254] One of the failings of the campaign, however, was the minimal attention given to legalisation, as its main focus was on collection of military-style weapons, possession of which is banned by law.[1255]

Republic of Serbia

Two main awareness-raising campaigns have been conducted in Serbia, the first by the Red Cross and the second by government, international actors and local NGOs in support of the amnesty in early 2003.

An image from the 2001-2 Yugoslav Red Cross 'For Life Without Weapons' campaign targets teenagers.

In September 2001, the then Yugoslav Red Cross launched an awareness-raising campaign, 'For Life – Without Weapons'. Funded by the Norwegian Red Cross, the national campaign aimed to raise awareness among the public about the dangers of SALW and to work with the government to tackle their availability. Running until late spring 2002, primarily in Serbia but also with some activities in Montenegro, the campaign 'stimulated public discussion on SALW issues across the country and generated significant national media coverage'.[1256] In addition to the distribution of T-shirts, posters, drink mats and other campaign materials, the Red Cross produced and dissemination three leaflets, designed for children, youth and adults, and two TV 'clips' were produced and broadcast, one on the dangers for children of weapons in the home and another featuring the Yugoslav volleyball team encouraging young people to leave weapons behind. One of the main activities undertaken by the Red Cross was education in schools, designed both to raise consciousness of safety issues among children and parents, and to change attitudes towards weapons. Activities in over 1,500 schools in Serbia included sessions with teachers, drawing and painting exercises, and also special 'presentations' by local and national personalities and celebrities, such as the national Olympic-medal shooting champion, who visited schools to spread the message that guns are dangerous, not 'cool' and should be used responsibly. The Red Cross also organised various activities through its substantial network of volunteers, many of them young people, and also organised a youth training event on SALW with Saferworld in June 2002.

1253 Ibid, p 35.

1254 Ibid, p 35.

1255 Telephone interview with Kaca Djurickovic, SALW Project Assistant, UNDP Podgorica, 12 February 2004.

1256 'Implementing the Programme of Action - Action by States and Civil Society', Biting the Bullet 2003, IANSA, p 100.

A variety of materials and activities were used during the awareness campaign that followed the Serbian Prime Minister's assassination, including posters by the then-NGO OTPOR, and a public destruction of toy weapons led by Balkan Youth Union.

The second major awareness-raising campaign also involved the Red Cross, and in fact utilised some of their materials in a nation-wide effort to publicise the March to April 2003 government amnesty and collection initiative. As the amnesty was announced during the state of emergency following Djindjic's assassination, there was limited preparation time available for logistics, and minimal time for awareness-raising. The majority of the SALW awareness support was undertaken with support from SEESAC, which helped to design and printed amnesty literature, at a cost of approximately US$50,000, and also supported the public information campaign through the medium of local NGOs and media.[1257]

The main campaign information material was a leaflet designed and printed with SEESAC support, which detailed which weapons could be legalised and how and where weapons could be legalised or surrendered. 2.3 million copies were distributed through the national postal service at no charge to households across the country. 60,000 Red Cross leaflets used in their previous campaign were also re-printed and distributed through Red Cross centres in major towns across Serbia. The Red Cross television advertisements were also re-broadcast on national TV stations. The student resistance movement OTPOR was also involved, and distributed 100,000 posters and 750,000 leaflets based on designs from previous campaigns updated specially for the March 2003 amnesty. SEESAC also co-ordinated SALW awareness action across Serbia with the help of several NGOs, mainly using amnesty literature. In addition, during a weekend towards the end of the amnesty, the Belgrade-based Balkan Youth Union staged an event for children in the centre of Belgrade, during which safety messages were conveyed through puppet shows and 'hundreds of toy weapons were destroyed by passing children who received T-shirts and balloons carrying anti-weapon slogans'; the event raised awareness among families passing by and media coverage of the event helped to spread the messages across the country.[1258] SEESAC co-operated on more general AR in the media, alerting media outlets and journalists, offering background information on SALW.[1259] SEESAC also supported and funded the MoI in the public destruction of about 4,000 previously confiscated weapons on 12 April 2003; attended by top-level government officials and representatives of the international community, the event drew valuable public attention to the process and 'contributed towards maintaining the political momentum of the amnesty initiative'.[1260]

The Entity of Kosovo

Although small-scale awareness-raising had been conducted by local NGOs (see Civil society involvement in SALW interventions below), the campaign supporting the September 2003 amnesty and collection represents the main awareness-raising on SALW undertaken in Kosovo. The campaign was conducted by the UNDP's ISAC

1257 'Arms Destruction in Serbia', Press Release 12 April 2003, www.seesac.org.

1258 'Support to Republic of Serbia National Weapons Amnesty', SEESAC Activity report AR/001, 14 April 2003, www.seesac.org.

1259 Op cit, 'Arms Destruction in Serbia'.

1260 'Support to Republic of Serbia National Weapons Amnesty', SEESAC Activity report AR/001, 14 April 2003, www.seesac.org.

One of the ISAC project's powerful advocacy posters used to support SALW collection in late 2003.

project, but involved other actors from both the international and Kosovar communities. Campaign materials funded at a cost of US$75,000 by UNDP ISAC, included posters, billboards, leaflets, and a set of eight fact-sheets on the different aspects of SALW problems and regulations. KFOR was particularly active in putting up posters, and was responsible for posting 45,000 of the 54,000 disseminated during the campaign. Local NGOs were also involved and distributed leaflets and 200,000 fact sheets in public places in cities, and on market days in smaller towns – volunteers distributed information to approximately 34,000 people on 94 market days in Kosovo between August and September 2003.[1261] Over 30 different TV and radio public announcements were broadcast during the initiative, as well as press conferences and debates involving key public figures, and the print media in Kosovo carried over 130 feature articles on SALW and the amnesty initiative between mid-August and 30 September 2003.[1262] Roundtables and discussions were held with townspeople at the municipal level and with women in rural areas; sporting and recreational events were also held, including a children's parade; and a concert in support of the initiative was held on the first day of the amnesty.[1263] In addition to personal visits and discussions with municipal leaders, UNDP letters about the competition 'rules' in appropriate languages were sent to every municipal president and UN representative on 01 September 2003.[1264]

1261 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1262 Correspondence with UNDP ISAC staff, 16 February 2004.

1263 Ibid

1264 Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.

1265 Montenegro SALW Survey, SAS 2004, p 35.

1266 Telephone interview with Kaca Djurickovic, SALW Project Assistant, UNDP Podgorica, 12 February 2004.

1267 Author's discussions with Red Cross staff, January and Spring 2002.

Table 43 – SALW awareness activities

CAMPAIGN AND IMPLEMENTER	DURATION	TARGET GROUP	METHODS	INDICATORS OF SUCCESS	DONOR
Akcija NGO Network 'Farewell to Arms' AR campaign	February – March 2003	General public	Radio and TV advertisements, media coverage.	Small Arms Survey research into public opinion: the campaign was quite 'powerful' and 'high intensity'.[1265]	USAID/ORT (US$70,000 was spent on the AR campaign, hotline, assoc. activities).[1266]
Yugoslav Red Cross 'For Life – Without Weapons' campaign,	September 2001 – March 2002	Children, youth and general public.	TV advertisements, leaflets, posters and other materials.	Red Cross internal assessments are that the campaign generated a lot of interest, and may have contributed to reduced levels of celebratory firing over New Year 2001/ 2002.[1267]	Norwegian Red Cross.
SEESAC AR in support of Serbian March – April 2003 amnesty	March – April 2003	General public	Posters, TV spots and discussions, leaflets and billboards.	The substantial number of weapons surrendered and legalised during the amnesty.	SEESAC, US$50,000 (Serbian national broadcasting and postal services provided free of charge).
UNDP Kosovo AR in support of September 2003 amnesty	August – September 2003	General public	Distribution of posters, billboards, leaflets, fact-sheets and TV/radio announcements and discussion; public sporting and children's events and concert; personal discussion and informing of municipal authorities.	NA	UNDP funds of US$75,000 for production of campaign materials; Canadian Government funds of US$66,000 for NGO activities and events.

SALW survey activities

Republic of Montenegro

A SALW survey was conducted in Montenegro in late 2003 by a team of researchers from the Small Arms Survey NGO.[1268] Funded and recently published by SEESAC, the survey included four main components – a small arms distribution survey, a small arms impact survey, a small arms perception survey and a small arms capacity survey – and is thus the first survey undertaken in the region in accordance with the recently-drafted SALW Survey Protocols and SEESAC Regional Micro-Disarmament Standard (RMDS) 05.80. Conducted with the aim of establishing the extent of the problem in Montenegro to inform the design of future SALW control interventions in the republic, survey sources included key informant interviews, a household survey and focus groups, a media review and public health data.

Republic of Serbia

No thorough survey on SALW has been undertaken in Serbia, and the quality and quantity of information available on SALW issues is therefore in general quite low. Two opinion polls were conducted in 2003, among the general population in southern Serbia and youth in Belgrade by the SMMRI and Balkan Youth Union respectively. The reports of both surveys are available from SEESAC.

The Entity of Kosovo

A SALW survey was conducted in Kosovo by the Small Arms Survey in 2003.[1269] 'Kosovo and the Gun: a Baseline Assessment of Small Arms and Light Weapons in Kosovo', was undertaken to more clearly identify SALW-related problems in the entity and to gain more information on possible methods of collecting SALW for the UNDP office in Pristina. Incorporating the results of a small arms baseline assessment household survey, and based on desk and field research, the survey includes information on: perceptions of security and security providers; the number of weapons in the entity; weapons trafficking across Kosovo's borders; gun culture and weapons regulations, and the direct and indirect effects of guns in Kosovo. One area that should have been addressed in more detail during this survey was the question of what incentives would be potentially most effective in the community with individuals in encouraging voluntary surrender during an amnesty.[1270]

Civil Society involvement in SALW interventions

Although in general civil society capacity in the SCG and Kosovo remains poor, there are a number of NGOs which have undertaken work on SALW and which have capacity for further work, given funding and opportunity. Until recently, NGO work on SALW or security issues was very limited, mostly consisting of local think tank or academic input into military reform and legislation development,[1271] or research conducted

1268 Montenegro SALW Survey, SAS 2004, Executive Summary.

1269 Kosovo and the Gun, SAS 2003.

1270 Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

1271 For example, the Belgrade-based Centre for Civil-Military Relations has worked with the Geneva Centre for Democratic Control of the Armed Forces and the SCG Government on advising on military restructuring.

by international NGOs.[1272] In the last few years this has changed, and more grass roots NGOs are now active on SALW-related issues. The SCG report on the UN PoA admits that government co-operation with civil society has in general been ad hoc, but notes that 'efforts have been made... to increase participation of all segments of the population in the education and information in this field' and that 'a new quality will be given to co-operation with a civil society, in particular with NGOs'. [1273]

A similar situation exists in relation to media capacity, which in general is fairly low when it comes to reporting SALW issues. However media outlets, both local and national, have been extremely active in support of the amnesty and collection campaigns in Montenegro, Serbia and Kosovo, giving the initiatives much-needed publicity. A media training event was held in Serbia in December 2002, a regional seminar organised by SEESAC, and sub-regional events in Skopje in May 2003 (organised by Saferworld, SEESAC and IWPR) and in Sarajevo in September 2003 (organised by Saferworld and IWPR) involved journalists from Kosovo and southern Serbia, and Montenegro and Serbia respectively.

Republic of Montenegro

In Montenegro, NGO action on SALW has mainly been limited to the fairly successful campaign to support the March to May 2003 government amnesty and collection. The main vehicle for NGO involvement was the Akcija Network, a coalition of about 50 NGOs committed to social, legal and political reform in Montenegro, which used its substantial media contacts and capacities to disseminate and broadcast campaign messages and information, overseeing the majority of the public media-covered activities during the amnesty. The Centre for Democratic Transition NGO was also involved in operating the surrender 'hotline', through which citizens could request police collection of their weapons, and NGO representatives accompanied the police collection 'teams' to ensure procedures were respected and build confidence in the initiative. In addition to Akcija NGOs, there is relatively little civil society capacity to work on SALW, though some will exists and the UNDP conducted a training seminar for local NGOs on SALW from 17 – 19 May 2003.[1274] Montenegrin NGOs have been involved in regional NGO SALW activities and trainings,[1275] and representatives of Montenegrin media have participated in sub-regional trainings to improve reporting on SALW.[1276]

Republic of Serbia

NGO activities on SALW in Serbia began rather sooner than in many SEE countries, with the then Yugoslav Red Cross, now SCG Red Cross Society, 'For Life – Without Weapons' awareness-raising campaign in Autumn 2001. The campaign is detailed above, but was a significant step forward, both in terms of regional NGOs tackling a 'new' area and NGO–Government co-operation. SCG Red Cross follow-up activities also supported the March – April 2003 government amnesty. Since the 2001 Red Cross campaign,

1272 Such as Saferworld, BICC, Small Arms Survey, etc.

1273 SCG UN PoA report, 2003.

1274 Funded from SEESAC core funding, the UNDP Podgorica seminar 'Small Arms and Light Weapons - NGO Training' gave over 20 individuals from ten NGOs based in Albania, BiH, Macedonia and Serbia and Montenegro, two regional and one international NGOs, a chance to learn more about the problem of SALW proliferation. 'UNDP Podgorica/SEESAC SALW NGO Training', SEESAC Activity Report AR/005, 19 May 2003, www.seesac.org.

1275 Meetings organised by Saferworld in Szeged, in November 2002, and Sarajevo, in September 2003, included representatives of Montenegrin NGOs.

1276 Montenegrin journalists participated in a SEESAC media training held in October 2002, and a Saferworld training in Sarajevo September 2003.

however, activities have been more limited, with the notable exception of the Balkan Youth Union (BYU), a Belgrade-based youth group, which has undertaken research into youth perceptions of SALW and awareness-raising in schools with SEESAC funding in 2003. Both the SCG Red Cross and the BYU have been active in regional NGO networks, and have participated in regional network meetings and trainings.[1277]

International NGOs such as Saferworld (which has two staff based in Belgrade) and BICC have also been active in Serbia, holding seminars with government ministries and implementing research projects.

The Entity of Kosovo

NGO activities on SALW in Kosovo were originally linked to youth work funded by UNDP, through the Kosovar Youth Network NGO, which identified SALW as a major concern of Kosovar youth. Following these activities, the issue was picked up by the US Balkan Sunflowers NGO, which runs operations with local members in Kosovo, and who produced a video documentary on SALW filmed and produced by local youth. The video, 'In the Hands of Youth', highlighted the serious proliferation of SALW among young people in Kosovo, and the 'taboo' on discussing the issue of weapons. This work was built on by local NGOs such as the Forum for Civic Initiatives (FIQ), which worked to disseminate information and anti-gun messages among youth in the entity.

The UNDP ISAC project and September 2003 amnesty in Kosovo provided an opportunity for more action on SALW, and a training of Kosovar NGOs was held with Saferworld in April 2003. Various NGOs and civil society organisations were active in August and September 2003. The NGOs War Child and Lipjan Youth Centre were active, organising a parade and poetry and drawing competition for children respectively. Sporting events were organised by the Kosovo Centre for International Co-operation and the Pristina Youth Centre, which also organised film nights, produced a TV documentary on SALW, disseminated information at market days and to youth, and organised a concert to launch the amnesty. The Kosovo Action for Civic Initiatives organised public discussions in town halls and four TV debates on SALW. The Gender Research and Training Centre organised roundtables with women and others in rural areas, and the magazine Srpsko Slovo undertook small-scale research and carried feature articles on SALW.[1278]

International NGOs have also been active in Kosovo, particularly given the large international presence. In addition to the work noted above undertaken by Balkan Sunflowers and Saferworld, international NGOs have also been involved in research, with reports produced by the Small Arms Survey, Saferworld and BICC.

1277 Meetings organised by Saferworld in Szeged, in November 2002, Ohrid, in April 2003, Sarajevo, in September 2003, and Skopje in December 2003, included representatives of Montenegrin NGOs.

1278 Correspondence with UNDP ISAC staff, 16 February 2004.

Cross-border SALW control initiatives

The SCG Government states that there is 'a high level of co-operation on SALW-related issues among the countries in the region, particularly in the field of trans-border customs cooperation', noting that 'the relevant authorities exchange information in this connection with a view to preventing illegal trade in small arms'.[1279] It appears, however, that there are problems with co-operation across the administrative border with Kosovo and SCG statements noting that co-operation with international authorities in Kosovo needs to be strengthened, and that additional international resources should be devoted to SALW control in Kosovo.[1280] The Government admits there have been cases of illicit trafficking in SALW across SCG borders, and highlights the Kosovo borders, particularly in southern Serbia, as being problem areas,[1281] claims which do have some basis.[1282]

There has however been progress on co-operation with the authorities in Kosovo, and in addition to police co-operation,[1283] meetings concerning border control have been held between SCG officials and military and representatives of the European Union, OSCE and KFOR: 'the required co-operation was established and the problems that have to be solved in the future were identified. Furthermore, the need to train border guards and to modernize communication equipment was underlined'.[1284] The Montenegrin Ministry of the Interior also signed an agreement on fighting organised crime with UNMIK and Albania in November 2003,[1285] following the agreement reached two month earlier with the Albanian Ministry of Public Order on the exchange of security information and organisation of joint operations to combat various forms of trafficking and border-related crime.[1286] Serbia is also stepping up co-operation with neighbouring countries, and signed an inter-governmental memorandum on co-operation to combat organised crime and trafficking with Bulgaria in September 2003.[1287]

SCG also participates in various regional co-operation fora and mechanisms for law enforcement: Serbia recently signed the Council of Europe Convention on the Fight Against Organised Crime, and participated in the meeting of the Southeast Europe Police Chiefs Association in December 2003, where the heads of police from across the region discussed ways to improve regional co-operation in organised crime fighting, among other topics.[1288] SCG, as one of the countries committed to the Ohrid Border Security and Management Common Platform, has outlined a number of short-term objectives under this framework, including drafting of a new law on state borders and

1279 SCG UN PoA statement, 2003.

1280 Ibid

1281 The Kosovo border was also a concern highlighted in the FRY statement at the UN 2001 SALW conference. SCG UN PoA report, 2003, and, Statement by Mr Stevan Nikcevic, Assistant Federal Minister for Internal Affairs of the Federal Republic of Yugoslavia and Head of the Yugoslav Delegation, UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 12 July 2001.

1282 Such claims do have a basis in the current system operated by UNMIK. While UNMIK customs has been operating since 1999 for the purposes of revenue collection, until 2002 the service had no 'protection of society mandate' to interdict shipments of drugs, arms etc, and this was this the task of the border police, who do not generally check vehicles, only people, at border crossings: 'as a result, there is at present no concerted and effective effort to stem small arms trafficking at the border crossings'. This will however soon change with the introduction of EU-compliant Customs Law, a new customs computer system and mobile anti-smuggling units. Kosovo and the Gun, SAS 2003, p 28.

1283 In a joint action in late 2003, co-operation between Serbian and UNMIK police resulted in the freeing of two Albanians kidnapped during their stay in Serbia. 'UN, Serbian police arrest kidnappers of two Kosovo Albanian businessmen', Daily Media Review, 03 December, www.seesac.org.

1284 SCG UN PoA report, 2003.

1285 03 November 2003, Weekly Media Review 28 October - 03 November 2003, www.seesac.org.

1286 26 September 2003, Weekly Media Review 22 - 29 September 2003, www.seesac.org.

1287 29 September 2003, Weekly Media Review 22 - 29 September 2003, www.seesac.org.

1288 'Regional Conferences on Co-operation in Interior, Judicial Sectors Held', Daily Media Review 10 December 2003, and, 10 October 2003, Weekly Media Review 06 - 13 October 2003, www.seesac.org.

transfer of authority for border security and establishing an efficient, complete and integrated border control system and border security based on Schengen principles. SCG reports that 'intense co-operation has been established with border services (police) in neighbouring and other countries... co-operation with foreign liaison officers is especially significant for exchange of information', and that the Border Police are taking various action on trafficking, including forming a special police team, participating in training courses and appointing a national anti-trafficking co-ordinator.[1289] A new department within the MoI has been established in Montenegro, and a border security projects for the republic has been developed.[1290] International co-operation is also increasing, with links to the law enforcement agencies of countries such as the US and Australia deepening in the last year.[1291]

In terms of future action in this area, the SCG Government states that 'regional co-operation will be promoted in all its aspects related to SALW',[1292] although it 'would welcome more assistance in areas of training and capacity building of our border control and customs service and for upgrading their communication and other equipment'.[1293]

SALW management information and exchange systems and protocols

In terms of regional and international information exchange, SCG is a member of the SECI Regional Centre for Combating Transborder Crime, and exchanges information with other SECI states through the Centre and its law enforcement officer secondment there. SCG is also a member of Interpol and through this mechanism engages in 'appropriate co-operation and information exchange with a view to suppressing illicit trafficking in SALW'.[1294] The country has also begun negotiation on a co-operation agreement with Europol.[1295] UNMIK international police also exchange information with Interpol, mainly on a case-by-case basis, within the framework of an MoU signed with the Interpol general secretariat.[1296]

SCG complies with OSCE obligations in terms of information exchange submissions on SALW, and submitted a report to the 2003 Biennial Meeting of States in accordance with the UN PoA, although the detail in the report was relatively vague. The report did note however that, in addition to OSCE submissions, SCG also exchanges information on SALW 'with the countries of the region and beyond'. [1297]

Unfortunately, little transparency exists on SALW issues in SCG. Researchers working in Montenegro note that, although officials at the Ministry of Internal Affairs are very forthcoming on the details of the recent amnesty, 'they are, for the most part, reluctant to discuss other subjects that pertain to the illegal possession of weapons within

1289 'Way Forward Document', Ohrid Regional Conference on Border Security and Management, 22 - 23 May 2003.

1290 Ibid

1291 For example, in October 2003, the Australian Federal Police Bureau opened regional headquarters in Belgrade, with the aim of increasing co-operation in the fight against organised crime. 09 October 2003, Weekly Media Review 06 - 13 October 2003, www.seesac.org.

1292 SCG UN PoA report, 2003.

1293 SCG UN PoA statement, 2003.

1294 SCG UN PoA report, 2003.

1295 'Europol annual report and work programme for 2004', News article May 2003, www.statewatch.org, referenced 22 January 2004.

1296 www.interpol.int.

1297 SCG UN PoA report, 2003.

Montenegro, and the lack of transparency is an issue that hinders progress on the issue'.[1298] A similar situation exists in Serbia: although there has been a positive level of transparency and discussion on destruction events and the 2003 amnesty, sparse information on SALW, such as stocks and estimates of legally and illegally held weapons is publicly available. Nevertheless, the Republic of Serbia has allowed full monitoring and verification of its SALW and ammunition destruction in 2003/4, primarily by SEESAC, but also in part by a local NGO, the European Movement (Zrenjanin chapter).

On a positive note, it seems that transparency on SALW may improve, as the SCG Government has stated that in the future, 'particular attention will be paid to informing the public and to information exchange with countries in the region. Interest in such co-operation is huge'.[1299]

As host to SEESAC the SCG Government has been very supportive of SEESAC activities, and has never interfered in, or tried to influence, SEESAC's work. This is a clear indicator of their political will in this area.[1300]

Table 44 – Information and exchange progress

INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS	SERBIA AND MONTENEGRO
International	
Reporting to the UN DDA on the Programme of Action	Yes[1301]
Reporting to the UN Register of Conventional Arms	Yes
Reporting to other international regimes, if appropriate (eg Wassenaar Arrangement)	-
Interpol/Europol	Yes[1302]
Regional	
Information exchange with OSCE	Yes
Annual reporting to EU (if relevant)	-
SECI Regional Center intelligence exchange	Yes
National	
Transparency – on SALW imports, exports and decision-making	No
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	No

1298 The Small Arms Survey finds that currently, 'the greatest obstacle to improved regulation of weapons as well as a clear picture of official gun holding in Montenegro is the government's lack of transparency surrounding the SALW issue'; Montenegro SALW Survey, SAS 2004, pp 38 and 43. BICC also observe that there is limited information available and transparency in Montenegro; BICC Conversion Survey 2002, p 137.

1299 SCG UN PoA report, 2003.

1300 Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.

1301 SCG submitted a report to the Biennial Meeting of States on the UN PoA in 2003; the level of detail in the report was, however, relatively vague.

1302 SCG is a member of Interpol and, as noted above, it is also negotiating a co-operation agreement with Europol. UNMIK has also signed an MoU with Interpol.

3 SALW project funding in SEE

The tables below give an overview of SALW project funding according to area of activity and country, indicating projects undertaken, project implementers and donors. In some areas, particularly 'SALW transfers' (which has been combined with 'Cross-border SALW control initiatives' to include only regional SALW-specific activities), and 'SALW management information and exchange systems and protocols', it is hard to identify project funding as such, although some relevant initiatives and donors have been detailed.

Legislative and regulatory issues

PROJECT	IMPLEMENTER	DONOR
Regional		
Tri-partite CA/UK/US Export Control Advisory Team	CA/UK/US	CA/UK/US
SEESAC Arms Law Process	SEESAC	SEESAC
Macedonia		
Support to Government on legislative reform	SACIM Project, UNDP Macedonia	General project funds
Moldova		
Support to Government on legislative reform	US Department of Commerce	US
Serbia and Montenegro		
WAC[1303] Registration Project	UNMIK, UNDP ISAC	General UNDP, UNMIK project funds
Support to Government on legislative reform	SEESAC/UNDP Liaison Office Podgorica	SEESAC

SALW exports and trafficking and cross-border SALW control initiatives

PROJECT	IMPLEMENTER	DONOR
Regional		
SECI SALW Task Force 2002–2003	SECI Center, Albanian Government	SECI[1304]
SALW Weapons Intelligence training event, September 2003	SEESAC, UK NCIS, US FBI, SECI Center	SEESAC

1303 The Weapons Authorisation Card (WAC) system governs civilian firearms possession in Kosovo.

1304 Saferworld also supported the work of the SECI Center's Operation Ploughshares through the funding of two planning and co-ordination meetings of the Task Force in September 2002, Tirana and July 2003, Ankara.

SALW collection programmes

PROJECT	IMPLEMENTER	DONOR
Albania		
Government collection 1998 to date	Albanian Government	NA
Gramsh Pilot Project 1998 – 1999	UNDP	NA
WEDS Project 2000 – 2002	UNDP	US, UK, Sweden, UNDP, Denmark and Norway.
SALWC Project, 2002 – 2003	UNDP	Finland, Netherlands, Sweden, UNDP BCPR, EU and Luxembourg
SSSR Project 2003 to date	UNDP	Finland, Ireland, UNDP BCPR
Bosnia and Herzegovina		
Operation Harvest, 1998 to date	SFOR/NATO	SFOR
Croatia		
Farewell to Arms amnesty/collection project, 1996–2002	Croatian Government	NA
Macedonia		
Operation Essential Harvest collection September 2001	NATO	NATO
National amnesty/collection November – December 2003	Macedonian Government/ UNDP SACIM	UNDP BCPR
Moldova		
National amnesty/registration 2002	Moldovan Government	NA
Serbia and Montenegro		
National amnesty/collection March – May 2003	Montenegrin Government	USAID
National amnesty/collection May – April 2003	Serbian Government/ SEESAC	SEESAC
KFOR/UNMIK amnesty/collection initiatives 2001 and 2001	KFOR/UNMIK	KFOR, UNMIK
Weapons in Competition for Development, 2003	ISAC Project, UNDP Kosovo	UNDP BCPR, Japan, Canada

SALW destruction programmes

PROJECT	IMPLEMENTER	DONOR
Albania		
Albanian Military 2000 – 2003	Albanian Government	NA
UNDP WED SALW destruction 2000 – 2002	Albanian Government	UNDP WED
Germany/Norway/USA SALW destruction 2001 – 2002	German Military Team/EOD Solutions Limited	Germany, Norway, US
NATO PfP APM Destruction 2001 – 2002	NAMSA	Through NAMSA
Ammunition destruction 2003	Albanian National Demilitarization Center	US
Ammunition destruction 2003	EOD Solutions Limited	US
SALW destruction 2003 – 2004	EOD Solutions Limited	UK
Ammunition destruction 2004 – ongoing	EOD Solutions Limited	UK
SALW destruction 2003 – 2004 – ongoing	EOD Solutions Limited	US
NATO SEEI ammunition destruction 2004 – ongoing	NAMSA/Albanian Government	Through NAMSA
Bosnia and Herzegovina		
Operation Harvest, 1998 to date	SFOR/NATO	SFOR
Bulgaria		
SALW and ammunition destruction 2002 – 2003	Bulgarian MoD/TEREM	US
SALW and ammunition destruction 2003	Bulgarian MoD/TEREM	UNDP BCPR/ SEESAC
Croatia		
SALW destruction – unconfirmed	Croatian Government	NA
Macedonia		
Operation Essential Harvest SALW destruction 2001	NATO	NATO
SALW and ammunition 2003 – ongoing	Macedonian Government/ UNDP SACIM	UNDP BCPR
Moldova		
SALW destruction 2002	Moldovan Government	NA
Ammunition destruction 2003	NAMSA	Through NAMSA
Romania		
SALW and ammunition destruction 2002	Romanian Government	US, Norway
Serbia and Montenegro		
NATO SEEI SALW destruction December 2003	SCG Government/NAMSA	Through NAMSA
SALW destruction October 2001	SCG Government/US	US
SALW and ammunition May 2003	Montenegrin Government	SEESAC
SALW destruction May 2003	Serbian Government/SEESAC	SEESAC
SALW destruction April 2003	Serbian Government/SEESAC	SEESAC
SALW destruction July – September 2003	Serbian Government/US	US
SALW and ammunition destruction 1999 ongoing	KFOR/NATO	KFOR/NATO

SALW stockpile management programmes

PROJECT	IMPLEMENTER	DONOR
Albania		
Safe storage (explosives, SA ammunition) May 2002	NATO HQ	NATO
Safe storage (explosives, SA ammunition) ongoing	EOD Solutions Ltd	US
Bosnia and Herzegovina		
Safe storage (explosives, SA ammunition) ongoing	SFOR/NATO	SFOR

SALW awareness activities

PROJECT	IMPLEMENTER	DONOR
Albania		
Government public information activities	Albanian Government	NA
GPP AR campaign 1998 – 1999	UNDP	General project funds
WED AR campaign 2000 – 2002	UNDP	General project funds
SALWC campaign 2002 – 2003	UNDP	General project funds
SSSR AR activities 2003 ongoing	UNDP	General project funds, SEESAC
UNIFEM conference and associated activities 2000	UNIFEM	UNIFEM
Women SALW training events 2003	Albanian Women Journalists Forum	Saferworld
Peace and SALW education activities 2003	Albanian Center for Peace and Disarmament Education NGO	UN DDA, Hague Appeal for Peace
Bosnia and Herzegovina		
Operation Harvest AR campaign, 1998 to date	SFOR/NATO	SFOR
SALW safety education 2004	BiH Red Cross	UNDP
Bulgaria		
SALW safety and non-violence AR activities 2000 ongoing	Bulgarian Red Cross	NA
Croatia		
'Farewell to Arms' amnesty AR campaign	Croatian Government	NA
Firearms safety education 2003	DELTA Practical Shooting Club	Individual donations
Macedonia		
Amnesty & collection AR campaign and various supporting activities 2003	Macedonian Government, UNDP SACIM, local NGOs	UNDP BCPR, Pax Christi, IANSA
Romania		
SALW university-level education 1999 – 2004	EURISC Foundation	NA
Serbia and Montenegro		
Amnesty & collection AR campaign February – March 2003	Akcija NGO Network, USAID/ ORT	US
'For Life – Without Weapons' campaign September 2001 – March 2002	SCG Red Cross	Norwegian Red Cross
Amnesty & collection AR campaign March – April 2003	SEESAC, Serbian Government	SEESAC
Amnesty & collection AR campaign August – September 2003	UNDP ISAC and local NGOs	UNDP BCPR, Canada

SALW survey activities

PROJECT	IMPLEMENTER	DONOR
Bosnia and Herzegovina		
SALW survey 2004 ongoing	BICC, UNDP	UNDP BCPR
Macedonia		
'SALW Survey in Macedonia' 2003	SAS, UNDP	UNDP BCPR SEESAC
Serbia and Montenegro		
'Kosovo and the Gun: A Baseline Assessment of SALW in Kosovo' 2003	SAS, UNDP	UNDP BCPR
'Republic of Montenegro SALW Survey' 2004	SAS, UNDP	SEESAC

Civil Society involvement in SALW interventions

PROJECT	IMPLEMENTER	DONOR
Regional		
Regional NGO seminar Szeged November 2002	Saferworld	Saferworld
Regional Media SALW training December 2002	SEESAC	SEESAC
Sub-regional Media SALW training seminar Skopje September 2003	Saferworld, IWPR, SEESAC	Saferworld, SEESAC
Sub-regional Media SALW training seminar Sarajevo September 2003	Saferworld, IWPR	Saferworld
Regional NGO Network seminar Sarajevo September 2003	Saferworld	Saferworld
Regional NGO Network workshop Skopje December 2003	Saferworld	Saferworld
Albania		
GPP AR NGO activities 1998-1999	UNDP	General project funds
WED AR NGO activities 2000-2002	UNDP	General project funds
SALWC AR NGO activities 2002-2003	UNDP	General project funds
SSSR AR/education NGO activities 2003	UNDP	General project funds, SEESAC
Women SALW training events 2003	Albanian Women Journalists Forum	Saferworld
Peace and SALW education activities 2003	Albanian Center for Peace and Disarmament Education NGO	UN DDA, Hague Appeal for Peace
Community-policing support for SSSR 2003 – 2004	Saferworld, UNDP SSSR, SEESAC	UNDP, SEESAC
Bosnia and Herzegovina		
SALW Needs Assessment	Centre for Security Studies	UNDP
SALW safety education 2004	BiH Red Cross	UNDP

PROJECT	IMPLEMENTER	DONOR
Bulgaria		
SALW safety and non-violence AR activities 2001 – 2002	Bulgarian Red Cross	NA
National Assessment on arms export controls, 2003 – 2004	Centre for the Study of Democracy, Saferworld	Saferworld
Croatia		
Firearms safety education 2003	DELTA Practical Shooting Club	Individual donations
Macedonia		
Amnesty & collection AR campaign and various supporting activities 2003	A number of local NGOs joined efforts to support the campaign, including CIVIL, JCWE, and ADI.	UNDP BCPR, Pax Christi, IANSA, Saferworld
NGO SALW training event June 2003	Saferworld	UNDP
Romania		
SALW university-level education 1999-2004	EURISC Foundation	NA
Serbia and Montenegro		
Amnesty & collection AR campaign February – March 2003	Akcija NGO Network, USAID/ORT	US
'For Life – Without Weapons' campaign September 2001 – March 2002	SCG Red Cross	Norwegian Red Cross
SALW survey and AR with Belgrade youth 2003	Balkan Youth Union	SEESAC
NGO SALW training event April 2003	Saferworld	UNDP
Amnesty & collection AR campaign August-September 2003 (and limited activities in 2002/2003)	A number of local NGOs joined efforts to support the campaign, including War Child, Lipjan Youth Centre, Kosovo Centre for International Co-operation, Pristina Youth Centre, Gender Research and Training Centre, the local magazine Srpsko Slovo, and the international NGO Balkan Sunflowers.	The majority of these activities were funded by Canada (through the UNDP ISAC project).

In addition to the activities listed above, a number of research projects and seminars on SALW issues in SEE countries or the region have been undertaken by international NGOs such as Saferworld, BICC and SAS; while these activities are obviously of great importance in assisting in the identification of SALW problems and solutions, they are not directly related to 'SALW interventions' and have therefore not been included in the table above.

SALW management information and exchange systems and protocols

PROJECT	IMPLEMENTER	DONOR
Regional		
OSCE information exchange	National governments, OSCE	NA
UN PoA reporting	National governments, UN DDA	NA
SECI Center	National governments, SECI Center	NA
SEESAC SALW Databases	SEESAC	UNDP BCPR
Romania		
Report on Arms Export Controls 2000 – 2001	Romanian Government/ANCESIAC	NA

4 Regional overview and conclusion

Regional overview

Section 2 covers the progress made in various areas of SALW control by governments and other actors in the region. A summary of progress across the region by area follows.

Legislative and regulatory issues

Legislation governing civilian weapons possession is similar in all SEE countries in that a licence is required for the possession of active firearms, and most countries have a two-tier system of application for permit to purchase a weapon, and a subsequent licence to possess and/or carry a weapon is needed. Some action has been taken in this area: Macedonia updated its possession laws recently and the BiH entities, Montenegro and Romania are planning to pass strengthened laws shortly that will greatly improve the current legislation in all countries, and in Romania, bring legislation into line with EU and international standards. However, despite reforms there are still areas of discrepancy and loopholes between countries' legislation, both in terms of the type of weapons possible to possess legally, whether these can be possessed or also carried, and the requirements for a licence.

In terms of legislation governing arms production and transfer, the situation is more problematic, and progress achieved so far is 'largely the result of increased international attention'.[1305] New legislation and regulations in this area have been introduced since 2000 in BiH, Bulgaria, Croatia, Macedonia, Moldova and Romania, and this has had a positive impact on the level of control exercised over SALW exports from the region. However, gaps remain and legislation in some countries is non-existent or well below international standards. Systems for licensing production and exports vary widely between countries, and regulations currently in place are a long way behind the kind of coherent system of standardised requirements for import, export and transit that will be necessary to effectively implement controls in this area. In addition, the level of implementation of legislative and regulatory controls is unclear due to the lack of information available. There is significant production of SALW, and surplus SALW holdings in the region, and it is to be hoped that initiatives such as the SEESAC Arms Law Process and bi-lateral support from countries such as the UK, Canada and the US will assist the continuing process of bringing legislation and regulatory procedure in this area up to best practice standards.

SALW transfers

The examples of illicit arms and SALW transfers to embargoed destinations or non-state actors from the region indicate that in some cases control over exports has been weak. As noted above, legislation and implementation in this area needs to be strengthened. It also seems there are questions of capacity involved, as the rather complex area

1305 Interview with Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), 12 February 2004.

of export licensing and compliance with international standards (and commitments) requires not only a good understanding of these systems at the decision-making level, but also effective and informed control by those responsible for implementation on the ground. In addition, there are significant economic factors which need to be taken into account, as particularly in larger arms-producing countries such as Bulgaria and Romania, high levels of unemployment have the potential to influence decisions on export licensing on contracts that would provide arms manufacturing jobs. To avoid such situations, more should be done to facilitate conversion from unprofitable military production to civilian production, a process which is likely to require significant international support.[1306] This notwithstanding, substantial progress has been made in this area in recent years, particularly by Romania and Bulgaria. EU standards and directives have also been incorporated into some domestic legislation, and it is to be hoped that these commitments are effectively implemented in practice, both with regard to domestically-produced SALW, and also surplus SALW that may be slated for sale and export abroad. Transparency and particularly the quality of reporting is a significant problem, and it seems that a number of SALW exports may not have been reported in the appropriate international fora, despite the commitments to reporting made by all SEE countries under various international agreements.

Although SALW trafficking has in general significantly reduced since the end of 'active' conflicts in the region, arms smuggling does continue and the substantial numbers of SALW remaining 'in circulation' have the potential to fuel a further round of violence in SEE if not properly controlled. Alongside the need for more effective control of arms exports, increased capacity and co-ordination of border control agencies, and of police, is required. Steps have been taken in this area: several countries have established anti-trafficking units and regional co-operation is increasing through valuable projects such as the SECI Center SALW Task Force. However, donor funding has tended to focus on 'hot' issues such as drug or people trafficking, or trafficking of more sophisticated weaponry, such as WMD. If the impact of anti-trafficking capacity-building projects is to be maximised, it is crucial that they include components relevant to all the main commodities trafficked, including SALW.

SALW collection programmes and capacities

Much has been done in this area and efforts undertaken by national governments and international organisations such as the UNDP are significant. Collection in Albania continues, indicating the Government's long-term commitment to addressing the problems of SALW diffusion among its population. SFOR is in the process of handing over responsibility for collection to local authorities or other appropriate institutions in BiH, a very positive move bearing in mind that future responsibilities will lie with the national government, but one that will require substantial capacity-building if it is to be effective and successful. Croatia's amnesty and collection programme ended in 2002 after several years. Although the 'Farewell to Arms' initiative was extremely successful it is to be hoped that the Government will consider further programmes or awareness-raising to address remaining problems with illicit SALW possession. The 45-day amnesty in Macedonia in 2003 was successful in avoiding an increase in inter-ethnic tension and collecting a reasonable number of weapons, also laying the foundations for future work on collection, which it is to be hoped the Government will undertake.

1306 'Managing Defence Industries in Transition: Ensuring Compliance with Export Controls', presentation by Bernardo Mariani, Saferworld, at the Fifth International Conference on Export Controls, held in Budapest, Hungary, 15 - 17 September 2003.

A one-month amnesty in Montenegro in 2003 collected a relatively small total, but put the issue on the Government and public agenda; Serbia also held an amnesty and collection in 2003, and, aided by the political context, the Government collected a substantial number of weapons. It is to be hoped that both republics will undertake more action on collection. In Kosovo, three weapons amnesties have been held since 2001, and KFOR continues to collect weapons through search and seizure activities. The most recent amnesty in 2003, supported by UNDP development incentives, produced very disappointing results, indicating, among other factors, that the political and inter-ethnic tensions related to the unresolved status of the entity continue to pose problems and feed perceptions of insecurity that affect not only Kosovo but the broader sub-region. With all these activities, it must be noted that voluntary collection programmes require long-term commitment in order to be fully successful, and that the results in terms of collected weapons totals are not the only indicator of success: heightened awareness of the dangers of SALW and the steps forward in post-conflict confidence-building are other important areas addressed by weapons collection. It is to be hoped that further weapons collections will be undertaken, based on proper needs assessments and planning, and that they will be supported by effective SALW awareness raising, at the community as well as national levels.

SALW destruction programmes and capacities

Substantial progress has been made on destruction of SALW and ammunition in SEE and this is an area identified as one where the most progress has been made so far.[1307] Destruction is vitally important both in terms of stockpile safety and in preventing further proliferation through theft from storage sites. It is also a crucial aspect of weapons collection, reinforcing confidence in collection initiatives by permanently removing weapons from circulation. Destruction of SALW continues in Albania, and further funding and international support is required given the size of SALW and unstable ammunition stocks that need to be destroyed. A similar situation exists in BiH, where the large stocks of unsafe ammunition and SALW requiring destruction pose a challenge to relatively limited SFOR personnel resources, which will diminish with scheduled troop reduction. Destruction of collected or seized weapons and ammunition in Kosovo is undertaken by KFOR on an ongoing basis. Bulgaria, Serbia and Romania have made very positive progress on destruction, particularly important due to the countries' large surpluses of SALW and other weapons. It is to be hoped that efforts will continue in these countries to address remaining and increasing surplus resulting from military downsizing. Macedonia, Moldova and Montenegro have undertaken limited destruction, primarily of weapons collected through the recent amnesty initiatives. Croatia has also undertaken limited destruction, but it seems that not all the weapons collected through amnesty programmes have been destroyed; it is to be hoped that Croatia will undertake further destruction and increase transparency on activities in this area.

Although substantial action has been taken in the area of SALW destruction, more will be needed as SEE military forces restructure and downsize with the aim of NATO accession. Destruction facilities and at least limited personnel capacities exist in all countries of the region, and it is to be hoped that more emphasis will put on supporting long-term, comprehensive projects and the development of national capacity by the donor community.

1307 Interview with Dr Vladimir Bilandzic, CSBM Officer, OSCE Mission in Belgrade, 12 February 2004.

SALW stockpile management programmes and practices

Overall, there is very limited information available on this area across the region and a definite lack of transparency. It does, however, appear that despite some recent improvements, in many countries stockpile management practices are not in accordance with international security and safety standards and that substantial amounts of weaponry are stored in potentially unsafe and insecure conditions.[1308] Governments across the region should begin to take more comprehensive action in this area. In addition to political will and prioritisation, if progress is to be made, more support, both technical and financial, will be needed from the international community.

SALW awareness activities

To date, awareness-raising on SALW has been undertaken in all SEE countries except Moldova, although only on a limited basis in Romania and Bulgaria. Campaigns and activities to raise awareness of the dangers of SALW and the procedures for voluntary surrender have supported amnesty initiatives in various countries, involving a wide range of actors including NGOs. While the majority are believed to have been successful, it is however hard to assess accurately the impact of the majority of these activities, as no 'baseline' research was conducted before, or after, the awareness raising or public information campaigns.[1309] In addition, the vast majority of the awareness-raising projects undertaken in the region have been associated with SALW collection activities, and therefore time-limited to collection periods. It should be noted that more sustained effort, and mainstreaming of SALW risk education (into education for example), is required to effect real change in perceptions amongst gun owners, as well as their families, and wider society law enforcement agencies, who in some cases do not prioritise strict implementation of laws on possession.

SALW survey activities

A number of surveys have been carried out in the region recently, adding to the body of knowledge and research on SALW and related problems, and providing a more comprehensive and statistics-based picture of the situation. The Geneva-based NGO the Small Arms Survey has undertaken all of the comprehensive national SALW surveys in the region so far, in Kosovo, Macedonia and Montenegro. In co-operation with the Small Arms Survey, SEESAC has also developed standardised SALW survey protocols, which will be used in a forthcoming survey in BiH, to be undertaken by the Bonn International Center for Conversion. Smaller-scale, localised surveys, opinion polls, needs assessments, evaluations and policy-oriented research have also been carried out by a number of other organisations, both local and international, primarily NGOs. It is to be hoped that SALW survey activities will continue to increase the body of knowledge on SALW problems, and progress made, with the aim of better informing SALW control project design and implementation.

1308 Sorin Sterie, Representative of the Stability Pact for South Eastern Europe, noted at a 2002 workshop, 'we need to improve the management and security of our stockpiles'. Sorin Sterie, Representative of the Stability Pact for South Eastern Europe, 'Final Report - Regional Workshop on Human Security and Weapons Control in the SEE Countries, Tirana, 4 - 5 April 2002', Rapporteur: Sami Faltas (BICC).

1309 In 2003, SEESAC developed a standardised approach to SALW awareness-raising, the SALW Awareness Support Pack (SASP), a handbook setting out the principles and procedures for conducting safe and effective SALW awareness campaigns, which is available for use by all actors undertaking awareness-raising, from local NGOs to international organisations and peacekeeping forces.

Civil Society involvement in SALW interventions

Since 2000, when NGOs and media were primarily only active on SALW control initiatives in Albania, there has been a substantial increase in civil society activity on SALW, and at least limited activities have been undertaken by local media, NGOs or think tanks in all SEE countries, with several continuing to date. The amnesty and collection initiatives in several countries have provided opportunities for NGOs to undertake supporting action, mainly awareness-raising activities, and the media have been crucial to publicising campaigns and providing vehicles for public debate and discussion of SALW collection and proliferation issues. In Bulgaria and Romania, local NGOs in collaboration with Saferworld are playing an important part in promoting a culture of government accountability and transparency on small arms exports. In addition, a number of local NGOs or think tanks have undertaken research, small-scale surveys or assessments on SALW, an important development towards increasing domestic capacity in this area.

A number of capacity-building activities have taken place, including training on SALW for women in Albania in 2003 by a local NGO, training for local NGOs in Kosovo and Macedonia by Saferworld in co-operation with UNDP in 2002 and 2003, training for local NGOs in Montenegro by UNDP in 2003, and for the national Red Cross society in BiH by SEESAC in 2002. In addition, capacity-building of NGOs for SALW work has taken place at the regional level through three seminars organised in 2002 and 2003 by Saferworld. Saferworld, the Institute for War & Peace Reporting (IWPR) and SEESAC have also been active in building the capacity of media to report on SALW in a constructive manner, with training events held in Belgrade in 2002 (SEESAC), Skopje (Saferworld, IWPR and SEESAC) and Sarajevo (Saferworld and IWPR) in 2003. Both media and NGO capacity building programmes are ongoing and further training events and workshops are planned by Saferworld and SEESAC.

At the regional level, great progress has been made in terms of developing co-operation between local NGOs working on SALW issues. A Saferworld-funded meeting in 2002, held under the auspices of the Szeged Small Arms Process, led to the establishment of the SEE NGO SALW Network, now comprising around 50 NGOs. The Szeged Small Arms Process (SSAP), an informal dialogue process or forum focusing on SALW in the region, and including government officials, representatives of international organisations and agencies and local NGOs, has provided opportunities for civil society to discuss these issues with SEE governments through its annual meetings and events held under the SSAP framework since its first meeting in 2000.[1310] Plans are being developed for a fourth annual SSAP meeting focussing on the collaborative mechanisms used by governments and NGOs to work together on SALW in the region.

Regional co-operation continues to develop, both through the SEE NGO SALW Network and through international mechanisms such as IANSA. However, this progress represents the results of coherent efforts over only a few years, and overall civil society capacity to work on SALW, as with other issues, remains low in the region. Limited sources of funding for NGO projects is also a problem; NGOs need to develop greater capacity for project design and proposal-writing, and donors need to become more aware of the need for local civil society action on SALW and allocate resources accordingly. SALW is still largely seen an issue in the 'security sphere', where traditionally civil society action has been extremely limited; the reluctance of many governments to co-operate with

1310 See Section 1 - Introduction, for more detail.

NGOs on SALW suggests that these views persist and much more work needs to be done to assist governments and civil society to work together.[1311]

The role and value of civil society as a legitimate partner in the process of change, and a vital bridge between state and communities, is still poorly understood by governments and other actors. Although civil society capacity in the region is limited in many ways, some NGOs are developing skills in areas such as policy development, and their contributions should be recognised at the planning as well as implementation stages of SALW control. The nature of the SALW problems in the region requires action by both government and civil society if they are to be successfully addressed.

Cross-border SALW control initiatives

The recent history of conflict and secession in the region inevitably means that co-operation between many SEE governments on border control has been problematic. There has however been significant progress in this area, and many governments have established positive co-operation on a bi-lateral as well as regional level. The SECI SALW Task Force, as noted above, is a very positive example of co-operation between countries to combat SALW trafficking, and it is to be hoped that the Task Force develops further initiatives and maintains its successes so far. The Ohrid Border Management conference in 2003 also represented an extremely positive step forward, and all actors involved must ensure that the momentum achieved is not lost and that countries do fulfil commitments made in the Way Forward document. Much remains to be done, however, and in many countries the challenges of cross-border co-ordination are made more difficult by a lack of internal co-ordination between different ministries and departments responsible for border control and security.[1312] More attention needs to be paid to this issue, and genuine political will to co-operate will be needed from governments, both at central government and field levels.

SALW management information and exchange systems and protocols

Although some progress has been made in this area, a great deal remains to be done. All countries co-operate to a certain extent through law enforcement related mechanisms: all have seconded officers to the SECI Regional Center in Bucharest, all are members of Interpol, and all have at least begun negotiations on co-operation agreements with Europol. In terms of actual reporting, progress has been less positive. The first vehicle for regular information exchange on SALW in the region was the OSCE Document, and while all SEE countries have submitted reports to the confidential information-exchange mechanism (including both one-off policy and practice reports and annual reports on exports, imports and number of weapons destroyed), some annual reports due for 2002 are still to be submitted. OSCE sources note that while SEE governments have been generally responsive, there is a 'mixed picture' in terms of quality of reports, as

1311 This need has been identified by regional actors, and Saferworld's programme strategy for 2004 includes assistance for the development of improved linkages and co-operation between governments and civil society as a key objective for the NGO's work in SEE.

1312 Vladimir Bilandzic, an OSCE CSBM Officer responsible for SALW issues for several years, notes that in general in SEE 'there is no co-ordination among government ministries, and no co-ordinated approach within governments' on SALW issues. Interview with Dr Vladimir Bilandzic, CSBM Officer, OSCE Mission in Belgrade, 12 February 2004.

some include a good level of detail and others only rather 'patchy' information.[1313] SEE countries' reports to the UN DDA within the UN PoA framework have exhibited a similar range of quality, and some countries did not submit 'formal' reports, merely statements or letters. Although all countries have provided some level of information on SALW to the UN or OSCE, as noted above, it is clear that there are still gaps in reporting, and that many SALW exports go unreported, despite commitments to the contrary.

Progress on public transparency has to date been poor, and substantial problems still exist. Official information on SALW is difficult to find, no governments have full parliamentary oversight on SALW policy development and export decision-making, and Romania was the first, and only, SEE country to publish an annual report on arms exports in 2003. There is a great need for increased transparency on SALW and this should be a key priority for countries in the region. There is equally a need for NGO and parliamentary lobbying for increased transparency on SALW from governments, as such activities have been only minimal so far.[1314] As Stability Pact officials note, 'transparency is of key importance in SALW control',[1315] more support and capacity-building for reporting is needed, and more official information on SALW should be made public. There is for example, a strong case for publication of the OSCE information exchange submissions,[1316] and for increased transparency on SALW production. Exports are a 'key issue' and 'we must be aware who is producing what as this is not [currently] obvious – a lot more transparency is needed'.[1317]

Integration of SALW into broader justice and development programmes

The multi-faceted problems related to SALW proliferation require a variety of measures and approaches if they to be effectively combated. The integration of SALW into broader processes and programmes of security sector reform and governance is vital in this regard, and in general, only very limited attempts to do this have been undertaken so far in the region. The main project linking SALW to these areas is ongoing in Albania, where the UNDP's current SSSR project is building on its previous SALW projects to support improvement of security and arms control through community policing.[1318] Despite the many opportunities to incorporate SALW issues into current judicial, border control and community policing reform projects, little integration has been achieved so far in SEE, and this is an area which requires much more attention, both from governments and the international community.

1313 Kate Joseph, former OSCE CSBM Officer responsible for SALW issues, states: 'SEE governments have been generally responsive in providing their submissions, but there is substantial variation within the region. Some states report regularly and in full, while others have only submitted patchy responses which are a bit thin in places. It is also important that momentum and political attention is maintained, in spite of the fact that the OSCE Document is now over three years old'. Interview with Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), 12 February 2004.

1314 Interviews with Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), and Adrian Wilkinson, SEESAC Team Leader, 12 February 2004.

1315 Sorin Sterie of the Stability Pact noted at the a SALW workshop in 2002, 'transparency is of key importance in SALW control. SALW should be added to the UN register of Conventional Arms - we need to improve our ability to trace arms to their source and in doing so to expose any unlawful dealings... even sales of government stocks can cause problems'. Sorin Sterie, Representative of the Stability Pact for South-eastern Europe, 'Final Report - Regional Workshop on Human Security and Weapons Control in the SEE Countries, Tirana, 4 - 5 April 2002', Rapporteur: Sami Faltas (BICC).

1316 Interview with Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), 12 February 2004.

1317 Interview with Jiri Kalashnikov, Expert - Working Table III, Stability Pact for South Eastern Europe, 13 February 2004.

1318 See Section 2 - Albania for more details.

Conclusion

The assessment of SALW control activities undertaken in SEE confirms that there has been some good progress in many of the areas detailed in the Stability Pact RIP since its adoption in November 2001. The agreement of the RIP and establishment of SEESAC, alongside other developments and actors in the region, have had a very positive impact on SALW control activities in SEE and much has been achieved in recent years.

A number of SEE governments have made important progress in terms of SALW control, and have given increased prioritisation to SALW-related problems. Civil society is now also much more aware of the possibilities and opportunities for contributing to SALW control initiatives, and many are now focusing and active on the issue. The establishment of SEESAC in the region, with a mandate to work actively in the region, is seen as 'a big success story',[1319] and has undoubtedly made a significant contribution to practical progress on SALW in SEE. While the OSCE Document and UN PoA helped to focus attention on the small arms issues on a broader level, the RIP 'brought home to the local actors that this is indeed a problem in the region',[1320] and governments are now aware that SALW is an issue which needs to be on their agenda. The SEESAC Team Leader notes that since the RIP and establishment of SEESAC, there has been an increase in 'political sensitisation' and that knowledge of SALW issues is much greater among governments, international organisations and agencies and the general public.[1321]

One of the key areas where SEESAC has assisted progress is in terms of co-ordination between governments and the numerous SALW actors in the international community. However, a review of activities and informed sources confirm that much could still be improved in terms of co-ordination.[1322] BICC notes that given the close historical links between the countries of the region 'initiatives to control the proliferation of SALW must have a regional dimension', but that this does not happen enough. While 'political initiatives – often originating from outside the region – are plentiful, there seems to be a lack of regional coordination among grassroots initiatives'.[1323] Particularly in terms of anti-trafficking and border control activities, co-ordination is essential as independent reforms and improved implementation will not have maximum impact without corresponding and harmonised measures being taken by neighbouring states; the same applies to export and transit controls on arms. As Macedonian Prime Minister Branko Crvenkovski commented in relation to efforts to combat organised crime, 'We can confront the criminals only with a successful coalition of governments'.[1324]

Although SEE governments have to take responsibility for this lack of co-ordination, fault also lies with the international community, which needs to invest more time and effort into developing more co-ordinated responses and more strategic allocation of funding and technical assistance.[1325] There is also a lack of linkage with other initiatives in

1319 Interview with Jiri Kalashnikov, Expert - Working Table III, Stability Pact for South Eastern Europe, 13 February 2004.

1320 Interview with Dr Vladimir Bilandzic, CSBM Officer, OSCE Mission in Belgrade, 12 February 2004.

1321 Interview with Adrian Wilkinson, SEESAC Team Leader, 12 February 2004.

1322 Interview with Dr Vladimir Bilandzic, CSBM Officer, OSCE Mission in Belgrade, 12 February 2004.

1323 BICC Conversion Survey 2002, pp 141-2.

1324 At the Ohrid Border Management Conference, 22 - 23 May 2003. 'Balkan Border Issues Tackled', Evridika Saskova, Balkan Crisis Report No 433, 30 May 2003.

1325 Interviews with Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), and Adrian Wilkinson, SEESAC Team Leader, 12 February 2004.

related areas, such as organised crime and anti-terrorism activities,[1326] and a need to integrate SALW properly into broader post-conflict and development programmes. As contacts noted, in light of the key role and leverage the EU has in SEE, the EU in particular should devote more attention to including SALW into their discussions with countries on achieving accession standards, including SALW in training packages for customs and providing more specific standards and assistance for legislative reform on arms control laws.[1327] In addition, SALW initiatives need to be integrated into the substantial judicial and home affairs programmes, such as CARDS, being undertaken by the EU. There is a need for 'much greater regional coordination both within the EU and between the EU member states and the countries of South-eastern Europe', as although some governments have endorsed EU policy, 'actual measures to combat proliferation of SALW in the region vary from country to country'.[1328]

Part of the problem appears to be the lack of consistency of individuals in key appointments responsible for SALW, as staff changes in both international organisations and government are relatively frequent. A parallel problem is the fact that there is often a lack of knowledge of the issue, and 'higher-level decision-making with a fundamental lack of understanding of SALW problems in countries or the region'.[1329] The system of National SALW Focal Points established by the Stability Pact for example, is described as a 'weak point' in the RIP framework[1330] and has proved problematic, with many focal points changing, or comprising whole departments rather than individuals. The result is inconsistent attendance at Regional Steering Group meetings and a poor level of participation from the focal points who do attend.[1331] The organisation of a high-level review conference for the RIP was suggested as a step which might go some way in helping to address this problem.[1332] Whatever action is taken, participating governments must be alerted to the need for more consistent and active input to the RSG, and the general need for continued progress towards meeting their commitments under the RIP.

It seems that some governments have yet to fully prioritise the issue, and challenges to committed action remain when governments are faced with multiple priorities or are overly reliant on the international community to initiate action. Contacts note that there is still a lack of genuine political will at senior levels in SEE countries, as well as a lack of coherent political direction and strategic policy making, and this obviously has a negative impact on effective action to combat SALW problems.[1333] In addition to more efforts on the part of the international community, including key actors such as SEESAC, UNDP and OSCE, to fully engage with SEE governments on SALW issues, the governments themselves must take responsibility to fulfil the commitments they have made under the Stability Pact, OSCE and UN frameworks. In this regard, the increasing activities of civil society aimed at encouraging government action on SALW, and holding governments to account, represent a vitally important role in moving the

1326 Interview with Jiri Kalashnikov, Expert - Working Table III, Stability Pact for South Eastern Europe, 13 February 2004.

1327 Interview with Dr Vladimir Bilandzic, CSBM Officer, OSCE Mission in Belgrade, and Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), 12 February 2004.

1328 BICC Conversion Survey 2002, p 141.

1329 Interview with Adrian Wilkinson, SEESAC Team Leader, 12 February 2004.

1330 Interview with Jiri Kalashnikov, Expert - Working Table III, Stability Pact for South Eastern Europe, 13 February 2004.

1331 This is in marked contrast to other regions - including for instance, the Horn of Africa and Great Lakes region, where national focal points have been key to the development and implementation of successful sub-regional action to address SALW problems.

1332 Interview with Dr Vladimir Bilandzic, CSBM Officer, OSCE Mission in Belgrade, 12 February 2004.

1333 Interviews with Kate Joseph, Regional Liaison Specialist, UNDP/BCPR SADU (former OSCE CSBM Officer responsible for SALW issues), and Adrian Wilkinson, SEESAC Team Leader, 12 February 2004.

SALW agenda in the region forward. As well as significant achievements so far in areas such as awareness-raising and research, local civil society work on the policy level, still at an early stage of development, will be key to creating longer-term, indigenous commitment to combating SALW problems. Donors such as NATO, the OSCE, UNDP and EU as well as bi-lateral governments, have provided substantial assistance for government-implemented, and to a lesser extent NGO-implemented, SALW projects and helped to realise important progress that would very likely have been impossible without their support; however, increased support is needed if this progress is to be maintained and built upon.

In general, it is crucial that momentum is maintained to ensure that the SALW issue is a priority for regional governments and civil society and international donors and organisations alike. Paul Eavis, the Director of Saferworld notes, 'the key goal for South Eastern Europe must be keeping the momentum for action on SALW firmly on the agenda. This will require strengthened capacities nationally and regionally, improved ways of working across governments, and the development of programmes integrating small arms work into the broader governance and peace building agendas'.[1334] SALW cannot be tackled as a 'stand alone' problem: while efforts to reduce weapons trafficking are fundamental to enhancing security, successful collection processes, combined with effective destruction and stockpile management policy are also crucial to reducing trafficking and illegal SALW circulation. Equally, decommissioning and SALW awareness-raising and education, properly integrated into peace-building, post-conflict recovery and security sector reform processes, will be necessary to reduce the 'demand side' of SALW problems in the region. The integration of SALW into wider processes of development, governance and security will be vital if long-term and holistic measures to combat the problem are to be developed and implemented.

1334 Correspondence with Paul Eavis, Director, Saferworld, 15 February 2004.

Annex A
(Informative)
Terms and definitions

A.1.1
ammunition
See **munition**

A.1.2
explosives
a substance or mixture of substances, which, under external influences, is capable of rapidly releasing energy in the form of gases and heat. [AAP-6]

A.1.3
munition
a complete device charged with **explosives**, propellants, pyrotechnics, initiating composition, or nuclear, biological or chemical material for use in military operations, including **demolitions**. [AAP-6].

Note: In common usage, "munitions" (plural) can be military weapons, ammunition and equipment.

A.1.4
micro-disarmament
the collection, control and disposal of small arms, ammunition, explosives, light and heavy weapons of combatants and often also of the civilian population. It includes the development of responsible arms management programmes.

A.1.5
national authority
the government department(s), organisation(s) or institution(s) in a country charged with the regulation, management and coordination of **SALW** activities.

A.1.6
Small Arms and Light Weapons (SALW)
all lethal conventional munitions that can be carried by an individual combatant or a light vehicle, that also do not require a substantial logistic and maintenance capability.

Note: There are a variety of definitions for SALW circulating and international consensus on a "correct" definition has yet to be agreed. For the purposes of this RMDS the above definition will be used.

A.1.7
Small Arms Capacity Survey (SACS)
the component of SALW survey that collects data on the indigenous resources available to respond to the SALW problem.

A.1.8
Small Arms Distribution Survey (SADS)
the component of SALW survey that collects data on the type, quantity, ownership, distribution and movement of SALW within the country or region.

A.1.9
Small Arms Impact Survey (SAIS)
the component of SALW survey that collects data on the impact of SALW on the community and social and economic development.

A.1.10
Small Arms Perception Survey (SAPS)
the component of SALW survey that collects qualitative and quantitative information, via focus groups, interviews, and household surveys, on the attitudes of the local community to SALW and possible interventions.

A.1.11
standard
a standard is a documented agreement containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

Note: *RMDS aim to improve safety and efficiency in micro-disarmament by promoting the preferred procedures and practices at both headquarters and field level. To be effective, the standards should be definable, measurable, achievable and verifiable.*

A.1.12
survey (SALW Survey)
a systematic and logical process to determine the nature and extent of SALW proliferation and impact within a region, nation or community in order to provide accurate data and information for a safe, effective and efficient intervention by an appropriate organisation.

A.1.13
Weapons in Competition for Development (WCD) concept
the direct linkage between the voluntary surrender of small arms and light weapons by competing communities in exchange for an agreed proportion of small-scale infrastructure development by the legal government, an international organisation or NGO.

A.1.14
Weapons in Exchange for Development (WED) (WFD) concept
the indirect linkage between the voluntary surrender of small arms and light weapons by the community as a whole in exchange for the provision of sustainable infrastructure development by the legal government, an international organisation or NGO.

A.1.15
Weapons in Exchange for Incentives (WEI) concept
the direct linkage between the voluntary surrender of small arms and light weapons by individuals in exchange for the provision of appropriate materials by the legal government, an international organisation or NGO.

A.1.16
Weapons Linked to Development (WLD) concept
the direct linkage between the voluntary surrender of small arms and light weapons by the community as a whole in return for an increase in ongoing development assistance by the legal government, an international organisation or NGO.

Annex B
(Informative)
Stability Pact Regional Implementation Plan

Combating the Proliferation of
Small Arms and Light Weapons
Stability Pact Regional Implementation Plan
For South East Europe

Final
28 November 2001

Executive Summary

The proliferation of Small Arms and Light Weapons (SALW) has in recent years become recognized as a principal element of ongoing regional instability in various parts of the world. The recent conflicts in South East Europe are no exception as they have been fuelled and exacerbated by a plentiful supply of illicit arms and ammunition. In addition, easy access to SALW has further destabilized this corner of Europe region by contributing to organized crime activities such as trafficking and has the potential to support terrorism.

A number of international and regional agreements have recently been concluded that seek to define the problem and provide international, national and nongovernmental actors with a roadmap for addressing it. The Stability Pact's Regional Implementation Plan aims to take that process a step further by providing a specific framework for next steps, the regional mechanisms for carrying them out and the donor resources required for comprehensive implementation. The Plan does not seek to compete or contradict existing agreements and arrangements but to build upon them in the most practical way possible.

At its core, the Plan seeks to enhance regional cooperation in this critical area, providing both information sharing and local standard setting geared toward direct project formulation and implementation. The Plan envisions the establishment of a Regional Clearinghouse for SALW Reduction in Belgrade under UNDP auspices that would supply the wide range of regional actors with targeted advice on formulating and implementing project proposals while at the same time serving as a forum for information sharing. South East European governments would agree to establish a Regional Steering Group (RSG) consisting of "national focal points," to ensure the relevance, consistency and regional ownership of the work of the Clearinghouse. To support the results of these activities, donors will establish a "Set Aside" fund of financial resources dedicated to project fulfillment.

The emphasis of this program is on moving forward with tangible projects resulting in a lasting reduction of Small Arms and Light Weapons in South East Europe, not on setting up new international structures and obligations.

I. The Challenge

Introduction

The problem of the destabilising accumulation and uncontrolled spread of Small Arms and Light Weapons (SALW) has gained prominence on the international agenda over recent years as the serious implications of these accumulations become apparent. These specific implications include: the pervasive regional instability such as the escalating, intensifying or prolonging of conflicts; impeding of humanitarian assistance; obstruction of post-conflict reconstruction and development; and contribution to organized crime and human trafficking. These implications must be addressed through the establishment of a sturdy and reliable framework to address the problem, coupled with the implementation of a range of measures, both operative and normative. Global and national action are important, along with well-coordinated regional follow through.

Global initiatives have also been pursued. In the United Nations, sets of recommendations for measures to prevent and reduce small arms proliferation were endorsed by the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects in July 2001.

National governments and local communities in South East Europe have pursued measures aimed at reducing the existing and potential supply of SALW. Nationally, some states have adopted countrywide measures, such as strengthened export controls on small arms, others have embarked on programs to collect and destroy illicit and surplus small arms.

At the other end, the complexity of the issue and the array of individual factors at work in different countries and regions does not allow for a quick or easy consensus on measures to take at the international level. Nonetheless, a number of organisations in the Americas, Africa and Europe have developed regional initiatives to prevent the proliferation and misuse of small arms and light weapons. In Europe, the OSCE last year produced a document on the widespread availability and proliferation of SALW, which addressed directly the illicit trade in weapons and formulated a regional consensus around issues such as marking, stockpile management, destruction of excess and criteria for transfers.

NGOs have been very active in building a regional consensus for action. An informal dialogue conducted under the auspices of the Szeged Small Arms Process has allowed for a wide-ranging dialogue and placed national and international policymakers in contact with academic and technical experts.

The Stability Pact's role is to translate this excellent body of knowledge about the nature and scope of the problem at all levels into an implementation plan that can be adopted by the countries of South East Europe and supported by international organizations and bilateral donors. The Stability Pact's goal is to define a framework for implementation of the political will and commitment exhibited in larger regional and global fora.

The Scourge of Small Arms and Light Weapons in South East Europe

Stability Pact regional countries recognize that:

- The proliferation and illicit trafficking of small arms is causing human suffering, fuelling crime, exacerbating conflict undermining reconciliation and peace-building efforts, and obstructing economic and social development in South Eastern Europe;
- Economic and social development, the rule of law, and democratic governance are essential for long term solutions to small arms problems;
- Although the wide availability and diffusion of small arms is a concern throughout the region, the problems are particularly acute in certain areas;
- Local populations are deeply affected by the problems associated with small arms, and efforts to tackle these problems should involve close co-operation with civil society.
- The drive for solutions should come primarily from the governments and societies of South Eastern Europe. However, the international community (including governments, international organisations and NGOs) have an important role to play in facilitating and supporting local, national and regional initiatives
- Many of the problems associated with SALW proliferation – conflict, insecurity and crime – are regional in scope. Accordingly, a regional focus is required to tackle the problem.

II. Existing International Framework

A substantial international track record on tackling the proliferation of SALW has been established in recent years. Internationally and regionally, a number of agreements and fora for substantial dialogue have been established. In addition, a number of specific projects have been undertaken on an ad hoc basis by donors and beneficiary countries.

A. Current Transnational Agreements

The countries of South East Europe have agreed to tackle the proliferation of SALW throughout the region under the umbrella of an array of international agreements sponsored by the UN, OSCE, NATO EAPC and the EU.

The momentum for shared regional action against SALW proliferation within South East Europe has been most recently and profoundly shaped by the UN Programme of Action agreed to in New York on July 21, 2001 and the OSCE Document on SALW adopted on November 24, 2000.

1. UN Programme of Action

The UN Programme envisions spheres of action against SALW at the international, regional, national and local levels. It calls for close cooperation among states to reach stated goals, including information sharing, assistance and standard setting and highlights the role of regional organisations in fostering this cooperation.

2. OSCE Document

The OSCE Document on SALW recognizes the contribution destabilizing accumulations of SALW have made to recent regional conflicts. It divides the tasks for combating the proliferation and spreading of SALW into several baskets of norms and measures, and envisages a potential role for its missions and field offices in implementation. These baskets encompass:

a. National regulations on SALW, including controls over manufacturing, marking and record-keeping

b. Monitoring and regulation of international trade in SALW, including brokering regulation, common export criteria and transfer controls and information exchange.

c. Weapons Collection, stockpile management and surplus disposal – crucial to the reduction of destabilizing accumulations and the uncontrolled spread of small arms and the prevention of illicit trafficking.

3. Regional

An integral element to these and other international pledges made by the nations of South East Europe over the past year has been to support a strong regional identity in the fight against the proliferation of SALW.

The UN Programme of Action sets out a regional role encompassing the development, where appropriate, of legally binding instruments aimed at combating the illicit trade in SALW. Additionally, the UN foresees regional mechanisms to reinforce trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies as well as for strengthened legislative frameworks and capable stockpile management. The OSCE Document fulfills many of the UN's goals aimed at establishing a set of regional standards and implementation guidelines.

4. NGO Partnership and the Szeged Small Arms Process

A key factor in any successful regional approach to SALW has to involve international, regional and local NGOs. A conference in Belgrade in early June, sponsored by a coalition of local and international NGOs along with the Yugoslav government, demonstrated the critical role NGOs can and must play in developing a sustainable regional approach to controlling SALW. The Hungarian co-chairmanship of Working Table III proposes to establish a follow up program in the context of the 'Szeged Small Arms Process' which was launched last year. The 'Szeged Small Arms Process' will provide much-needed input on the framework approach as well as serving as an independent monitor of national capacity building effort throughout the region. Other NGO involvement will be welcome and encouraged throughout the implementation process.

B. Successful Implementation Examples

- Croatian Weapons Collection and Destruction - During 'gun amnesty' periods in Croatia from 1992 to 2000, 27,024 weapons, 1,603,022 pieces of explosive ordnance and 2,778,952 rounds of ammunition were handed in (and a further 57,673 weapons were legalised). The Government of Croatia financed the program for approximately DM 8 million.
- Trilateral Albania Project – US, German, and Norwegian contribution on destruction of nearly 100,000 SALW and ammunition. The project was completed in October, 2001. A valuable feature of the project was that it left behind a national capacity for continued indigenous destruction efforts.
- US project in Yugoslavia – Signed September 30, the $390,000 agreement finances the destruction of over 50,000 small arms and light weapons by the Technical Repair Bureau in Cacak. Completion expected by the end of 2001.
- Norway/UNMIK Project in Kosovo - Norway backing up KFOR Arms Collection efforts with conversion of a former factory into a destruction facility. UNMIK complemented with enhanced security atmosphere and weapons collection amnesty.
- US project in Bulgaria – The U.S. will subsidise the destruction of weapons scrapped by the Bulgarian army at a cost of 600,000. This initiative tries to curb the resale of weapons in war zones in the Balkans. In all 77,000 light weapons will be destroyed by the Bulgarian company Terem, 70% of which before the end of the year.
- UNDP Program in Albania – Initially a pilot project covering the Districts of Gramsh and later Diber and Elbasan, funded in part by the Government of Canada, the program was geared to linking progress in voluntary surrender of SALW to development assistance. Resulting in the destruction of over 14,000 weapons along with several tons of ammunition, the project has now been extended to the entire country and seeks to complement and enlarge upon donor efforts described above.

III. Goals

The aim of the Stability Pact is to "strengthen countries in South East Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region".

This implementation plan will make a significant contribution towards the aim of the Stability Pact. Its core objective is:

> to develop a strong regional framework by which donors can work closely with countries in South East Europe on joint programmes to implement the UN Programme of Action, OSCE Document on Small Arms and other European and international commitments and standards in the fight against the proliferation of SALW.

This rationale – that is, the link between the objectives of the implementation plan and the Stability Pact, and the reference to European standards – implies that measures to reduce existing and future destabilizing accumulations of SALW must pay full respect to the principles of the rule of law, democracy and human rights as these are the very values that this plan will help protect. In the final analysis, the success of this plan is to be determined by its impact on the lives of people in South East Europe.

The implementation plan is thus aimed at inducing structural change. Such a process requires time and ownership to ensure sustainability. However, it should be possible to achieve tangible results with a lasting impact within a period of four years.

A. Overall strategy

In order to meet the above objectives:

- Governments agree to develop and implement a coordinated national approach to tackle SALW proliferation. Such approaches should contain measures to address the dimensions of supply, availability and demand. They should be designed to contribute to the reduction of illicit trade in SALW and the rule of law, democracy and human rights in the region.
- Governments of the region pledge to work together to share information and best practices to shape a comprehensive regional approach to combating SALW proliferation. This approach should ideally be developed within the context of existing bilateral consultative opportunities as well as through the SP Regional Clearinghouse to be established in Belgrade.
- Governments should base their approaches on a continuous assessment of the SALW situation and of best practices and new methods and technologies used to combat and prevent diffusion of SALW. Results of such analyses should systematically be fed back into the approach and subsequent policies and be shared regionally and internationally.
- Governments should designate a national-level entity to provide policy advice and coordinate and monitor the implementation of policies and strategies.
- Donors should consider funding specific projects on a bilateral or collaborative basis.
- The Stability Pact will facilitate the process, including information sharing and regional standard setting, through the spotlighting of ongoing efforts and the establishment of a Regional Clearinghouse for SALW Reduction and Regional Steering Group for project proposal and consideration.

B. National Undertakings

South East European nations, in line with international agreements and obligations and seeking opportunities to further regional collaboration, commit to continued tangible progress in the following areas:

- National policies and strategies to combat illicit trafficking and to prevent destabilizing accumulations of SALW should be adopted and implemented by the Governments of the region. These should include measures to

address the supply, availability and demand for SALW, with a particular focus on enhancing border monitoring and control capacity.

- National focal points should be established as part of multi-disciplinary national coordinating mechanisms within each country in the region.
- Legislation and regulatory frameworks should be strengthened in line with European and international standards on the possession, manufacturing, marking, record keeping, storage, destruction and transfers of SALW.
- A review of existing holdings of SALW, ammunition and associated equipment should be undertaken, enabling the identification of (a) reliable data on the number and regional distribution of SALW and (b) any surplus stocks in national inventories.
- Significant amounts of illicit and surplus SALW should be collected and destroyed.
- Regional and international cooperation should be strengthened. This will be reflected in the endorsement of relevant European and international norms and standards (for example, the EU Code of Conduct on Arms Exports, OSCE CAT policy); enhanced information sharing and regional standard setting; reinforced trans-border cooperation among law enforcement, border and customs control agencies; and increased cooperation between government agencies and civil society.
- Public awareness of the problems and consequences of SALW proliferation and of the need for inclusive strategies to combat such problems should be significantly enhanced.
- A Stability Pact Regional Clearinghouse for SALW Reduction should be established in Belgrade to facilitate regional cooperation and implementation of the plan.
- Regional efforts to fulfill agreed upon domestic measures should be stepped up. These measures include:
- Co-operating to strengthen end use controls, and the establishment of agreed minimum standards in this area
- Developing effective systems of marking and tracing
- Enhancing information exchange and transparency
- Strengthening national and regional co-operation amongst police, customs, border authorities, and other relevant enforcement agencies and officials
- Strengthening government control on all manufacturing of arms, ammunition and associated materials
- Raising awareness and conducting public education programmes, for example promoting community support for weapons reduction and control.

C. Specific Measures

Such policies and strategies should be designed with a view toward elaborating integrated project proposals encompassing one or more of the following categories:

Preventing and Combating Illicit Trafficking

- Promotion and development of local, national and regional agreements for cooperation in preventing illicit weapons trafficking.
- Enhanced institutional capability to detect and interdict illicit flows of arms across regional boundaries and borders.
- Development and strict implementation of existing agreements on illicit weapons trafficking – notably the UN Firearms Protocol, the OSCE Document on Small Arms and the UN Programme of Action.
- Adoption of practical control measures at national and regional levels, such as strengthened police and customs cooperation and improved border controls.
- Implementation of a comprehensive framework for regulating and monitoring arms brokers.
- Development of a "lessons learned" on illicit arms trafficking including available details of illicit arms seized, stored and destroyed.

Disarmament, Demobilisation and Reintegration

- Development and implementation of effective disarmament, demobilization and reintegration programmes and strategies, where needed and appropriate
- Development and implementation of measures to provide former combatants with alternative and productive sources of employment

Security Sector Weapons Management

- Enhancement of the Security Sector, including but not limited to the Armed Forces and police, capacity to collect, account for, store and dispose of excess SALW.
- Management of Security Sector weapons stockpiles, including physical security, record keeping, inventory management and adequate staff training, as well as destruction or disposal of any surplus.

Transparency and Accountability

- Development and implementation of measures to promote transparency in all decisions on small arms at all levels of government.
- Information exchange between governments on holdings and production of SALW.
- Support universal marking of arms to enhance capacity to trace and monitor arms flows.

Public Awareness

- Development and implementation of regional public awareness and confidence building programmes on the problems and consequences of the proliferation of Small Arms and Light Weapons.
- Development and implementation of specific national and community-based public information and awareness campaigns on the issues, especially security, surrounding the uncontrolled proliferation of Small Arms and Light Weapons
- Engage the capabilities and resources of local nongovernmental organisations in the formulation and execution of the national and regional implementation processes.

Legislative and Administrative Capacity

- Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons manufacturing, distribution and brokering, including marking and tracing, registration, and licensing regimes as well as the full criminalization of illegal activities.
- Ability to enforce existing laws and, where appropriate, develop procedures governing civilian possession of SALW.
- Capacity for accelerated adoption and implementation of the UN Firearms Protocol, UN Program of Action for SALW and OSCE SALW Document.
- Capacity to maintain comprehensive and adequate records on the manufacture, holding and transfer of Small Arms and Light Weapons.
- Enhancement of the capacity of law enforcement authorities, including police, customs and border control, to prevent and combat illicit trafficking, combined with inter-state cooperation in this regard.
- Establishment and maintenance of an effective system of export , including re-export, and import licensing or authorisation for the transfer of all categories of Small Arms and Light Weapons, including development of an effective system of end-use controls and strengthened controls on transhipments of arms through the region.

Collection, Storage and Disposal Programs

- Provide support to appropriate national authorities to establish and implement a comprehensive Small Arms and Light Weapons collection program based on voluntary public surrender.
- Setting up of national programs for the management, accounting, storage and transfer of collected weapons in a secure and effective manner.
- Implementation of a program of destruction of Small Arms and Light Weapons in a verifiable and sustainable fashion.

IV. Implementation

The primary responsibility for the implementation of this plan rests with the countries of the region. In fact, many of these strategies and related activities are already being implanted by the Governments of the region with or without international assistance.

Obviously, not all of the measures proposed above are appropriate to the same extent to all countries, and not all of them can be carried out at the same time or within the timeframe of this plan. Country-specific measures and priorities will need to be developed.

This approach not only requires a clear commitment of the countries of the region but also of the international community. The partners of the Stability Pact will need to provide support through two types of measures:

- Technical assistance programmes to strengthen policies, institutional structures and capacities as well as legislation to combat and prevent illicit trafficking and destabilizing accumulations of SALW.
- Measures and mechanisms to promote operational cooperation between law enforcement and arms control agencies of the countries of the region as well as with other partners of the Stability Pact.

A. Implementation Mechanisms

The present plan will build on ongoing initiatives, programmes and activities and existing structures as much as possible. It leaves sufficient flexibility in the design of technical assistance programmes while providing an overall framework with agreed upon objectives as well as specific mechanisms to ensure coordination, monitoring and review of progress.

The specific mechanisms are:

Regional Clearinghouse

A Stability Pact Regional Clearinghouse for SALW Reduction will be established in Belgrade under the auspices of the United Nations Development Programme. The Clearinghouse will seek to follow through on project development and implementation and building off the consultation process. It will draw from a range of experience and lessons learned from both within and outside the region. The primary responsibilities of the clearinghouse will be:

- Collection and dissemination of information on progress in the implementation of the international commitments and the Regional Implementation Plan.
- Assist regional countries in the development of project proposals within and beyond the implementation framework outlined above
- Assist in the matching of donors with identified needs of the recipients.
- Provide a focal point for linkage with the other relevant regional initiatives as described in Section D below.
- Assist in assessment formulation and strategy development. Provide impetus for national coordination and implementation.

- Assist in development and implementation of regional public awareness and education work, and a training and capacity building programmes for national security/police officials
- Facilitating co-ordination on small arms amongst governments, NGOs and other actors, as well as effective coordination between security and police forces.
- Technical assistance for development of programmes (e.g. on weapons collection, legislative harmonisation etc. etc. – which makes links with UNDP's work elsewhere).
- Monitoring and reporting progress on addressing small arms, including to meet ongoing resource mobilisation needs by the region on this issue.

Regional Steering Group

The Regional Steering Group (RSG) will have the following functions:

- Monitor progress in the implementation of the plan in the form of a peer review, and report progress to Working Table III
- Review priorities for action to be taken in different countries
- Coordinate planned and ongoing projects and other measures
- Promote operational cooperation between countries

The Regional Steering Group (RSG) will meet semi-annually and be chaired by the regional co-chair of Working Table III or other appropriate designee.

The Clearinghouse will serve as a small secretariat for the Regional Steering Group (RSG). The Szeged Small Arms Process will form the basis for an Advisory Group to provide the RSG with guidance and suggestions for priority areas of consideration or activity.

National Focal Point

In each country and area of the region, the Government will appoint a "national focal point." This focal point will be responsible for the implementation of the plan in cooperation with key law enforcement and arms control authorities, thus ensuring a multi-disciplinary approach.

B. Implementation Process

The implementation of this plan is to be initiated through the following steps:

1. National focal points, in cooperation with key law enforcement and arms control authorities and using a multi-disciplinary approach, will be responsible for implementation of the plan
2. A review of existing information on SALW and measures to counter illicit trafficking of SALW will be made and - with the support of experts made available by other members of the Regional Steering Group and Regional Clearinghouse - additional needs assessments will take place as needed;

3. Priorities will be:
    a. A comprehensive review of existing holdings of arms, ammunition and associated equipment in order to establish detailed data on national inventories and to identify surplus stocks;
    b. Security arrangements for existing stocks of weapons, both within storage facilities and equipment held by police, armed forces and other authorized personnel;
    c. Laws, regulations and administrative procedures to prevent or combat illicit arms trafficking, with particular attention to exploring programmes for accelerated adoption and implementation of the UN Firearms Protocol and other good practices relating to marking, record-keeping and tracing of SALW.
4. The adoption of this Regional Implementation Plan will be accompanied by a systematic and widespread consultation with wide range of regional and international players through the Szeged Small Arms process and other regional fora. The aim of this consultation process will be to further elaborate the precise nature of possible assistance projects and provide additional direction to countries in the region on implementation responsibilities and required measures. The effectiveness of the plan is dependent on the full engagement of all stakeholders.
5. On the basis of these reviews and needs assessments country-specific and regional priorities, workplans and technical assistance programmes, as well as measures to promote regional cooperation will be formulated.
6. The Regional Steering Group, meeting at least semi-annually, will review, coordinate and monitor the implementation of these workplans, measures and programmes and will report to Working Table III.

These steps may take time for completion. However, this should not prevent projects for which sufficient information is already available for which arrangements are in place to start as soon as possible in the spirit of this plan.

C. Funding Requirements

The principal function of the Implementation Plan is to apply donor resources in the most effective manner. Adequate donor funding will be critical both to the process and the outcome of the Plan. Initial seed financing for the Implementation Plan, including the operations of the Clearinghouse will be provided by the UN Development Program. Donor funds will be sought for further operational funding, in-kind contributions and advance allocation of project funding resources.

Operational

Rendering the implementation plan operational will require some initial funding. Financing for the first few months of Clearinghouse operations, including support for three international staff members, office space and operations will be provided by the UNDP from its Small Arms Trust Fund and donor support will be sought for the remainder of the initial year. Specific budgetary details are pending, but an annual budget of close to $1 million seems realistic.

The Set-Aside Fund

The real challenge will be securing funding from donors to carry out projects vetted by the Clearinghouse. Therefore, to display visible support for the Program and projects established under it, a core group of donors will be needed to demonstrate an upfront resource commitment to the complex task of controlling illicit small arms and light weapons. Accordingly, a set-aside fund will be established to channel donor funding quickly and effectively in support of Clearinghouse-approved projects. It will have two sub-components:

- Direct Fund

  Donors who are able to make an actual disbursement to support the Regional Implementation Program can contribute to a special "window" within the UNDP Small Arms Trust Fund. These funds will be used directly to support fulfillment of Clearinghouse-vetted projects. Donors will be kept informed of the use of their funds and can provide limited guidance.

- Indirect Fund

  For donors unable or unwilling to make a disbursement of project support funding, the Clearinghouse will also establish a specific framework for pledged resources. Donors will make an initial pledge of funds for a specified period of time, but maintain actual control over the money until they determine a suitable project has been developed. Upon agreement to fund a particular project, donors will agree to provide the actual funding on a fast track basis. Beneficiaries will still, through this mechanism, possess a degree of confidence that proposed projects will be able to access an identified resource stream. The Regional Clearinghouse will aim to maintain an inventory of Set-Aside Fund allocations and requests.

D. Linkage to Other Initiatives

As part of the follow up process to this implementation programme there will be specific and regular consultations with other initiatives under the Stability Pact, including:

- Initiative to Fight Organized Crime (SPOC) – trade in illicit weapons is a financial and operational mainstay for organized crime groups in South East Europe. Tangible progress will require action on multiple fronts
- Task Force to Fight Trafficking in Human Beings – flows of illicit Small Arms and Light Weapons are closely linked to trafficking in human beings. Easy availability of weapons facilitates efforts to procure and move trafficked women and children without hindrance.
- RACVIAC - Regional Verification Centre in Zagreb. The Centre holds training programmes on the verification of arms control and confidence building regimes in South-Eastern Europe, and has recently added implementation of the OSCE Document to its programme.
- Working Group on Regional Civilian Police Training in South East Europe. Establish an element in the Regional Civilian Police Training courses covering the unique challenges of identifying and stopping illicit traffic in SALW. This would be incorporated into the short-term, mid-term and long-term police training courses, including especially those for border guards, which will be carried out in co-operation with the Association of European Police Colleges (AEPC), the Central European Police Academy and the Nordic Baltic Police Academy.
- Security Sector Reform – Ongoing international and national efforts to address the challenges of reforming the security sectors of South East European nations should factor in progress on this plan. In turn, developments under the Regional Implementation Plan need to take into account the overarching framework provided by security sector reform efforts.

Annex C
(Informative)
SECI SALW Task Force 'Operation Ploughshares' Seizure Report November 2002 to May 2003

Seizure Report from OCU – Bucharest/Romania
November 2002 – May 2003
'Ploughshare Operation'

Small Arms and Light Weapons, Ammunition and Explosives

Note 1 – The report contains details of all reported seizures during the above time period.
Note 2 – Report condensed by Monitor author for inclusion in Annex.

National Unique Crime Case Reference ALBANIA / TURKEY / MACEDONIA / MOLDOVA / HUNGARY / BULGARIA / ROMANIA

WEAPON TYPE	QUANTITY	PLACE OF SEIZURE / ARREST	DATE	LAW ENFORCEMENT AGENCY	UNIQUE IDENTIFIER (SERIAL NUMBER &/OR)	MAKE	MODEL	CALIBRE	COUNTRY OF MANUFACTURE	ATTEMPT TO REMOVE IDENTIFYING MARKS (YES/ NO)
Small Arms										
Revolvers	24	**Albania**	Nov 02	Police	Various recorded		Beretta/ Magnum / Zastava / TT /	7.62mm 9 mm	Italian / USA / Yugoslavia / AI (Russian)	No
Pistols	65	**Albania**	Dec 02 / Mar 03	Police	Various recorded		TT / Beretta / Zastava / Colt /	7.62 mm 9 mm 11.7 mm	AI (1997) / Italy / USA / Yugoslavia / Czech Rep.	No
Rifles / Carbines / SMG / Automatic / Assault Rifles / LMG	186	**Albania**	Nov 02 / Mar 03	Police	Various recorded		Scorpion / M 56 / AK 47 / M 63 / Zastava / Dragunov / Shars	7.62 mm	Albania / Yugoslavia / Russia / Germany	No
Pistols	46	**Bulgaria**	Feb 03	Police	No serial number / deleted serial number		Makarov	9 mm		Yes
Hunting Guns / Assault Rifles	63	**Bulgaria**	2002 / Feb 03	Police	Without serial number (one item)		AK 47	7.62 mm	Bulgaria	
Improvised Weapons	10	**Bulgaria**	2002	Police						
Revolvers	18	**FYRoM**	Dec. 02 / Feb 03	MOI	Various recorded		PHP / M 5 / Baskija / C 12329 / Parabellum / Magnum / Bajkl / Erma-sr	7.62mm 9 mm 12.7 mm 22 mm	Croatia / Hungary / Germany / Czech Rep.	No
Rifles / Carbines / SMG	14	**FYRoM**	Nov 02 to Feb 03	Police / Customs	Various recorded		AK 47 / Cifsan	7.62 mm	Chinese / Turkey	No

Rifles / Carbines / SMG / Hunting Rifles	64	**Moldova**	Nov to Dec 02	DPCCO	Various recorded		Mosinan 1891/ AKM / TOZ / MP 12 / SAIGA / MERCHES / MOSBBERG/ MY-2112 / MT-2001	4.5 mm 5.56 mm 7.62 mm 9 mm 12.7 mm 20mm	Russia / Turkey	
SMG / Assault Rifles	3	**Turkey**	Nov 02	Customs / Police			AK 47	0.30 in	Russia	
Light Weapons										
Grenade Launchers / HMG	2	**Albania**	Jan to Feb 03	MOPO				69mm to 175 mm	Albanian 1997	
RPG	3	**Bulgaria**	2002	Police						
HMG / Grenade Launchers	54	**Moldova**	Nov 02	DPCCO	Various references		CPTV / GP 25	14.5 mm to 40 mm	USSR / Artizanate (Handcraft)	
HMG / Grenade Launchers	3	**Turkey**	Nov 02	Customs & Police			BCK / AK 47 + Launcher	0.30 in Launcher 40 mm	Russia	
Ammunition and explosives										
SAA Cartridges	16,404 rounds	**Albania**	Nov 02 / Mar 03	MOPO			AK 47	7.62 mm	Albania	
Shells for Heavy-Gun	27	**Albania**	Feb 03	MOPO			175 mm		Albania 1997	
Missiles / AA and ATk Rounds	13	**Albania**	Mar 03	Police			RPG	40 mm	Albania	
AP and ATk Grenades	102 rounds	**Albania**	Nov / Dec 02	MOPO			M 56			

WEAPON TYPE	QUANTITY	PLACE OF SEIZURE / ARREST	DATE	LAW ENFORCEMENT AGENCY	UNIQUE IDENTIFIER (SERIAL NUMBER &/OR)	MAKE	MODEL	CALIBRE	COUNTRY OF MANUFACTURE	ATTEMPT TO REMOVE IDENTIFYING MARKS (YES/ NO)
Mines and Explosives	6 kg / 31 rounds	Albania	Nov 02 / Mar 03	Police			TNT		Albania 97	
SAA Cartridges	4,984 rounds	Bulgaria	2002 / Feb 03	Police				Various Calibres	Bulgaria	
AP and ATk Grenades	19 rounds	Bulgaria	2002	MOPO					Bulgaria	
Mines and Explosives	15.9 kg / 442 rounds	Bulgaria	2002	Police					Including hand made explosive devices	
Mines and Explosives	25 rounds	FYRoM	Nov 02	MOI		MKTV G18-79			China	
Mines and Explosives	41 rounds	Moldova	Nov 02	DPCCO	TM-62				URSS	
SAA Cartridges	3255 355 3960	Turkey	Nov 02	Customs & Police			AK – 47 Dragunov	.22 cal .30 cal .30 cal	Russia	
SALW Ammo	12	Turkey	Nov 02	Customs & Police			RPG 7 ammun		Russia	
Missiles / AA and ATk Rounds	107	Turkey	Nov 02	Customs & Police			SA – 7 Rocket	70 mm	Russia	
AP and ATk Grenades	10 12	Turkey	Nov 02	Customs & Police			Hand grenade & launcher grenade		Russia	
Mines and Explosives	78	Turkey	Nov 02	Customs & Police			TNT	29 Kg 200 gr	Russia	

Annex D
(Informative)
Conclusions of the SEESAC Arms Law Roundtable, November 2003

SEESAC Arms Law Roundtable
Belgrade
29 November 2002

On the 29th November 2002, 31 representatives from the governments of Albania, Bosnia Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Romania and Serbia and Montenegro gathered at a roundtable in Belgrade to discuss improvement and strengthening of arms law across the region.

Organised by the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), the meeting was opened and chaired by H.E. Ambassador P Davinic, SCG coordinator of the Stability Pact Working Table III. Mr Francis M O'Donnell, UNDP Resident Representative/Resident Coordinator, and Brigadier General (Retired) H J van der Graaf, SEESAC Team Leader, also spoke. Alongside SEESAC staff, observers were present from the OSCE, OHR, RAVIAC, UNMIK and the South Eastern Europe Co-operative Initiative (SECI) Regional Centre for Combating Trans-border Crime.

The roundtable was the first event in an 18-month regional Arms Law Process that will see identification, development and drafting of tangible legal and regulatory materials, as well as pro-forma enforcement procedures and documents. The emphasis will be on each country maintaining its individual particularity and legal traditions and system, while the aim of the process is to ensure that arms laws reflect common principles and standards, as well as the means for effective enforcement. Those objectives require this be a practical process working through existing laws, regulations and procedures as it arrives at texts and forms both relevant and useful.

The meeting began with a morning of plenary discussion of the progress made in the area of arms legislation and control mechanisms and the challenges facing the countries of the region. The discussion centred on laws for civilian acquisition, possession and use of arms, and on laws governing arms exports. The theme of the meeting, for both areas of law, was enforcement.

A number of countries in the region have recently amended their legislation and enforcement mechanisms and the majority are at a re-drafting and review stage. Recognising the need for common principles and standards in the region, participants were unanimous in agreeing that there was a need for action and progress in these areas now.

The need to incorporate international and regional standards into both legislative and enforcement mechanisms was noted, and representatives were unanimous in their support of adoption of legislation reflecting the standards outlined in documents such as the EU Code of Conduct, EU Joint Action on SALW and the OSCE Document on SALW.

These were considered to be particularly relevant issues in the evolving European consensus. However, participants also agreed on the need to respect the integrity of national legislation and procedures.

Priority concerns varied for each country according to particular levels of industrial capacity and SALW proliferation. However, participants agreed that both legislative areas need to be addressed by all countries of the region as they cover cross-cutting issues which are relevant to all states.

Annex E
(Informative)
Ohrid Common Platform

Common Platform of the Ohrid Regional Conference on Border Security and Management

22/23 May 2003

Following a NATO initiative, the EU, NATO, the OSCE and the Stability Pact have been working jointly within a Consultative Group, under the umbrella of the Stability Pact, to develop a coherent and concerted approach to the border security and management issue in the region of Western Balkans, especially in the parts of the region where for exceptional reasons and on a temporary basis military units are involved in border control and smuggling interdiction operations during a transitional period (ie before full military withdrawal in the framework of the security sector reform, and until border control is entirely under the responsibility of specialised professional police services, in accordance with European standards). They consulted with the countries of the region and took into account their remarks.

In order to promote local and regional ownership, the four Partner Organisations (NATO, the EU, the OSCE and the Stability Pact) have agreed upon common political goals, objectives, principles and instruments to which they propose that the Western Balkan countries subscribe at the Ohrid Conference. The present Common Platform contains the guidelines for the commitment of the four Partner Organisations and the countries of the region.

A Way Forward Document, identifying concrete and specific measures necessary to achieve these objectives, should be developed jointly by the countries of the region and the four Partner Organisations at the Ohrid Conference. Together with the Common Platform, it should take into account some requirements in the specific parts of the region where military units are involved during a transitional period. The ultimate aim remains border control services being put entirely under the responsibility of appropriate civilian (ie police) authorities, in accordance with European standards as soon as possible.

The four Partner Organisations reaffirm their offer to assist committed Western Balkans countries in the development of policies and strategies aiming at the achievement of the proposed goals and objectives.

Guidelines for Commitment

Political Goals and Objectives

Three key political goals should be pursued to achieve effective border security and management:

Establish open but controlled and secure borders in the entire region, in accordance with European standards and initiatives. This goes through the facilitation of border crossing for legitimate purposes, especially by the inhabitants of border areas, and through the effective prevention and prosecution of all illegal cross-border activities, in particular those that support terrorism and organised crime and endanger regional security (especially trafficking of weapons, human beings and drugs).

This goal should be achieved through the implementation of the following objectives:

- Improvement of efficient border management systems in accordance with European standards at the regional level.
- Close co-ordination between border control police units and military units, where and when necessary, during the transitional period.
- Promote further stabilisation, which will pave the way for a closer relationship of the countries of the region with Europe and for their perspective membership in the European Union, by strengthening the rule of law, institutional capacity and by regional co-operation.
- Take advantage of advice and support in military issues in specific parts of the region within the overall framework of security sector reform, in the field of border security and smuggling interdiction.

Principles

The professional policing of borders should be based on the principles of democratic control, efficiency and proper implementation.

Democratic control

- Any military involvement in border management to be ensured through legislation.
- Civilian authorities, assisted by civilian/military co-ordinating bodies where necessary, to have overall control and command of units involved in border control.
- Use of military units to be limited in scope and scale, to be on a case-by case basis, to respect police authority and not to include autonomy of action.

Efficiency

- Development of national strategies of integrated border management to outline the overall long-term perspective including any transitional arrangements.
- Integrated border management to rely on full professionalism and inter-institutional co-ordination.

Proper Implementation

- Respective powers, functional responsibilities, roles and missions of police, customs authorities and military to be clearly defined, as well as the conditions for the transfer of responsibilities from the military to the civilian authority as soon as the situation permits.
- Exchange of liaison officers, where deemed appropriate, between border police services and armed forces.
- Enhancement or establishment of appropriate mechanisms for regular exchange and joint assessment of information at bi-lateral and regional levels.

Instruments

In order to achieve the goals and objectives described above, the four Partner Organisations suggest that countries in the Western Balkans, especially those where the military is temporarily involved in border control and smuggling interdiction operations, enhance or develop the following instruments:

- risk assessment instruments (joint collection, storage and analysis of data; common definition and analysis of threats, joint development of risk indicators, etc);
- joint operating procedures (legal framework, civilian control on military activities, command and control arrangements, rules of engagement, common training and working procedures, military-to-civilian reporting procedures);
- joint operational arrangements delineating clearly respective tasks between civilian services and military units;
- regular assessment of military contribution to border surveillance in support of police units (reporting, lessons learned);
- inter-operable national mechanisms and procedures for the exchange of information (strategic intelligence, operational information, inter-service communications, liaison officers);
- agreements, mechanisms and procedures, including legal instruments, for joint threat/risk assessment, information and intelligence sharing, conduct of co-ordinated and joint operations.

Support

On their side, the four Partner Organisations reaffirm their readiness to continue to support the committed countries' efforts to achieve the goals and objectives described above. To that end, they offer to provide specific assistance, within their respective means and capabilities, as follows:

- The European Union will continue to support the development of integrated border management in each country and the build-up of regional co-operation mechanisms. Through the main instrument of the CARDS Programme[1335] and in accordance with EU standards for border management, a national integrated border management should be implemented following a step-by-step approach on the basis of established timelines. Where and when deemed necessary it will be co-ordinated with the contribution of military capabilities. Regionally the European Community assistance process will contribute to a better understanding of the EU standards and best practices. In each country it will also directly support the development of a national strategy and corresponding action plans. It will support the implementation of the latter. Indirectly it will enhance co-operation and networking. The EU will also endeavour to provide support within ESDP, notably the EU military operation in the Host Country and the EU Police Mission (EUPM) in Bosnia and Herzegovina.
- Acknowledging that border security and management issues must be addressed in their regional dimension, in close co-operation with other international organisations involved, NATO will focus its support to the parts of the region where for exceptional reasons and on a temporary basis military units are involved in border control and smuggling interdiction activities during a transitional period. KFOR will remain actively engaged in border control and smuggling interdiction activities and operations, in close co-ordination with UNMIK in accordance with agreed Temporary Operating Procedures. NATO, through its Senior Civilian Representative and Civilian Liaison Office in Skopje, and through Senior Military Representatives and HQs in Tirana and Skopje, will provide advice to the relevant authorities on the military aspects of reforming and restructuring border security. NATO will assist these countries inter alia through SEEGROUP in the co-ordination of bi-lateral and multi-lateral initiatives to encourage unity of effort with the international community.
- OSCE's comprehensive concept of security and its expertise in the field provide the Organisation with both the conceptual basis and the practical experience to contribute to the aims of the Ohrid conference. OSCE's practical contribution in this area could focus on civilian aspects of:
    - training of and advice to border police (possibly through a new regional training initiative);
    - assistance to and facilitation of institution building, in particular of national and regional co-ordinating bodies;
    - promotion of regional co-operation, in particular cross-border bi-lateral cooperation.

1335 The EU adopted on 22 October 2001 the "CARDS Regional Strategy Paper" that provides a strategic framework for programming the regional envelope of the European Community's CARDS assistance programme for the Western Balkans in the period 2002-2006. CARDS supports the participation of five countries of the Stabilisation and Association process (SAp) which is the cornerstone of the EU's policy in the region. Among four areas of support, the CARDS Regional Strategy Paper identifies integrated border management to help to tackle cross-border crime, to facilitate trade across borders and to stabilise the border regions themselves.

Any additional OSCE role in support of border management will need to be practically oriented and fit in with other existing policies, for instance the Integrated Border Management Concept of the EU and NATO's role in border control and smuggling interdiction.

- The Stability Pact will offer its auspices for the continuation of the work of the Consultative Group in close co-ordination with the countries of the region. This Group will concentrate on civilian-military co-operation with possible assistance of RACVIAC[1336] in Zagreb. The newly created working groups on border and visa issues under the MARRI (Migration, Asylum, Regional Return Initiative) Chair will aim to assist countries both in line with their efforts vis-á-vis their SAP obligations and also to foster bi-lateral and regional co-operation in broader spectrum. The Special Co-ordinator of the Stability Pact will, in his role as SECI[1337] Co-ordinator, invite the Bucharest Center for Combating Trans-Border Crime to fully support this initiative. The four Partner Organisations agree that good co-ordination between international organisations is essential and that UNMIK should be associated.

Way ahead/Short-term objectives

Achievement of the political goals and objectives depends on the successful implementation of initial practical short-term measures. The four Partner Organisations invite the countries of the region to commit themselves to achieve the following short-term objectives, if possible before the end of 2004. They see these short-term objectives as first steps in a longer-term joint effort aiming at enhancing significantly border management and security in the whole region.

Initial development of national instruments

- Definition of national policy and strategy on integrated border management followed by corresponding national action plans.
- Establishment of national co-ordinating structures and procedures.
- In the region, where and when required, Command and Control (C2) arrangements will be identified through appropriate civilian channels.

Initial development of specific co-operation instruments

- Establishment of internal, bi-lateral and multi-lateral mechanisms and procedures for the exchange of information on border and trafficking issues.
- Training and certification of all military personnel directly involved in border control and anti-trafficking activities.

1336 Regional Arms Control, Verification and Implementation Assistance Center.

1337 South East European Co-operative Initiative.

Way Forward Document

The Way Forward Document, identifying concrete and specific measures necessary to achieve these objectives should be developed on the basis of the proceedings and conclusions of the technical session of the Ohrid Conference. This document will be developed jointly by the countries of the region concerned and the four Partner Organisations.

Review mechanisms

- The Consultative Group of the four Partner Organisations, together with the committed countries of the region, will keep under review the concrete implementation of the Common Platform.
- The Way Forward Document will specify modalities of co-ordination of this review.
- Each of the four Partner Organisations will make full use of its existing review mechanisms to ensure follow up and internal co-ordination.
- Regular review meetings to assess achievements on short-term objectives and consider further steps.

Annex F
(Informative)
Ohrid Way Forward Document

Way Forward Document of the Ohrid Regional Conference on Border Security and Management

22/23 May 2003

Introduction

On 22 May 2003, at the Ohrid Regional Conference on Border Security and Management, the Western Balkans countries agreed to the Common Platform proposed by the four Partner Organisations (NATO, the EU, the OSCE and the Stability Pact), which contains the guidelines - political goals and objectives, principles, instruments, support, way forward and short term objectives - for the commitment of the four Partner Organisations and the countries concerned.

Within the framework of the subscribed Common Platform, and on the basis of the proceedings and conclusions of the working session of the Ohrid Conference, the present Way Forward Document has been developed jointly by the countries of the region concerned and the four Partner Organisations. This document identifies concrete and specific measures necessary to achieve agreed objectives, taking into account some specific requirements in the parts of the region where, for exceptional reasons and on a temporary basis, military units are involved in border control and smuggling interdiction operations during a transitional period (i.e. before full military withdrawal in the framework of the security sector reform, and until border control is entirely under the responsibility of specialised professional police services, in accordance with European standards).

The Way Forward Document focuses on initial practical short-term measures aimed at achieving the short-term objectives identified in the Common Platform, if possible before the end of 2004. These short-term objectives must be seen as first steps in a longer-term joint effort aiming at enhancing significantly border management and security in the whole region, in accordance with the Ohrid Common Platform.

1. Integrated Border Management as the long term overarching objective

In the framework of the preparation of the Western Balkan countries for future integration to the European Union, all these countries have initiated reforms in order to achieve a high level of external border management in line with the European standards.

On the basis of the European border model, the Western Balkan countries undertake the commitment to develop an Integrated Border Security approach, which covers all aspects of border policy and aims at promoting internal security, combating illegal immigration, preventing the trafficking of human beings and economic exploitation of migrants. The implementation of the whole system requires the allocation of high-level professional staff (for the relevant agencies and border management bodies), dealing under the auspices of civil authorities (a Ministry working in the field of Justice and Home Affairs). Such an allocation will be organised and implemented in a progressive way starting from now.

Concerning border control, the Integrated Border Management concept covers both surveillance of borders and checks. In order to achieve a high level of border security, it is essential to ensure a high level of co-operation and coordination between all national authorities working in the field of border security (including police, customs and the law enforcement services). As regards specific surveillance aspects military bodies may be entrusted with specific complementary tasks under the control of the civilian authorities. This involvement of the military is an additional element in the strategy towards achieving the overall objective of a global security concept.

The four Partner Organisations reaffirm their offer to assist committed Western Balkans countries in the development of policies and strategies aiming at the achievement of a high level Border Security system.

Bearing in mind the ongoing initiatives taken by all Western Balkan countries for the establishment of an Integrated Border Management System, and during a transitional period from 2004 to 2006 before the full implementation of scheduled measures, the four Partner Organisations consider it necessary to define mechanism and structures for tackling immediate specific needs at the borders and to prevent illegal activities.

On the basis of the approach agreed in the Common Platform, the involvement of military bodies in border management activities could be envisaged for ensuring specific tasks defined through legislation. Adopted short term measures should fully take into account their experience on the ground, extend the current implication of military bodies for a temporary, transitional period ensuring complementary role that could enhance the effective border security, and contribute to a further stabilisation of the area.

2. Common short-term objectives

The following short-term objectives have been identified in the Common Platform:

Initial development of national instruments

- Definition of national policies and strategies on integrated border management, followed by corresponding national action plans.
- Establishment of national co-ordinating structures and procedures.
- Where and when required, identification of Command and Control (C2) arrangements through appropriate channels.

Initial development of regional co-operation instruments:

- Establishment of internal, bilateral and multilateral mechanisms and procedures for the exchange of information on border and trafficking issues.
- Where required, training and certification of all military personnel directly involved in border control and anti-trafficking activities.

The achievement of these short-term objectives must be seen as a first step in a longer-term joint effort aiming at enhancing significantly border management and security in the whole region.

The longer-term objective is the full implementation of Integrated Border Management, as defined in paragraph 1.

The Conference proposed the following short-term measures:

- According to the Schengen catalogue of best practices, and in the short-term, allow the military of the countries in the region an auxiliary role of supporting police services by completing surveillance and force protection tasks without any use of personal data, making searches in confidential registers or taking decisions that interfere with an individual's physical integrity or freedom.
- On the model of EU regular meetings of the Heads of border services and of the networks of liaison officers develop a regional networking to exchange information and develop common or joint solutions to address common issues. Associate such a network to the review mechanisms.

3. Country specific measures

In order to achieve the short-term objectives of the Common Platform, if possible before the end of 2004, the relevant government bodies and agencies in each capital of the five Western Balkans countries have identified the following specific practical short-term measures:

Tirana

Tirana has approved "The Strategy on Border Control and its Integrated Management" by the decision of the Council of Ministers No. 118 dated 27.02.2003.

This Strategy expresses the commitment of the government and specialized structures in the field of border control and its integrated management.

The goal of the Strategy is, through real indicators and concrete deadlines, to further enhance the functioning of national bodies dealing with border security. Border police itself should be at the level of a contemporary police, to be able to carry out the task and the same time to accomplish the formula of its mission, where the reason of its existence is defined.

The Strategy is focused on the following areas:

- To complete the necessary legal framework to regulate and establish the basis for the activity of the border police in conformity with EU standards.
- Strong organisation and leadership, improvement of Command and Control (C2) structures.
- To strengthen the specific directions of guarding the border, provide training personnel.
- Logistical and infrastructure support system (amount to +7 million dollars).
- Harmonised land and sea border surveillance practices.
- Efficient risk assessment techniques and criminal investigation and intelligence gathering capabilities.
- Co-operation between national agencies (Customs, Ministry of Foreign Affairs, Armed Forces, State Intelligence Service, Local Government Bodies).
- International co-operation: regional co-operation, co-operation with the international organisations and international police organisations, and the CARDS programme.

The implementation of the Strategy will be carried out in two phases between 2003 and 2006.

The first phase: (January - December 2003) to include the study of the situation
at the state border, analysing of data and comparing them with the requirements of the Schengen agreements, the legal, structural and functional restructuring of Border Police.

The second phase: (2004 to 2006) to aim at implementation of the new structure, supporting the modernisation of the border police infrastructure, improving qualifications and training of all Border Police personnel skills and judicial procedures.

The Strategy foresees the financial means for its accomplishment. The support of four Partner Organisations (EU, NATO, OSCE and Stability Pact) is critical for the implementation of the specific aspects, actions and projects of the above Strategy.

Sarajevo

The State Border Police (SBS) is in charge of the civilian aspects of border protection. According to the Law on State Border Service, the SBS is in charge of state border crossing control and surveillance of green and blue borders. From June 2000 until now, the SBS has undertaken surveillance and control of all border and security tasks in four international airports in BiH. According to new legislation, the SBS is under the authority of the Ministry of Security as an independent operational organisation.

Activities to be taken by Sarajevo by the end of 2004:

- Implementation of a Single Information System with data bases and SIS;
- Development of a radio network connected with Cantonal Police;
- Implementation of crime investigation activity in a Central Crime Investigation Unit (CIU);
- Equip all SBS Stations with adequate equipment;
- Implementation of TWINNING Projects;
- Harmonisation of current legislation with EU standards;
- Drafting of protocols on co-operation with Customs, Police and Interpol;
- Signing Agreements on co-operation with neighbouring Police services;
- Readmission agreements;
- Establishing a new training course for management;
- Building of new adequate facilities for SBS.

Belgrade (State Union)

By the adoption of the Constitutional Charter and the Law on Implementation of the Constitutional Charter of the state Union of Serbia and Montenegro, the Federal Ministry of Internal Affairs no longer exists.

The Supreme Defence Council at its Ninth session held on 27.11.2002 considered transferring of authority concerning state border security and concluded that this can be realised after the adoption of legal acts on the state border, in accordance with the Constitutional Charter of the Union and the Constitutional Law on its implementation. The Federal Ministry of Defence is in charge of the development of a common expert team with experts from Belgrade's Ministry of Interior, Podgorica's Ministry of Interior and Army, in order to draft a law on state border and a project on transfer of authority concerning state border security.

Belgrade (Republic)

At the beginning of 2002, the Working Group for reform in the key-field of work "State Border and Foreigners" has been established within the Department of Border Police, Aliens and Administrative Affairs of the Ministry of Interior and its purpose is:

Establishing an efficient and complete control system and securing the state border, enabling as quickly as possible a flow of people and goods, preventing and curbing uncontrolled migration, trans-national organised crime and terrorism, control of foreigners' movement and residence. A special organisational unit within the Ministry of Interior, namely, the border police, is responsible for functioning of the system;

Establishing integrated border control system and border security based on EU and Schengen principles, as one of the pre-conditions for reaching the status of candidate-country for membership in the EU;

• To authorise the Border Police of the Republic within the Ministry of Interior, to operate on the whole territory of the state, with clearly defined rights and responsibility for implementation of its tasks and jurisdiction;
• Centralised and efficient organisation, logistically and financially independent as much as possible;
• Automation of work and unique information system and data basis;
• Legal framework for work and proceedings conducted by the Border Police members, in accordance with the European Union and Schengen standards;
• Area of education and training of the Border Police members, in accordance with the European Union and Schengen standards;
• Methodology and recruitment programme for the Border Police personnel and their motivation for work, in accordance with the European Union and Schengen standards.

Concrete activities:
During the last year-and-a-half, the Working Group launched a number of activities with regard to reform of the border police:

• A working group has been founded for creating a plan of action and methodology in taking over jurisdiction over protection of Green and Blue borders from the Army. A working group has been established for making new legislation in border and foreigners matters.
• A working group has been established for making a proposal of new training and advanced skills programme.
• At the level of the Ministry of Interior, a working group has been established to work on a project of new ID documentation (passports, ID cards, driving licenses), fully brought into line with Schengen standards and protection, and following higher standards than current ones. The project is in its third phase, the technical documentation is ready, and equipment for making ID documentation has been acquired.
• Intense co-operation has been established with border services (police) in neighbouring and other countries, with regard to all professional segments. Co-operation with foreign liaison officers is especially significant for exchange of information in preventing uncontrolled migration and all forms of organized crime and terrorism.
• In terms of fighting trafficking, the Border Police representatives take an active role in all relevant activities: in forming a special police team, in participation in training and courses organised by the OSCE, the Stability Pact and NGOs. A border police member has been appointed as national coordinator in the fight against trafficking.
• An initiative has been launched for harmonisation of our visa regime with the Schengen standard, and a working group has been established at the level of responsible ministries, with participation of the Border Police Management representatives.

• There are a few big trial-projects for which donations have been made, aiming at the international community support in technical and infrastructure assistance and providing equipment for the Border Police.
• As a result of all of these activities, some strategic documents were prepared and verified by the Minister of the Interior and the Government in February 2003. These documents include:
• Analysis of human resource situation and technical/infrastructure equipment at border-crossings,
• Border Police Vision and Mission Paper,
• Border Police Working Strategy,
• Action Plan for Taking Over and Securing Green and Blue Borders from the Army.

All strategic documents and projects are prepared in co-operation with specialists from the most developed border management services in Europe, experts from international organisations (including OSCE, DCAF, EAR, and Stability Pact). These documents are highly valued by the above-mentioned specialists. In 2003, the following Border Police Management activities are due to be completed:

• Implementation of investment projects presented.
• Creation of the Border Police organisational scheme as a part of the Ministry of Interior, as well as job systematisation.
• Obtaining analysis and evaluation of human resources, construction facilities and equipment at the Green and Blue Border.
• Making and signing of agreements with customs and other state agencies and services, concerning state border control and surveillance.
• Signing of agreements on co-operation with border services (policies) of countries in the region.
• Active participation at all workshops, roundtables and courses concerning borders and foreigners.
• Providing an official TWINNING partner by the EU in order to launch legislation and other strategic projects.
In 2004, the Ministry of Interior's Border Police Department plans to undertake the following activities:
• Continued implementation of long-term investment projects that were launched in 2003 and developing new investment projects.
• Creation and implementation of TWINNING projects.
• Distribution and phasing-in of border police employees along the Green and Blue borders and in accordance with an evaluation and action plan.
• Adopting plans and programmes of basic training and courses for achieving advanced skills, which encompass the border police members at all levels of responsibility.
• Opening a training centre for the border police members.
• Issuing new travel and other ID documents with protective marks, according to EU standards.
• Continued international co-operation in all forms, including professional, educational and other relevant areas.

The implementation process depends directly on support from the international community, and the EU in particular. The Government supports all activities of the Department of border police, aliens and administrative affairs and will provide as much as possible means from its budget for this purpose, but one is aware that this is not sufficient. Bearing in mind that all candidate-countries benefited from the European Union's substantial support and assistance, as well as the support by international organisations and TWINNING partners, we consider that the Border Police is entitled to such support.

Podgorica (Republic)

Podgorica has defined its strategic interest for inclusion in the European Union and access to the process of stabilisation and association and stresses its readiness to respect the criteria for accession to the European Union and the process of democratic, economic, political and institutional reforms.

Podgorica will, within the future process of implementation, adhere to European Union standards, and through legislation and institution-building create conditions for inclusion into the European integration processes in the field of border management, and will create conditions for compliance with legislation in these areas.

By the Code of Rules on Organisation and Systematisation of the Ministry of Interior, which was adopted by the Government, the Administration for State Border and Border Affairs was created, with legisilative authority for tasks related to border control and surveillance.

The Project on Border Security System of the Republic is being developed, and provides for the transfer of authority related to state border security from the Army, which is taking over the border security tasks, and also provides for demilitarisation with an undertaking by Border Police.

Both state border control and surveillance will be under the authority and responsibility of Podgorica's Border Police (within Ministry of Interior). The Project on Border Security System of the Republic is being developed in accordance with European Union standards and, by its implementation, the conditions for decreasing of all types of cross-border crime will be made (illegal migration, trafficking in human beings, drugs, arms and terrorism).

Since the Administration of the State Border and Border Affairs was created (20.02.2003), the Border Police is responsible for in-depth state border security tasks and for taking over of the physical state border security. During this period significant results were achieved in the area of co-operation with neighbouring police services, information exchange and suppression and detection of illegal trade and other forms of cross-border crime.

During the previous period, since the Administration for State Border and Border Affairs was created, the process of recruitment of personnel and for material-technical capability-building, as well as a personnel training, was achieved. In implementing the Project on Border Security System of the Republic we expect material-technical and expert support, first of all from the four Partner Organisations (EU, OSCE, NATO and Stability Pact). By full implementation of the Project on Border Security System of the Republic, Podgorica will be a partner in suppressing all types of international crime.

Concrete activities:

- Drafting legislation in the area of border security in accordance with generally accepted standards in this area;
- Improve leadership training, control, supervision and direction to enhance professionalism;
- Continue with the process of border police training on basic and advanced levels;
- In accordance with financial resources of the Republic equip border police with contemporary devices for border control and supervision;
- Continue with co-operation with neighbouring border services in terms of information exchange, important for crime suppression;

• Provide integrated border management through joint activities of police services involved in state border crossing control and supervision both on green and blue borders.

Zagreb

Zagreb established its border security system in 1991, shortly following its independence, on the basis of democratic standards and values. From the very beginning, the management of border security fell within the competence of the civilian government structure, which is the Ministry of Internal Affairs, specifically the Police Directorate – Border Police.

Strengthening border security and management is an established priority for the Government. Considering the intensification of trans-national threats throughout Europe, especially with regard to the illegal trafficking of human beings and illegal migration, narcotics smuggling, organised crime, illegal trade in small arms and light weapons, as well as the scourge of global terrorism, fighting illegal cross-border activities in all their aspects is and will continue to be one of Zagreb's policy priorities.

For South Eastern Europe, an important aspect in suppressing and eventually eliminating cross border crime is to have a rapid and permanent exchange of information and data between countries in the region, and with partner countries and organisations throughout Europe. In an effort to expedite this process, Zagreb is ready to explore ways for countries in South Eastern Europe to jointly develop risk indicators and streamline amongst themselves operating procedures, in line with European standards. In this sense, Zagreb hopes that other countries in South Eastern Europe will also work towards establishing operational agreements with EUROPOL, such as through acceding to the Convention on Data Protection and adopting accompanying internal legislation.

The Government submitted its application for European Union membership in February 2003 in Athens. As such, and in accordance with the National Programme for Accession into the European Union, the Government has set for itself the necessary goal, under strict time limits, to reform its national legislation and practice to that of the European Union by 2006. An important part of this Programme includes fulfilling the necessary prerequisites required to become fully compatible with the Schengen Acquis.

With this aim in mind, and with the assistance of partners from the European Commission and its Member States, as well as the Stability Pact for South Eastern Europe, Zagreb is implementing a TWINNING Project on Integrated Border Management. The TWINNING Project's primary aim is to approximate national legislation with that of the EU Acquis, establish equipment and training requirements, institution building needs, and the improvement of national structures according the EU regulations. Zagreb is also developing a National Border Management Information System under CARDS 2002, which will allow for the centralised control of all border crossings in the country, strengthening not only the country's borders, but those of its neighbours too.

Zagreb is prepared to share its experience in implementing these reforms with other Stabilisation and Association process (SAp) countries, in particular with those with whom we share border, so as to enhance and promote cross-border bilateral co-operation. Zagreb is also prepared to offer its assistance to other SAp countries in areas such as the training of border police in integrated border management, taking into account regional specifics.

Skopje

In accordance with the initial development of its national instruments, the government has undertaken the following endeavours, within the preparations and commitment for transfer of border security responsibility from the Army to the border police:

• Establishment of an interagency group for transformation of border security and management (a Border Security and Management Transformation Strategy is expected to be developed by the end of this year);
• Preparations for the development of a Border Police Law;
• Signing of agreements on co-operation in the sphere of internal affairs with all neighbouring countries.

In the framework of integrated border management, the Government envisages its short-term objectives in direction of:

• Technical equipping of border police units and restoration of border infrastructure;
• Standardisation and improvement of technical and other requirements in order to ensure integrated border management in the countries of the region by means of assistance to be provided by Partner organisations in terms of equal provision of equipment;
• Undertaking measures in accordance with European standards primarily targeted at improved border communication within the region;
• Readiness to develop appropriate legislation on border management;
• Creation and implementation of TWINNING projects within Integrated Border Management;
• Issuing new travel and other ID documents with protective marks, according to EU standards;
• Standard equipment, procedures and co-ordination of border patrols;

Establishment of a regular process of training and education of border police members, which will be viewed, through the assistance by Partners, as a longterm objective or process designed not only for establishment of, but also for functioning of integrated border security.

4. Support by International Organisations:

Contributions from EU, NATO, OSCE and Stability Pact will be important in support of the implementation of national strategies. The four Partner Organisations will provide appropriate support for implementation of identified measures, as described in the preceding paragraphs, as follows:

European Union

The Integrated Border Management (IBM) approach covers 3 aspects:

• Trade facilitation
• Border control
• Border region co-operation

Within the CARDS regional programme the Commission will deliver Community assistance to support the development and follow up of national IBM Strategies and Action Plans. Theses will be achieved in line with established regional “IBM guidelines/benchmarks”, although adapted

to the specific situation in each country. Funding is committed under 2002 and 2003 regional programmes. The implementation of the various IBM projects as identified in these National IBM Strategies and Action Plans, however, will be undertaken through the CARDS National programmes. Commission will deliver the necessary technical assistance mainly to access EU concepts and methodology, provide relevant training and support equipment, especially IT systems, as well as some infrastructure. Yearly funding is committed up to 2004.

The EU will also endeavour to provide support within ESDP, notably the ongoing EU military operation "Concordia" and the EU Police Mission (EUPM) in Bosnia and Herzegovina. The regional CARDS programme would also include specific and concrete regional assessments and studies. It will cover the definition of process of work and of procedures in line with the EU standards as well as the preparation of standard technical specifications for typical equipment for border management.

The Commission assistance will aim at providing the appropriate tools for efficient national systems but also at building sound basis for regional cooperation in the sector of integrated border management. The Commission will co-operate with others by offering access to the EU standards and could consider joint projects.

NATO

Until the responsibility for border security and control is transitioned to the UN Mission for Kosovo (UNMIK) and civil authorities, Kosovo Force (KFOR) will remain actively engaged in border control and smuggling interdiction activities and operations, in close co-ordination with UNMIK and adjacent countries, in accordance with agreed Temporary Operating Procedures (TOPs) and Memoranda of Understanding (MOUs).

Within the context of the NATO Membership Action Plan (MAP) and Partnership for Peace (PfP) programmes and activities, NATO will continue to provide military advice and support, as appropriate,[1338] to relevant government authorities in the field of border security and smuggling interdiction. NATO will also contribute to regional co-ordinating structures, which will be established in accordance with the objectives of the Common Platform Document, in order to improve the military-civilian interface.

Additionally, NATO intends to create telephone hotlines from neighbouring countries into KFOR Brigade operations centres and to investigate the establishment of Border Security Working groups and the exchange of additional Liaison Officers (LNOs) at the tactical level.

NATO will consider offering centralised military training programmes, within means and capabilities, in the following areas:

- Risk Assessment Instruments
- Joint Operating Procedures
- Assessment of Military Border Surveillance Contributions
- Mechanisms and Procedures for Information and Intelligence Exchange
- Intelligence Training, Standardisation of Reporting and Development of a Common Intelligence Picture

1338 It is recognised that not all nations in the region are currently involved in MAP/PfP.

NATO remains committed to regional border security and management through a close working relationship with other members of the international community and the nations of the region. Furthermore, NATO will continue to encourage security sector reform and, in particular, will seek to address military involvement in border management and security through the Partnership Assessment and Review Process (PARP) where appropriate.

OSCE

OSCE's contribution will focus on civilian aspects of (1) training of and advice to border police (2) assistance to and facilitation of institution building and (3) promotion of regional co-operation. Any additional OSCE role in support of border management will need to be practically-oriented and fit in with other existing policies. Any of the following OSCE activities, are subject to approval by the OSCE Permanent Council towards the end of 2003.

OSCE Spillover Monitor Mission to Skopje

In view of the OSCE Mission's involvement in police training, there are a number of possibilities in support of enhanced border management: 1) increased emphasis on border areas and issues in OSCE community policing programmes, 2) expansion of current police training programmes to include specialist training for the National Border Police and if required, other branches of the administration, 3) mutually supporting activities, such as Small Arms and Light Weapons (SALW) reduction, in which the OSCE could assist the relevant authorities.

OSCE Presence in Albania

In addition to providing support for Joint Border Commission (JBC) meetings between Albania and UNMIK, the OSCE Presence can 1) assist the Government of Albania in implementing its Strategic Plan for Border Management, 2) help formulate a joint initiative within the terms of the EU Integrated Border Management System, 3) expand the above-mentioned model of support to other segments of the Albanian border.

OSCE Mission to Serbia and Montenegro

With the newly adopted Constitutional Charter, both Republics are focusing on harmonisation of their border police reform in compliance with the Schengen criteria. The OSCE assists in defining both strategies and fosters cross-border co-operation and exchange of information and experience between the international border police services and the respective Ministries of Interior. On request of the MoI, the OSCE acts as the main co-ordinator of international assistance in the field of police. Recently, the MoI and OSCE undertook an assessment, which resulted in the identification of an equipment package for all border crossings that would allow implementation of the basic identification and safety procedures.

OSCE Mission in Kosovo

The UN Mission in Kosovo and KFOR have an exclusive responsibility in the area of border security. The OSCE Mission facilitates law enforcement and coordination.
More than 5,500 Kosovo Police Service (KPS) cadets have been trained at the OSCE Police Service School (KPSS). At that facility, the Mission is currently also providing training to border police. This training could be expanded.

Regional Border Police Joint Training Programme

The OSCE Regional Border Police Joint Training Programme for existing border police officials at all levels will consist of the following elements: (1) Train the Trainer, (2) Command Course, (3) Regional Border Police Course. In a period of half a year, 600 – 800 professional border police officers from the region could attend this tailor-made joint regional training, in addition to their national training programmes. The programme will be based at the Centre for Education of Personnel in the Field of Security (CEPFS) in the host country of the Ohrid Conference. The CEPFS is currently used by the OSCE and the MoI for the joint training of 1000 multiethnic recruits and other training programmes foreseen under the Ohrid Framework Agreement. The immediate goals of the Regional Border Police Joint Training Programme are (1) to develop and strengthen the border policing and management capacity in the region, (2) to promote common operational standards and techniques, and (3) to increase the exchange of information. The regional capacity to train border police does not seek to replace already existing national border police training programmes, but rather build upon these in a complementary way. The curriculum will be developed on the basis of expertise available in the interested participating countries, the OSCE and other organisations, including the European Agency for Reconstruction (EAR) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Stability Pact

Under the auspices of the Stability Pact, a strategy to manage population movements in the Western Balkans was endorsed at the Regional Table in Thessaloniki in December 2002. On the Basis of this strategy, a Programme of Action in the areas of Migration, Asylum and Refugee Return - MARRI - is now in its final stages of development and will be presented in early July 2003 to the MARRI Steering Committee for consideration and endorsement.

The MARRI Programme of Action is supporting of and complementary to the EU CARDS Programme. One, it provides a strategic framework for the management of population movements in the areas of migration, asylum, border management, visa policies and refugee return. Two, it focuses primarily on crossborder/ boundary and/or regional co-operative actions while building on and respecting National Action Plans and States own priorities, essential to promote more effective management of population movements in the interests of both State and Human Security. Three, it offers a platform for co-ordinated action between States in the Western Balkans and States members of the Stability Pact as well as relevant international and non-governmental organisations, active in the areas of migration asylum, border management and refugee return or settlement. It also aims to bring together diverse actors in the fields of foreign, security and development policy as well as justice and home affairs to pursue the dual goal of security and the free flow of people in search of economic and social opportunities.

The Programme of Action will build on as well as fill gaps in action already underway which, at the regional level, is still rather limited. In the area of refugee return, MARRI will further develop and integrate the successful Agenda for Regional Action by reinforcing the focus on necessary action to achieve sustainability and at the same time broadening the regional scope by covering the entire region. Overall, MARRI is focussing primarily on cross-border/regional co-operation in the areas of harmonised legislation, institutional and structural set-up, training and capacity building as well as information exchange.

Border management is the most obvious area in need of an integrated approach as pursued by MARRI. The Working Group on border management under MARRI clearly confirmed that border

management to be truly effective requires, firstly, clear integrated policies and operational responses among other things in the areas of migration asylum and refugee return and training of border officials in those fields; secondly, cross-border/boundary co-operation; and thirdly, coordination among the many states and international organisations supporting States in the Western Balkans in this field.

The MARRI Programme of Action is built on these three commonly agreed principles and approaches.

Other initiatives/contributions

DCAF has initiated a close co-operation with the countries of the Western Balkans aimed at assisting them in the comprehensive reform of their security sector, the drafting of the necessary legislation, and the establishment of governmental, civilian and parliamentary oversight mechanisms over the security sector.

As part of this effort, DCAF has conducted, together with the governments of Western Balkan countries, nine regional workshops to address the strategic needs in the process of creating new, civilian controlled and efficient border security systems built on European standards. They led to each country drafting a strategy paper and implementation plans for the creation of a civilian-led border police. These documents were presented to the EU Commission and should form the nucleus of the further development of modern border police organizations and integrated border management structures in the Western Balkans.

DCAF will, in close co-operation with the EU Commission, based on the standards defined by it, and in view of supporting the Union's SAP process, offer up until early 2006 the following projects:

(1) 10 interactive workshops for senior leaders focusing on: Legal reform; organizational culture and leadership; logistic support; land and sea borders surveillance; training and vocational training; risk assessment techniques; criminal investigation/intelligence gathering; integrating electronic and other technical means into a unified border control system; national and international cooperation. Each of the workshops will lead to the creation of an expert group to achieve concrete progress and to foster the creation of co-operative networks at the regional level. In 2005 two exercises involving all Western Balkan countries are proposed which should put to the test the results achieved. As intermediary steps on that road annual review conferences will be organised in January of 2004 and 2005, followed by a final evaluation in early 2006. They could, if so desired, be expanded into a tool to monitor and measure progress in the implementation of projects lead by NATO, the EU, OSCE and the Stability Pact.

(2) Other training offers will include: (1) An advanced distributed learning course for mid-level border police management that could form the nucleus of a virtual border police academy for the Western Balkans. The e-learning component will be complemented by two field trips of 3 weeks each (to Northern Europe, and respectively to Germany, Hungary, Slovenia and Italy). (2) An annual two-week introductory course at junior level. Any DCAF training activities in this area will be closely co-ordinated with the European Commission and the OSCE.

The main emphasis of DCAF's programme will be on regional co-operation, strengthening transparency, openness, trust, and interoperability, but at the same time also national ownership. DCAF will work in close co-ordination with all other institutions offering assistance to Western-Balkan countries in order to create synergies and avoid duplication.

5. Review process

The Consultative Group of the four Partner Organisations, together with the committed countries of the region, will keep under review the concrete implementation of these measures, as agreed in the Common Platform. Each of the four Partner Organisations will make full use of its existing review mechanisms to ensure follow up and internal co-ordination.

Regular review meetings will be held to assess achievements on short-term objectives and consider further steps, on the basis of an updated inventory of needs and a review of the results of activities undertaken. Having this in mind, a first review meeting, at senior expert level, will take place before the end of 2003.

Annex G
(Informative)
Szeged Call for Action, November 2002

The Szeged Call For Action

Szeged, 13 November 2002

On 11th, 12th and 13th November 2002, 30 non-governmental representatives from South East European (SEE) states gathered in Szeged, Hungary with the shared objective of identifying ways for civil society to help stem the proliferation of small arms and light weapons in the region. The seminar was jointly organised by Saferworld (UK) and Szeged Centre for Security Policy (Hungary) as part of the ongoing Szeged Small Arms Process.

All participants noted the excessively high level of small arms diffusion across the SEE region. Given the well-known effects of uncontrolled proliferation of small arms and light weapons locally and internationally, they expressed serious concerns. In a region scarred by war and cultures of violence, they strongly emphasised the need for effective action to combat small arms proliferation in order to ensure that the rejection of armed violence is securely established as a societal norm.

The participants recognised that a broad range of initiatives will be required in the years ahead if this is to be achieved. They agreed that:

- Governments, local authorities, the international community and civil society must work together if efforts to improve the security of communities by stemming small arms proliferation are to be effective, and that additional expertise and resources are especially called for.

- Civil society has a key role to play, in raising public awareness about the dangers of small arms proliferation; in changing attitudes towards possession and use of firearms; in encouraging dialogue and public debate on these issues, and in holding governments to account for their actions to address the problem of small arms diffusion in the region.

- In order to better exchange information and experiences, and in order to co-ordinate and facilitate future common efforts, a regional network of NGOs was now established.

Annex H
(Informative)
Legislative and regulatory framework

The 'legislative and regulatory framework' table used to analyse countries' progress in the area of legislation and regulation of SALW, (included in each country chapter within Section 2 of this report), comprises categories of control measures or features prescribed by the various international and regional documents and agreements that SEE governments have made political commitments to implement.[1339] These documents represent international best practice on different aspects of legislative and regulatory control of SALW (for more information on these agreements, please see Section 1 – Introduction). Each country's individual commitments to the different documents or agreements are detailed in a combined table in the Introduction (Section 1), and in individual tables in the respective country chapter (Section 2).[1340]

The following international and regional agreements and documents, all of which have relevance for the South East European countries assessed in this report, are included in this analysis:

- The 1995 Wassenaar Arrangement On Export Controls for Conventional Arms and Dual-use Goods and Technologies
- The 1998 EU Code of Conduct on Arms Exports
- The 1998 Joint Action on the European Union's Contribution to Combating the Destabilising Accumulation and Spread of Small Arms and Light Weapons
- The 2000 OSCE Document on Small Arms and Light Weapons
- The 2003 OSCE Document on Stockpiles of Conventional Ammunition
- The 2001 Protocol Against the Illicit Manufacturing of and trafficking in Firearms, Ammunition and Other Related Materials (the 'Firearms Protocol')
- The UN 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects
- The 2001 Regional Implementation Plan 'Combating the Proliferation of Small Arms and Light Weapons' of the Stability Pact for South Eastern Europe

The provisions of the documents and agreements consulted are noted according to legislative or regulatory feature in the tables below, (where no reference has been given for a particular feature, this indicates that there is no specific reference in the relevant document or agreement to the feature).

1339 The format of the 'legislative and regulatory framework' table used in each country chapter borrows heavily from the table used to reflect national implementation of the United Nations 2001 Programme of Action in the 2003 Biting the Bullet / IANSA publication 'Implementing the Programme of Action 2003: Action by States and Civil Society'.

1340 In general, in the analysis of each country's legislation, the English language translations published on the SEESAC website have been used (www.seesac.org).

RELEVANT ARMS CONTROL AGREEMENT / FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	WASSENAAR ARRANGEMENT	EU CODE OF CONDUCT	EU JOINT ACTION	OSCE SA DOCUMENT	OSCE CA DOCUMENT	UN FIREARMS PROTOCOL	UN PROGRAMME OF ACTION	STABILITY PACT RIP
National								
National Co-ordinating Agency							UN PoA[1341]	RIP[1342]
National Point of Contact				OSCE SA Doc[1343]	(Voluntary) OSCE CA Doc[1344]	UN FP[1345]	UN PoA[1346]	RIP[1347]
Laws & Procedures on Production, Export, Import and Transit								
Legislation	WA[1348]	EU Code[1349]	EU JA[1350]	OSCE SA Doc[1351]		UN FP[1352]	UN PoA[1353]	RIP[1354]
Production			EU JA[1355]	OSCE SA Doc[1356]		UN FP[1357]	See 'Legislation' above	See 'Legislation' above
Export	WA[1358]	EU Code[1359]	EU JA[1360]	OSCE SA Doc[1361]		'Legislation' above	'Legislation' above	'Legislation' above
Import			EU JA[1362]	'Legislation' above		'Legislation' above	'Legislation' above	'Legislation' above
Transit				'Legislation' above		'Legislation' above	'Legislation' above	'Legislation' above

NATIONAL SYSTEM OF EXPORT & IMPORT LICENSING OR AUTHORISATION								
System				'Legislation' above		'Legislation' above	UN PoA[1363]	'Legislation' above
Diversion Risk		EU Code[1364]		OSCE SA Doc[1365]			UN PoA[1366]	
End-User Certificate			EU JA[1367]	OSCE SA Doc[1368]		UN FP[1369]	UN PoA[1370]	RIP[1371]
Re-transfers				OSCE SA Doc[1372]			UN PoA[1373]	
Verification (pre/post)				OSCE SA Doc[1374]		UN FP[1375]		
Brokering Controls	WA[1376]			OSCE SA Doc[1377]		UN FP[1378]	UN PoA[1379]	'Legislation' above
Domestic Possession, Trade & Stockpiling								
Legislation			EU JA[1380]	OSCE SA Doc[1381]		UN FP[1382]	UN PoA[1383]	'Legislation' above
Manufacture			EU JA[1384]	OSCE SA Doc[1385]			UN PoA[1386]	RIP[1387]
Marking and tracing	WA[1388]			OSCE SA Doc[1389]		UN FP[1390]	UN PoA[1391]	RIP[1392]
Possession			'Legislation' above				UN PoA[1393]	RIP[1394]
Stockpiling				OSCE SA Doc[1395]	OCSE CA Doc[1396]		UN PoA[1397]	RIP[1398]
Trade				'Export'/ 'Import' above			UN PoA[1399]	RIP[1400]

1341 Sub-section 4, Section II, Programme of Action to prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, UN Document A/CONF.192/15 (UN PoA).

1342 "Governments should designate a national-level entity to provide policy advice and coordinate and monitor the implementation of policies and strategies", Sub-section A, Section III Goals, Regional Implementation Plan: 'Combating the Proliferation of Small Arms and Light Weapons', Stability Pact for South Eastern Europe, November 2001 (RIP).

1343 Section VI: Final Provisions, OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00, 24 November 2000 (OSCE SA Doc).

1344 States can provide National Contact Points on a voluntary basis. Sections VII, OSCE Document on Stockpiles of Conventional Ammunition, FSC.DOC/1/03, 19 November 2003 (OSCE CA Doc).

1345 Articles 15 and 18, Revised Draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organised Crime, UN A/AC.254/4/Add.2/Rev.6 (UN FP).

1346 Sub-sections 5 and 24, Section II, UN PoA.

1347 "National focal points should be established as part of multi-disciplinary national coordinating mechanisms within each country in the region", Sub-section B, Section III Goals, RIP.

1348 In general, the WA does not specify particular commitments to legislative or regulatory requirements. It does however, make an assumption of a process of export licensing, Section V. and Appendix I, 'Purposes, Guidelines & Procedures, including the Initial Elements', December 2003. In addition, with specific reference to SALW, participating states agreed in 2003 to "ensure that these principles are reflected, as appropriate, in their national legislation and/or their national policy documents governing the export of conventional arms and related technology"; WA 'Best Practice Guidelines for Exports of SALW' adopted in December 2002 (WA SALW Guidelines), www.wassenaar.org.

1349 Adequate and appropriate legislative and regulatory systems would be required if countries were to fulfil their commitment to abide by the criteria laid down in the EU Code of Conduct for Arms Exports, 8 June 1998 (EU Code), and the principles contained in the Joint Action of the 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons (1999/34/CFSP) (EU JA).

1350 See footnote above.

1351 (B) Import, export and transit procedures and (C) Import, export and transit documentation, Section III, OSCE SA Doc.

1352 Article 11, UN FP.

1353 Sub-section 2, Section II, UN PoA.

1354 "Legislation and regulatory frameworks should be strengthened in line with European and international standards on the possession, manufacturing, marking, record keeping, storage, destruction and transfers of SALW" ... "This will be reflected in the endorsement of relevant European and international norms and standards (for example, the EU Code of Conduct on Arms Exports, OSCE CAT policy)". In addition, countries are encouraged to elaborate "integrated project proposals encompassing one or more of the following categories.... Preventing and Combating Illicit Trafficking. Development and strict implementation of existing agreements on illicit weapons trafficking - notably the UN Firearms Protocol, the OSCE Document on Small Arms and the UN Programme of Action..., Legislative and Administrative Capacity. Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons manufacturing, distribution and brokering, including marking and tracing, registration, and licensing regimes as well as the full criminalization of illegal activities. Ability to enforce existing laws ... Establishment and maintenance of an effective system of export, including re-export, and import licensing or authorisation for the transfer of all categories of Small Arms and Light Weapons, including development of an effective system of end-use controls and strengthened controls on transshipments of arms through the region", Sub-sections B and C, Section III Goals, RIP.

1355 The EU Joint Action outlines a commitment by countries to produce small arms only for legitimate national security needs or for export in accordance with international arms export criteria, Article 3 (c), EU JA.

1356 (i), Section I, OSCE SA Doc.

1357 Article 5, UN FP.

1358 The WA 'Best Practice Guidelines for Exports of SALW', adopted in December 2002, requires participating states to carefully evaluate SALW exports according to various criteria, including the risk of diversion. Section I, WA SALW Guidelines.

1359 Criteria and Operative Provisions, EU Code.

1360 Article 3 (b), EU JA.

1361 (A) Common Export Criteria, Section III, OSCE SA Doc.

1362 The EU Joint Action outlines a commitment by countries to import small arms only for legitimate national security needs, Article 3 (a), EU JA.

1363 Sub-section 2, Section II, UN PoA.

1364 Criterion 6, EU Code.

1365 2. (b) (vii) and (iii), (A) Common Export Criteria, Section III, OSCE SA Doc.

1366 Sub-section 11, Section II, UN PoA.

1367 The Joint Action includes a commitment to only supply small arms to governments "in accordance with appropriate international an regional restrictive arms export criteria... including officially authorized end-user certificates or, when appropriate, other relevant information on end-use". Article 3 (b), EU JA.

1368 States commit to refuse an export licence without "an authenticated end-user certificate, or some other form of official authorization (for example, an International Import Certificate) issued by the receiving State", 1. (C) Import, export and transit documents, Section III, OSCE SA Doc.

1369 The UN Firearms Protocol does not specify a requirement that an end-user certificate must be used in exporting firearms, however, it does specify that the "final recipient" must be included in the information contained in the export and import licence or authorization and accompanying documentation. 3., Article 11, UN FP.

1370 Sub-section 12, Section II, UN PoA.

1371 In addition to reference for RIP on legislation, "Regional efforts to fulfil agreed upon domestic measures should be stepped up. These measures include: Co-operating to strengthen end use controls, and the establishment of agreed minimum standards in this area", Sub-section B, Section III, RIP.

1372 2. (b) (vii), (A) Common Export Criteria, and 5. (B) Import, export and transit procedures, Section III, OSCE SA Doc.

1373 Sub-section 13, Section II, UN PoA.

1374 6. (B) Import, export and transit procedures, Section III, OSCE SA Doc.

1375 Recipient state to inform exporting state of receipt of shipment on request. 4., Article 11, UN FP.

1376 WA participating states' agreed in 2003 to "strictly control the activities of those who engage in brokering of conventional arms by introducing and implementing adequate laws and regulations"; 'Elements for Effective Legislation on Arms Brokering', 2003 WA plenary. In addition, participating states should "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"; Section II, WA SALW Guidelines.

1377 (D) Control over international arms-brokering, Section III, OSCE SA Doc.

1378 Article 18, UN FP.

1379 Sub-section 14, Section II, UN PoA.

1380 The EU Joint Action outlines a commitment by countries to establish "restrictive national weapons legislation for small arms including penal sanctions and effective administrative control". Article 3 (d), EU JA.

1381 3 (i), Section I, OSCE SA Doc.

1382 Under Article 5 of the Firearms Protocol, "Each State shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the following conduct, when committed internationally: (a) Illicit trafficking in firearms, their parts, components and ammunition; (b) Illicit manufacturing of firearms, their parts and components and ammunition; (d) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 9 of this Protocol". UN FP.

1383 Sub-section 3, Section II, UN PoA.

1384 The EU Joint Action outlines a commitment by countries to produce small arms only for legitimate national security needs or for export in accordance with international arms export criteria, Article 3 (c), EU JA.

1385 3 (i) and (iii), Section I, and (A) 1., Section II, OSCE SA Doc.

1386 Sub-section 3, Section II, UN PoA.

1387 "Regional efforts to fulfill agreed upon domestic measures should be stepped up. These measures include: ... Strengthening government control on all manufacturing of arms ammunition and associated materials", Sub-section B; in addition, Section III, RIP.

1388 The WA 'Best Practice Guidelines for Exports of SALW' requires participating states to support provisions concerning small arms marking. Section II, WA SALW Guidelines.

1389 3 (i), Section I, and (B), (C) and (D), Section II, OSCE SA Doc.

1390 Articles 8, 9 and 14, UN FP.

1391 Sub-sections 7 and 8, Section II, UN PoA.

1392 "Regional efforts to fulfill agreed upon domestic measures should be stepped up. These measures include: ... Developing effective systems of marking and tracing"; Sub-section B, Section III, RIP.

1393 Sub-section 3, Section II, UN PoA.

1394 "Such policies and strategies should be designed with a view toward elaborating integrated project proposals encompassing one or more of the following categories... Legislative and Administrative Capacity. Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons ... registration, and licensing regimes as well as the full criminalization of illegal activities. Ability to enforce existing laws and, where appropriate, develop procedures governing civilian possession of SALW." Sub-section C, Section III, RIP.

1395 Section IV, OSCE SA Doc.

1396 Sections I - IV, OSCE CA Doc.

1397 Sub-section 3, Section II, UN PoA.

1398 "Legislation and regulatory frameworks should be strengthened in line with European and international standards on the ...record keeping, storage, destruction...of SALW". Sub-section B, Section III, RIP.

1399 Sub-section 3, Section II, UN PoA.

1400 Countries are encouraged to elaborate "integrated project proposals encompassing one or more of the following categories.... Legislative and Administrative Capacity. Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons manufacturing, distribution and brokering...", Sub-section C. Specific Measures. Section III, RIP.

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