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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South Eastern Europe Small Arms and Light Weapons Monitor, SEESAC
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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 gradually 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 Albanian, Macedonian, Montenegrin and Serbian Governments all developed draft National SALW Control Strategies during 2004, and collection activities continued in Bosnia and Herzegovina and Kosovo under the auspices of SFOR and KFOR respectively. Thousands of surplus and collected SALW and ammunition have been destroyed, and virtually all 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 three 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 (SEENCA), 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 2004, local NGO-implemented SALW projects ranging from research to awareness-raising and campaigning were undertaken in every country in the region. UNDP SALW Control projects have moved from their preparatory assistance phases to full project
maturity in Bosnia and Herzegovina, Macedonia and Serbia and Montenegro. They are proving valuable technical and project development support to the continuing development and implementation of national strategies.

It is now recognised within the region that SALW Survey has become the accepted entry-point for all safe, effective and well-planned SALW control interventions. As such a national SALW Survey is a prerequisite for comprehensive SALW control and the development of an effective National SALW Control Strategy. National SALW Surveys have now taken place in Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Republic of Montenegro and the Republic of Serbia. Additionally the final surveys in the region, of Croatia and Moldova, are planned for late 2005.

This second 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. Clearly the agreement of the RIP and the establishment of SEESAC, alongside other developments and actors in the region, have had a positive impact. Having started from a very low base, the capacity of SEE governments and civil society organisations to work on SALW has consistently improved as a result of local actors’ efforts to work collaboratively on practical projects and the efforts of donors and international organisations to provide training and resources.

However, although all SEE governments have made important progress in terms of SALW control and many have given increased prioritisation to the issue, SALW must compete with numerous other priorities on the agendas of donors, governments, NGOs and international organisations alike. Maintaining enough momentum to see through the required changes to SALW policy and practice is an ongoing challenge for which non-governmental actors and key international organisations should shoulder much responsibility. The EU in particular should devote more attention to SALW in the accession and stabilisation processes which apply to SEE states. In this light and in order to avoid government and donor fatigue on the issue of SALW control in SEE, it may prove wise for the Stability Pact to either review the RIP or provide supplementary guidelines, which contain specific timelines and benchmarks for implementation.

Priorities for action on the part of governments include: the destruction of remaining SALW surpluses in accordance with commitments made under the OSCE Document on SALW of 2000, rather than the sale or indefinite storage of such stocks; the establishment and adoption of mechanisms, such as national commissions, strategies and actions, plans that enhance intra-governmental work on SALW control and provide a means to improve information exchange nationally and internationally; the strict adherence to those international agreements, which they are bound by or aligned with; and full participation in processes such as the UN PoA review and the Biennial Meeting of States in July 2005, information exchanges via INTERPOL and the SECI Centre Task Force. SEE governments should also work to further enhance transparency in line with EU standards through detailed annual reporting by governments of their arms transfer practices, supplementing this where possible by the publication of existing report formats such as OSCE submissions.

In this regard, undertakings by civil society aimed at encouraging government action on SALW and holding governments to account, can prove vital in moving the SALW agenda forward in the region. Although SEE civil society has made extremely valuable contributions by conducting awareness raising among the public and research to aid implementation, policy level work and advocacy remains an underdeveloped area which will be key to creating longer-term indigenous commitment to combating SALW problems.
Despite the fact that international donors and institutions have invested significant resources into stabilising the security situation in South Eastern Europe, remaining problems related to SALW continue to pose a threat to economic and social development, and in some cases to peace building. The international community should therefore continue to support SALW control programmes in the region, provided such programmes meet with the best international practices, represent a well targeted response to problems, are based on sound operational research and support a national SALW control strategy.

A commitment by all agencies that implement SALW control projects in the region to use existing best practice guidelines and build provisions for baseline research, monitoring and evaluation would provide a welcome boost to programme effectiveness and transparency. For their part, international donors and implementing agencies should also give ongoing consideration to questions of sustainability and local capacity building, whilst continuing the regionalization of operational resources such as the UNDP SALW projects and SEESAC. International technical support is still required, although this should be scaled down as local capacity is developed.

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 February 2005 to May 2005; 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.
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## Acronyms and abbreviations

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<tr>
<td>ABB</td>
<td>Army Border Brigades (Macedonia)</td>
</tr>
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<td>ADI</td>
<td>Association for Democratic Initiatives</td>
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<tr>
<td>AME</td>
<td>arms and military equipment</td>
</tr>
<tr>
<td>ANA</td>
<td>Albanian National Army</td>
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<td>ANCEX</td>
<td>Romanian National Agency on Export Control</td>
</tr>
<tr>
<td>AR</td>
<td>awareness-raising</td>
</tr>
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<td>ASDIT</td>
<td>Ammunition Storage and Disposal Implementation Team (NATO Albania)</td>
</tr>
<tr>
<td>AWJF</td>
<td>Albanian Women Journalists Forum</td>
</tr>
<tr>
<td>BCP</td>
<td>Border Check Point</td>
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<tr>
<td>BCPR</td>
<td>Bureau for Crisis Prevention and Recovery (UNDP)</td>
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<tr>
<td>BGT</td>
<td>Border Guard Troops</td>
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<tr>
<td>BICC</td>
<td>Bonn International Center for Conversion</td>
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<tr>
<td>BiH</td>
<td>Bosnia and Herzegovina</td>
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<td>BSEC</td>
<td>Black Sea Economic Co-operation Organisation</td>
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<tr>
<td>BYU</td>
<td>Balkan Youth Union</td>
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<tr>
<td>CARDS</td>
<td>(EU) Community Assistance for Reconstruction, Development and Stabilisation Programme</td>
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<tr>
<td>CBC</td>
<td>cross border cooperation</td>
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<td>CBP</td>
<td>community-based policing</td>
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<td>CEI</td>
<td>Central European Initiative</td>
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<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<td>CIVPOL</td>
<td>civilian police</td>
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<td>CJPOTF</td>
<td>Combined Joint Psychological Operations Task Force</td>
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<td>CPA</td>
<td>Civil Protection Authority</td>
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<tr>
<td>CSD</td>
<td>Center for the Study of Democracy</td>
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<tr>
<td>CSMRB</td>
<td>Central Base for Storage and Technical Maintenance and Repair</td>
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<td>CSS</td>
<td>Centre for Security Studies (BiH)</td>
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<tr>
<td>DEPC</td>
<td>disarmament education and peaceful culture</td>
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<td>DfiD</td>
<td>Department for International Development</td>
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<td>DOS</td>
<td>Democratic Opposition of Serbia</td>
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<td>DUI</td>
<td>Democratic Union for Integration</td>
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<td>EAPC</td>
<td>Euro-Atlantic Partnership Council</td>
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<td>EAR</td>
<td>European Agency for Reconstruction</td>
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<td>EOD</td>
<td>Explosive Ordnance Disposal</td>
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<td>EODASTT</td>
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<td>European Union</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>EUC</td>
<td>end-user certificate</td>
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<td>EUMM</td>
<td>European Union Monitoring Mission</td>
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<td>EUPM</td>
<td>European Union Police Mission</td>
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<td>EURISC</td>
<td>European Institute for Risk Security and Communications Management</td>
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<tr>
<td>Europol</td>
<td>European Police Office</td>
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<td>EXBS US</td>
<td>Export Control and Related Border Security programme</td>
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<td>FBI</td>
<td>Federal Bureau of Investigation</td>
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<td>FIQ</td>
<td>Forum for Civic Initiatives</td>
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<td>FRY</td>
<td>Federal Republic of Yugoslavia</td>
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<td>GD</td>
<td>government decision</td>
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<td>GO</td>
<td>government ordnance</td>
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<td>GPP</td>
<td>Gramsh Pilot Project</td>
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<td>GSZ</td>
<td>Ground Safety Zone</td>
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<td>HDZ</td>
<td>Croatian Democratic Union</td>
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<td>IANSA</td>
<td>International Action Network on Small Arms</td>
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<td>ICITAP</td>
<td>International Criminal Investigative Assistance Training Program</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>IDP</td>
<td>internally displaced person</td>
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<td>IDSCS</td>
<td>Institute for Democracy, Solidarity, and Civil Society</td>
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<tr>
<td>IFOR</td>
<td>Implementation Force (NATO)</td>
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<td>IIC</td>
<td>international import certificate</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>IPP</td>
<td>Institute for Public Policy</td>
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<td>ISAC</td>
<td>Illicit Small Arms Control (UNDP Kosovo)</td>
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<td>ISSEE</td>
<td>International School of Search and Explosive Engineering</td>
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<tr>
<td>IWETS</td>
<td>Interpol Weapons and Explosives Tracing System</td>
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<tr>
<td>IWPR</td>
<td>Institute for War and Peace Reporting</td>
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<tr>
<td>JCWE</td>
<td>Journalists for Children and Women Rights and Protection of the Environment</td>
</tr>
<tr>
<td>JNA</td>
<td>Yugoslav National Army</td>
</tr>
<tr>
<td>KFOR</td>
<td>Kosovo Force (NATO)</td>
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<tr>
<td>KLA</td>
<td>Kosovo Liberation Army</td>
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<tr>
<td>KPC</td>
<td>Kosovo Protection Corps</td>
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<tr>
<td>KPS</td>
<td>Kosovo Police Service</td>
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<tr>
<td>LCEFA</td>
<td>Law for Control on Explosives, Firearms and Ammunition</td>
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<tr>
<td>MEP</td>
<td>multi-ethnic police</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
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<td>MFTER</td>
<td>Ministry of Foreign Trade and Economic Relations</td>
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<tr>
<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>MNB</td>
<td>multi-national brigade</td>
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<td>MoD</td>
<td>Ministry of Defence</td>
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<tr>
<td>MoE</td>
<td>Ministry of Economy</td>
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<tr>
<td>MoI</td>
<td>Ministry of the Interior / Internal Affairs</td>
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<tr>
<td>MoPO</td>
<td>Ministry of Public Order</td>
</tr>
<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
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<tr>
<td>MTR</td>
<td>Moldovan Transdniestrian Republic</td>
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<tr>
<td>NAMSA NATO</td>
<td>Maintenance and Supply Agency</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<tr>
<td>NCIS</td>
<td>National Criminal Intelligence Service (UK)</td>
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<td>NDC</td>
<td>National Demilitarization Centre (Albania)</td>
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<tr>
<td>NGO</td>
<td>non-governmental organisation</td>
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<td>NISAT</td>
<td>Norwegian Initiative on Small Arms Transfers</td>
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<td>NLA</td>
<td>National Liberation Army</td>
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<tr>
<td>OGRF</td>
<td>Operative Group of Russian Forces</td>
</tr>
<tr>
<td>OHR</td>
<td>Office of the High Representative of Bosnia and Herzegovina</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<tr>
<td>PoA</td>
<td>Programme of Action (UN)</td>
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<tr>
<td>PAI</td>
<td>public awareness and information</td>
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<tr>
<td>PfP</td>
<td>Partnership for Peace</td>
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<td>PISG</td>
<td>Provisional Institution of Self-Government (Kosovo)</td>
</tr>
<tr>
<td>PPD</td>
<td>Albanian Party for Democratic Prosperity</td>
</tr>
<tr>
<td>RACVIAC</td>
<td>Regional Arms Control and Verification Implementation Assistance Centre</td>
</tr>
<tr>
<td>RBP</td>
<td>Romanian Border Police</td>
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<tr>
<td>RIP</td>
<td>Regional Implementation Plan</td>
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<td>RMDS</td>
<td>Regional Micro-Disarmament Standards and Guidelines</td>
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<tr>
<td>RS</td>
<td>Republika Srpska (BiH)</td>
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<td>RSG</td>
<td>Regional Steering Group</td>
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<tr>
<td>SACIM</td>
<td>Small Arms Control in Macedonia</td>
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<td>SALW</td>
<td>Small Arms and Light Weapons</td>
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<td>SALWC</td>
<td>Small Arms and Light Weapons Control</td>
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<td>SALWCP</td>
<td>Small Arms and Light Weapons Control Project</td>
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<tr>
<td>SAP</td>
<td>stabilisation and association process</td>
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<td>SAS</td>
<td>Small Arms Survey</td>
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<td>SASP</td>
<td>SALW Awareness Support Pack</td>
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<td>SBS</td>
<td>State Border Service (BiH)</td>
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<tr>
<td>SCG</td>
<td>State Union of Serbia and Montenegro</td>
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<tr>
<td>SDSM</td>
<td>Social Democratic Union of Macedonia</td>
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</tbody>
</table>
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
1 Introduction

1.1 Small Arms Problem in South Eastern Europe

The proliferation and illicit trafficking of small arms and light weapons (SALW) is a serious problem in many parts of the world, fuelling crime, generating insecurity and undermining conflict prevention and peace building efforts. The countries of South Eastern Europe, some of which have experienced violent conflict, and all of which remain in transition, have grappled with the challenges posed by SALW in recent years.

In most countries a combination of past conflict and weak state institutions, or both, has resulted in varying degrees of control over the possession, use and trade in weapons. Accompanying factors, such as limited police performance, corruption and the growth of organised crime and trafficking networks, have served to both justify illicit weapons possession in the minds of many and permitted the continued transfer and possession of illegal SALW. The activities of established criminal networks coupled with porous borders and weak arms export controls has in the past resulted in weapons being trafficked to Western Europe and beyond, including in some cases to conflict zones. Problems with cooperation and exchange of information, either at a national level between the different relevant departments or agencies, or internationally between governments, have also been evident. Lastly, governments in the region are also dealing with the challenge of restructuring military and police forces, and the consequent disposal of substantial stockpiles of now outdated weaponry and ammunition, which continue to grow as downsizing progresses.

2.2 Small Arms Policy and Practice in South Eastern Europe

In the context of peace support operations by the international community in Kosovo, the Former Yugoslav Republic of Macedonia (hereafter referred to as ‘Macedonia) and Bosnia, and the drive towards Euro-Atlantic integration by SEE governments, significant reforms have been undertaken by SEE governments and valuable changes to policy and practice have been introduced. Commitments made by SEE governments to a range of initiatives on SALW have helped to encourage and facilitate action on SALW by providing policy frameworks and guidance.

The Stability Pact Regional Implementation Plan (RIP), ‘Combating the Proliferation of Small Arms and Light Weapons’ was agreed by the South East European Stability Pact states in November 2001, with the broad aims of reducing the flow and availability of SALW in the region and thereby supporting the socio-economic conditions for peace and development in South Eastern Europe. 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. Eight South East European countries have declared their support for the RIP - Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Moldova, Romania and Serbia and Montenegro.

The participation of countries is organised through a Regional Steering Group (RSG) composed of representatives from all governments involved (National Focal Points), and observers from key organisations or agencies (such as NATO, OSCE etc.). Meeting twice a year, the RSG acts as a regional governmental forum for progress on the Plan and oversees

1 The full text of the Regional Implementation Plan is included in Annex 5.1 of this report.
the work of the ‘Clearinghouse’ that was set up to provide additional practical assistance for governments. 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, a joint project of the Stability Pact and the United Nations Development Programme (UNDP), is based in Belgrade and has the mandate to provide technical support, strategic guidance, develop best practice on the various areas of SALW control, and support resource mobilization to implementers in the region.

In November 2000, OSCE states, including the countries of SEE, adopted the OSCE Document on Small Arms and Light Weapons, which outlines strategic measures aimed at fostering responsible behaviour with regard to the transfer of small arms, including provisions on regional co-operation and commitments to combat illicit trafficking and confidential information exchange. In December 2003 OSCE states agreed a second document, the OSCE Document on Stockpiles of Conventional Ammunition, which deals with the risks arising from surplus stockpiles of conventional ammunition, explosive material and detonating devices and offers practical mechanisms for national capacities and assistance to address them.

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 entered into force on 25 April 2005 after Zambia became the fortieth nation to ratify it. 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.

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; licensing of manufacturers; and the criminalisation of 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, the strengthening of global tracing and policing mechanisms and co-operation with civil society. All SEE states attended the Conference and have reported on PoA implementation both in writing and at subsequent review meetings such as the 2003 Biennial Meeting of States.

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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 policies to control the items and technologies contained in the WA lists of Dual-use Goods and Technologies and Munitions.\textsuperscript{4}

The European Union Code of Conduct on Arms Exports, agreed in 1998, 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 arms 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.

\textsuperscript{4}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. <http://www.wassenaar.org/docs/best_practice_salw.htm>
### Table 1: SEE countries’ commitments to Arms or SALW Control Agreements

<table>
<thead>
<tr>
<th>Country</th>
<th>Albania</th>
<th>BiH</th>
<th>Bulgaria</th>
<th>Croatia</th>
<th>Macedonia</th>
<th>Moldova</th>
<th>Romania</th>
<th>SCG</th>
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</thead>
<tbody>
<tr>
<td><strong>Arms or SALW Control Agreement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>UN Firearms Protocol</td>
<td>-</td>
<td>-</td>
<td>February 2002</td>
<td>Acceded November 2004</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>EU Joint Action on SALW</td>
<td>-</td>
<td>-</td>
<td>December 1998</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>December 1998</td>
<td>-</td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td>No, but submitted application to join</td>
<td>-</td>
<td>July 1996</td>
<td>No, but submitted application to join</td>
<td>N/A</td>
<td>-</td>
<td>April 1996</td>
<td>-</td>
</tr>
</tbody>
</table>

<sup>5</sup> 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.

<sup>6</sup> The Code was incorporated into domestic legislation in 2003, see Section 2 – Bosnia and Herzegovina below.
1.3 Monitoring progress on combating SALW: SEE SALW Monitor

Three and a half years on from the creation of the Stability Pact Regional Implementation Plan on SALW, it is appropriate to examine the progress made to date by countries in the region on combating SALW problems, in order to initiate further discussion about future needs and priorities.

The purpose of the present report - the South Eastern Europe Small Arms and Light Weapons Monitor - is to provide an overview of how the countries of South Eastern Europe have progressed towards fulfilling their commitments on SALW control. This second edition of the report builds on the findings of a first edition published in early 2004. Since the Stability Pact for South Eastern Europe’s Regional Implementation Plan is the most inclusive and regionally relevant document, representing governments’ commitments in the area of SALW control, it is the main benchmark used in this report. Other commitments, such as those detailed above, are however given consideration. This report does not, however, represent a technical verification system or a formal inspection report. Its role is to collect relevant information and to present it in an organised way in order to facilitate monitoring, discussion and assessment of progress on SALW control, particularly under the RIP.

Funded by SEESAC, the research and writing of the report was undertaken by Saferworld, an independent non-governmental organisation based in London, together with a number of research partners from SEE. The contents therefore reflect an independent and objective presentation of factual information on SEE countries’ responses to SALW problems within the RIP Framework. The report consists of three main sections: this introductory section; analysis of each country’s progress in each of the areas of activity covered by the RIP; an overview section of donor support for SALW projects in the region; 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 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.

1.4 Progress to date – a regional overview

Given the varied nature of the SALW problems facing individual SEE countries, implementation of the Stability Pact RIP must ultimately be judged on a country by country basis. Accordingly, Section 2 of this report covers the progress made by each SEE government in the region. A summary of progress across the region by thematic area is, however, also provided below and should prove valuable.

1.4.1 Legislative and regulatory issues

Legislation governing civilian weapons possession is similar in all SEE countries as a licence is required for the possession of active firearms and, in most countries, a two-tier system of application for a permit to purchase a weapon and a subsequent licence to possess and/or carry a weapon is needed. Since 2001, new laws and regulations related to the possession

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7 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.
of SALW have been introduced in Croatia, Macedonia, Romania and SCG (Montenegro but not Serbia). Draft laws are being prepared in BiH (both in RS and FBiH). However, despite reforms, problems are still apparent in areas, including the issuing of licenses to civilians and the enforcement of possession laws.

New legislation and regulations in the area of arms transfer controls have been introduced since 2000 in Albania, BiH, Bulgaria, Croatia, Macedonia, Moldova, Romania and Serbia and Montenegro. In most cases the new legislation appears to have had a positive impact on the level of control exercised over SALW exports from the region. In most cases however it is difficult to assess precisely how policy progress has contributed to changes in practice since that there exists very little publicly accessible information published by states on arms exports and very little parliamentary or civilian oversight of decision-making in this area.

It is also encouraging that a number of states have incorporated EU standards and directives into domestic legislation, and it is to be hoped that these commitments are effectively implemented in practice with regard to both domestically produced SALW and also surplus SALW that may be slated for sale and export abroad.

SEE governments have received assistance to jointly review their arms laws by the SEESAC Arms Law Process, which brought representatives from all SEE countries together to discuss ways of improving legislation on domestic possession and arms transfer in 2002 and 2004. In addition, foreign governments (particularly Canada, US and UK) have provided trilateral support on request to a number of states that wished to review outmoded legislation.

Gaps remain, however, and although some countries have introduced more comprehensive legislation regarding the production and transfer of arms, which provides for criteria such as human rights and conflict to be taken into account when issuing licences, the administrative systems required to properly implement such laws often fall short. More sophisticated considerations, such as the licensed production of weapons, their transit, retransfer or transhipment and post-shipment verification are not taken into account in many cases.

### 1.4.2 SALW transfers

Past examples of trafficking from the region, or of officially sanctioned SALW transfers to sensitive destinations, show that in some cases control over exports was previously weak. As noted above, there is still scope to further improve legislation and implementation in this area. However, government departments responsible for administration and implementation, in the complex area of export licensing and compliance with international standards, often lack adequate institutional capacity. Continued support is required to overcome these shortcomings. Given the widespread presence of organised criminal networks, it is not surprising that SALW smuggling continues to occur in SEE, albeit on a much reduced scale in comparison with previous years. Alongside the need for more effective control of arms exports, continued improvements in the capacity and co-ordination of border control agencies and police is needed in the medium to long term. Many states have already taken important steps in this area. Several countries have established anti-trafficking units and regional co-operation is increasing through valuable initiatives such as the SECI Center SALW Task Force.
1.4.3 SALW collection programmes and capacities

Much has been done in this area by national governments, regional and international organisations and NGOs. Albania, BiH, Croatia, Macedonia, Montenegro, Serbia and Kosovo have all run voluntary weapons collection programmes in recent years, which with the exceptions of Kosovo and Montenegro, have proved successful in numerical terms. Novel variations have also been introduced in the course of these initiatives, such as UNDP Macedonia’s ‘Weapons in Exchange for Incentives’ scheme (see Section 3.3 ‘SALW collection programmes and capacities of the Macedonia country chapter). The results in terms of collected weapons totals are not, however, the real indicators of success. Bringing illicit weapons under legal control, an increased awareness of the dangers of SALW and reinforcing post-conflict confidence are other important areas addressed by weapons collections. It is to be hoped that any future weapons collections will be undertaken following detailed needs assessments of the kind that national SALW surveys provide. With the exception of the collection efforts in Macedonia, this has not hitherto been the case.

In addition to voluntary weapons collections, seizures by security forces continue to make inroads into the societal supply of illicit SALW, albeit with varying degrees of commitment and effectiveness.

1.4.4 SALW destruction programmes and capacities

All countries in the region now have at least some capacity to destroy surplus weapons and ammunition, and substantial progress has been made in disposing of stocks since 2001. 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. Although substantial amounts of SALW and ammunition have now been destroyed by the governments of the region, often with the support of international donors, further destruction continues to be a priority, whether for reasons of public safety as in Albania, BiH and Moldova, or simply because existing levels of surplus are unduly large. In other countries where less of an immediate threat is posed by existing stocks, such as Croatia, Bulgaria and Serbia, substantial surpluses remain and efforts should continue, particularly in the light of SEE countries’ existing international commitments to destroy surpluses under the OSCE Document on SALW of 2000. These commitments have not been met in several cases. External support is likely to be required in this area over the medium term as SEE military forces restructure and downsize to meet NATO accession requirements.

1.4.5 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. There are, however, some indications that stockpile management practices are not in accordance with either international security or safety standards in many countries and that weaponry is stored in potentially unsafe and insecure conditions in several countries. Once again, continued attention by governments, international organisations, such as NATO, donors and civil society is necessary in this area in order to minimise safety and security threats over time.
1.4.6 SALW awareness activities

To date, awareness raising on SALW has been undertaken in all SEE countries, though only on a limited basis in Moldova, Romania and Bulgaria. Campaign goals have included raising awareness of the dangers of SALW and encouraging the public to voluntarily surrender illicit SALW. While most awareness campaigns have been rated as successful by their organisers, it is impossible to make any objective judgement of the impact of most campaigns, as ‘baseline’ research on the knowledge, attitudes, perceptions and behaviours of target groups has generally not been conducted in the early stages.\(^8\) In addition, most SALW awareness raising projects undertaken in the region have been short-lived exercises designed to support weapons collection programmes. Lasting behavioural change is more likely to be yielded by longer-term programmes.

1.4.7 SALW survey activities

An ever greater amount of management information is now being provided to practitioners in SEE in the form of national SALW surveys and, to date, it is only in Croatia, Moldova and Romania where the SALW situation has not been comprehensively analysed by operational researchers. The quality, depth and degree of local ownership over these studies has improved with each SALW survey, and the introduction of a standardised methodology by UNDP-SEESAC and the Geneva-based organisation Small Arms Survey now allows research to be conducted to an internationally recognised model, allowing comparisons across countries.\(^9\) In addition, smaller-scale, localised surveys, opinion polls, needs assessments, evaluations and policy-oriented research have also been undertaken, primarily by NGOs.

1.4.8 Civil Society involvement in SALW interventions

Since 2000, when NGOs and media activities on SALW control initiatives was primarily restricted to Albania, there has been a substantial increase in civil society activity on SALW in SEE, to the point where some form of activity has now been undertaken either by local media or NGOs in all SEE countries. Training events run by actors such as Pax Christi, Saferworld, SEESAC and the Institute of War and Peace Reporting have begun to address the skills gap which hitherto existed among local civil society in areas such as monitoring SALW destruction, advocating for policy change and reporting on the arms trade. Weapons amnesties in several countries have provided opportunities for civil society to carry out supporting awareness raising actions. In addition, a number of local NGOs or think tanks have now undertaken research on SALW, either during stand-alone projects or as part of national SALW surveys commissioned in the region.

Regional co-operation between NGOs has continued to develop, particularly through the South East European Network for the Control of Arms (SEENCA), originally borne out of a meeting of the Szeged Small Arms Process in 2002. However, competition between NGOs for funding and the lingering attitude that civil society should not meddle in security issues continue to hamper efforts to increase cross-border cooperation between NGOs and with governments. An understanding of the valuable role that civil society can play as a vital

\(^8\) 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 peace-keeping forces.

bridge between the state and communities and as a legitimate driver for change continues to develop slowly.

1.4.9 Cross-border SALW control initiatives

All SEE governments have established protocols and systems for cross-border co-operation, either on a bi-lateral or at the regional level. 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.10 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.

However, much remains to be done 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. 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. Ongoing support is also required from international donors. Hitherto, donor funding has tended to focus on hot issues, such as the trafficking of drugs, people or WMD. If the impact of capacity-building projects is to be maximised, it is crucial that they include elements relevant to all trafficked commodities, including SALW.

1.4.10 SALW management information and exchange systems and protocols

Despite progress 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 Centre in Bucharest, whose anti-trafficking task forces include an information exchange on illicit arms seizures; all are members of INTERPOL; and all have at least begun negotiations on co-operation agreements with EUROPOL. SEE governments are also participating in the information exchanges on SALW required under agreements such as the UN PoA and OSCE Document on SALW. However, the quality of information exchange in all of the above fora and processes varies considerably from state to state. For example, SEE countries’ reports to the UNDDA within the UN PoA framework have ranged from detailed and timely implementation reports of many pages, to short statements or letters.

Although the Stability Pact Working Table III, the Regional Steering Group and SEESAC itself have provided new avenues for regional co-ordination between governments and the numerous SALW actors in the international community, weaknesses still remain in this area. The system of National SALW Focal Points (NFPs) established by the Stability Pact has been described as a “weak point” in the RIP framework11 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, inconsistent

10 See Annexes 5.4 and 5.5 for the Ohrid Common Platform and Way Forward Document.

provision of information by NFPs from different countries and lack of coordination between government departments within states.

In terms of public transparency, progress to date has been slow and substantial problems still exist. In many cases official information on SALW is still difficult to find, though governments have become progressively better at providing web pages on arms control policies and legislation. In 2003, Romania was the first SEE country to publish an annual report on arms exports and this has since been followed by BiH. As yet no governments have full parliamentary oversight on SALW policy development and export licence decision-making, and there is an ongoing need for NGO and parliamentary lobbying for increased transparency on SALW issues from governments, as such activities have been only minimal so far.

In general, more official information on SALW should be made public. There is, for example, a strong case for publication of the OSCE information-exchange submissions and for increased transparency on SALW production and transfer. That said, the challenges government officials face in collecting, collating and publishing information on this topic should not be underestimated. International support to train officials and build effective administrative systems and capacity is certainly required.

1.5 Future Priorities

This second 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. Clearly the agreement of the RIP and the establishment of SEESAC, alongside other developments and actors in the region, have had a positive impact. Having started from a very low base, the capacity of SEE governments and civil society organisations to work on SALW has consistently improved as a result of local actors’ efforts to work collaboratively on practical projects and the efforts of donors and international organisations to provide training and resources.

However, although all SEE governments have made important progress in terms of SALW control and many have given increased prioritisation to the issue, SALW must compete with numerous other priorities on the agendas of donors, governments, NGOs and international organisations alike. Maintaining enough momentum to see through the required changes to SALW policy and practice is an ongoing challenge for which non-governmental actors and key international organisations should shoulder much responsibility. The EU in particular should devote more attention to SALW in the accession and stabilisation processes which apply to SEE states. In this light and in order to avoid government and donor fatigue on the issue of SALW control in SEE, it may prove wise for the Stability Pact to either review the RIP or provide supplementary guidelines, which contain specific timelines and benchmarks for implementation.

Priorities for action on the part of governments include: the destruction of remaining SALW surpluses in accordance with commitments made under the OSCE Document on SALW of 2000, rather than the sale or indefinite storage of such stocks; the establishment and adoption of mechanisms, such as national commissions, strategies and actions, plans that enhance intra-governmental work on SALW control and provide a means to improve information exchange nationally and internationally; the strict adherence to those international agreements, which they are bound by or aligned with; and full participation in processes such as the UN PoA review and the Biennial Meeting of States in July 2005, information exchanges via INTERPOL and the SECI Centre Task Force. SEE governments
should also work to further enhance transparency in line with EU standards through detailed annual reporting by governments of their arms transfer practices, supplementing this where possible by the publication of existing report formats such as OSCE submissions.

In this regard, undertakings by civil society aimed at encouraging government action on SALW and holding governments to account, can prove vital in moving the SALW agenda forward in the region. Although SEE civil society has made extremely valuable contributions by conducting awareness raising among the public and research to aid implementation, policy level work and advocacy remains an underdeveloped area which will be key to creating longer-term indigenous commitment to combating SALW problems.

Despite the fact that international donors and institutions have invested significant resources into stabilising the security situation in South Eastern Europe, remaining problems related to SALW continue to pose a threat to economic and social development, and in some cases to peace building. The international community should therefore continue to support SALW control programmes in the region, provided such programmes meet with the best international practices, represent a well targeted response to problems, are based on sound operational research and support a national SALW control strategy. A commitment by all agencies that implement SALW control projects in the region to use existing best practice guidelines and build provisions for baseline research, monitoring and evaluation would provide a welcome boost to programme effectiveness and transparency. For their part, international donors and implementing agencies should also give ongoing consideration to questions of sustainability and local capacity building, whilst continuing the regionalization of operational resources such as the UNDP SALW projects and SEESAC. International technical support is still required, although this should be scaled down as local capacity is developed.
2 Country Assessments

This report presents progress towards the Regional Implementation Plan 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 on each country’s progress so far (largely based on the functional areas defined by SEESAC). These sub-sections of SALW control activities are as follows:

- **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, please see Annex 4.3).

- **SALW transfers** – this section provides an overview of each country’s current and recent SALW transfers (exports, imports, transit, transhipment and re-export), focussing 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 focuses more 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 countries’ efforts to combat SALW, for example, community-based policing initiatives or the development of national SALW action plans.
Albania

1 Small Arms problem

Following the end of the Second World War and the establishment of the totalitarian regime headed by Enver Hoxha, Albania became isolated, with virtually no contact outside its borders. During this period a highly developed system of national and civil defence was established and implemented according to ‘a policy of armed self-isolation’. Intricate defensive systems were created, including a network of around 250,000 pillbox shelters and hundreds of ammunition and weapons depots. In 1997 during a period of economic and political crisis, members of the public comprehensively looted the vast military stockpiles that state security forces had established for defensive purposes with apparently ‘little resistance on the part of the police or the armed forces.’ The Albanian Government estimates that a total of approximately 520,000 SALW and close to 900 million rounds of ammunition were removed from government control in 1997. According to official estimates, of these weapons approximately 200,000 remain in the hands of civilians, 200,000 have been recovered during the various weapons collection programmes and up to 150,000 weapons may have been trafficked out of the country. The high level of illicit SALW proliferation in the country is in sharp contrast to the number of registered weapons – some 66,000 as of 2004.

Despite the progress made on collecting looted weapons from the civilian population, public ownership of illicit SALW is still widespread in Albania, particularly in rural areas. This poses an ongoing problem for both law enforcement agencies and communities alike, with

1 Although it has often been stated that around 800,000 pillboxes were constructed, the former Chief Engineer of the AAF, Col. Sallillari, has indicated that the figure was nearer 250,000. Correspondence with Adrian Wilkinson, Team Leader, SEESAC, 14 May 2005.


4 Interview, MoD officials, 14 April 2005. Given the initial confusion surrounding the looting of these weapons, and the difficulty of conducting a full inventory at the time, initial estimates were much higher, in the order of 600,000. UNDP Albania SALW project website, <http://www.undp.org.al/salwc/?background>, accessed 15 April 2005.

5 In fact the exact number of weapons that left Albania in this period is not known, the number is assumed to be large because of the demand created by the conflicts in Kosovo and Macedonia. One estimate by the MoPO order police estimated the number of trafficked weapons as being up to 150,000. See UNDP Albania SALW project website, <http://www.undp.org.al/salwc/?background>

the regular occurrence of both armed crime and accidents. In rural areas these problems are further compounded by the historic practice of blood feuding and long established traditions of weapons possession. Given the country’s proximity to countries that have recently experienced conflicts such as Macedonia, Kosovo and Serbia and Montenegro, as well as Greece and Italy, Albania has at times been severely affected by trafficking of drugs, human beings and weapons. The violent activities of organised criminal networks that operate both within the country and across its borders are well served by the easy availability of SALW, and their activities continue to undermine public security.

Control over registered SALW is another area of potential concern, particularly in light of the fact that a large number of forces are authorized to carry weapons (including the regular police, border police, forestry police, finance police, energy police, intelligence service and private security firms). 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 it still has a rather outdated paper-based system of firearms registration. The military also lacks a computerized system of weapons registration – one of the goals specified by the Partnership for Peace (PFP) programme. Although support has been provided via UNDP Albania and SEESAC to set up computerised accounting systems at both the MoD and the MoPO, resource limitations and personnel changes have prevented the system being rolled out beyond HQ level in both cases.

Also of concern are the substantial stocks of ageing weapons and ammunition currently held in military depots across the country. Security issues notwithstanding, some of these stores pose a significant risk to public health either because of poor storage in the depots themselves, or their unduly close proximity to residential areas. Finally, although plans are under way to upgrade Albania’s regulatory system, the current legislative framework governing SALW production and transfer falls short of EU norms and reaching them will mean considerable adjustments.

2 Small Arms policy and practice

Since the 1997 crisis Albania has made significant progress towards reform of arms policy and practice. 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 involved in supporting military reform, and a NATO cell has been established in Tirana to help coordinate activities between the various international and bilateral organisations working to assist Security Sector Reform (SSR). Following the crisis of 1997 the Albanian police also began the slow process of creating a modern police force based on more democratic models. Organisations such as the OSCE, ICITAP, UNDP, Saferworld and the European Commission are involved in supporting this reform. Further bilateral assistance has come from countries such as the US, Denmark, Italy and Greece. As party to the Stability Pact Regional Implementation Plan, the UN Programme of Action on

7 For example in October 2004, Albanian police in an armoured vehicle raided a ‘lawless village’, Lazarat, a no-go-area for police where marijuana is openly grown, in search of a fugitive. A gun battle ensued in which several villagers were injured. In the same area in August 2004, an Italian police helicopter operating with government permission was fired upon with a machine-gun by villagers. ‘Bullets Fly as Police Hit Albania Wild West Village’, Reuters, 30 October 2004.


SALW, the OSCE SALW Documents on SALW and Ammunition Stockpiles, and more recently by aligning itself to the EU Code of Conduct, Albania has made wide-ranging commitments in the sphere of arms control. Albania has also been active in the field of combating illicit trafficking, acting as the proposer country for both the SALW-specific Task Force’s ‘Operation Ploughshares’ and ‘Operation Safe Place’ within the SECI Regional Centre for Combating Trans-border Crime and collaborating with neighbouring countries on a bilateral basis.

The various problems caused by illicit SALW proliferation have led the Government to recognise that the uncontrolled proliferation of small arms is a destabilising factor in terms of regional, as well as national security. Albania’s main policy focus in respect to small arms proliferation has been to initiate and support amnesty and collection efforts and to fight illicit trafficking. The Government moved quickly in the wake of the events of 1997, creating a centralised and high-level weapons collection commission that has overseen government efforts to collect weapons from the civilian population with very positive results. More recently a more comprehensive approach to SALW control has been initiated with the introduction of new laws on arms transfers and the drafting of a comprehensive national strategy on SALW control, which is to be overseen by an inter-ministerial commission. The draft strategy includes fields of operation, an action plan, a coordination and development plan and financial requirements, as well as setting out priority areas for action: awareness, collection and destruction. The strategy was reviewed by SEESAC for comments and at the time of writing was yet to be approved.

Table 1: Albania’s commitments to Arms or SALW Control Agreements

<table>
<thead>
<tr>
<th>Arms or SALW Control Agreement</th>
<th>Albania’s Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability Pact Regional Implementation Plan</td>
<td>November 2001</td>
</tr>
<tr>
<td>UN Programme of Action</td>
<td>July 2001</td>
</tr>
<tr>
<td>UN Firearms Protocol</td>
<td>No</td>
</tr>
<tr>
<td>OSCE Document on Small Arms</td>
<td>November 2000</td>
</tr>
<tr>
<td>OSCE Document on Stockpiles of Conventional Ammunition</td>
<td>December 2003</td>
</tr>
<tr>
<td>EU Code of Conduct</td>
<td>August 2003¹⁴</td>
</tr>
<tr>
<td>EU Joint Action on SALW</td>
<td>-</td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td>No, but submitted application to join</td>
</tr>
</tbody>
</table>


¹² 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. Article 10, Law No. 9018, ‘For Collection of Weapons, Ammunition and Other Military Materials’, 06 March 2003.


¹⁴ Decision No.604 ‘For the general approval of the EU Behaviour Code on the weapons export,’ 28 August 2003.
2.1 SALW production

Although Albania once manufactured an extensive range of SALW, ammunition and explosives, little or no arms production is underway at the present time.\(^{15}\) Those facilities previously active in the production of weapons (Gramsch) and ammunition (Polican) are now almost exclusively surviving on the basis of demilitarisation contracts. Two exceptions are the production of commercial explosives (Mjekes), often for foreign export,\(^{16}\) and the intermittent small-scale production of ammunition at the Polic an facility for markets in Turkey and the US.\(^{17}\) Requests for newly made items are apparently received with interest by the Military Export Import Company (MEICO). According to the current MEICO head, however, with production capacities depleted by neglect and the competition in neighbouring states strong, the obstacles to re-starting production on any scale are felt to be too huge.\(^{18}\) One exception to this may be the ammunition production facility in Polic an. During a visit to the town by the Albanian Defence Minister to commemorate the plant’s 40th anniversary in March 2005 it was announced that the ‘Albanian and Turkish governments are working on opening a new production line.’\(^{19}\)

3 Small Arms progress

3.1 Legislative and regulatory issues

Some aspects of the national legislative framework on SALW have been shaped by the country’s particular historical experience over the last decade. At present, there is very little legislation governing the production, export and import of arms and military equipment; likely a result of the country’s historically highly centralised system of defence procurement.\(^{20}\) By way of explanation, Albania’s 2003 report to the United Nations Department for Disarmament Affairs (UNDDA) stated, ‘Being that the Republic of Albania does not manufacture weapons there is no…current policy or proper legislation relating to this issue.’\(^{21}\)

\(^{15}\) The Small Arms Survey 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/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>, accessed 02 February 2005.

\(^{16}\) Interview, Pinari, 20 April 2005.


\(^{18}\) Interview, Pinari, 20 April 2005.

\(^{19}\) New production lines are reportedly owned by the Turkish government, and will be launched soon. ‘Albanian Defence Minister Promises Revival of Arms Manufacturing Plant’, BBC Monitoring Service, Koha Jone, 22 March 2005.

\(^{20}\) Article 3 of the Law on Firearms, with Appendices, Decision No. 7591, dated 29 April 1991 states 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.’

\(^{21}\) Albania UN Letter, July 2003.
Although the Ministry of Public Order (MoPO) is responsible for controlling transfers of non-military SALW, all transfers of military goods (including SALW) are processed by the MoD agency MEICO. Founded in 1990, MEICO’s stated purpose is to raise profits for the modernisation and restructuring of the army and the reconstruction of factories producing military goods. MEICO has the authority to negotiate with foreign contractors, but its transactions must comply with the decisions of the Albanian Government. License applications are actually assessed by the Departments for Arms Control and Integration and Foreign Relations within the MoD in consultation with the MFA and foreign embassies as appropriate. Every three months MEICO is required to report on its activities to the office of the Prime Minister and President, the State Controller, the Head of the National Intelligence Service, the Ministry of Defence and the Ministry of Foreign Affairs.

The current regulatory framework has some, but not all, of the features currently in use by EU member states. In some areas MoD and MEICO officials follow EU best practice although the legal framework does not require them to do so. Following a government decree, end-user certificates are now routinely requested from potential arms traders. These end-user certificates are then checked by Albanian Embassies abroad or by the US and UK Embassies where Albania does not have a diplomatic presence. Provisions are made for this in law. The case of re-transfers is, however, different. MEICO now inserts clauses into most commercial contracts prohibiting re-transfer although this is not yet a legal requirement. Adherence to the EU Code of Conduct, although a stated priority for the government, is also not yet a requirement in statute law. The passage of a new draft law on import-export of military goods, first prepared in 2004, is keenly anticipated by the government officials who administer the arms transfer control system. However, the draft law also makes provisions for private companies to trade in arms, which is prohibited by the current system. Such a change would probably pose fresh challenges for government officials who, in addition to administering the arms transfer system, will also take on a monitoring and advisory role vis a vis private companies.

Legislation covering civilian possession is similarly affected by the recent past: in particular the widespread looting of military stockpiles in 1997, and subsequent efforts by the Government to recover lost firearms and other weapons and ammunition.

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22 The Council of Ministers’ Decision No. 366 of 5 October 1991 on Founding the Import-Export Enterprise dependent on the Ministry of Defence establishes MEICO as the import-export agency in order to deal with export and import of goods and specific military objects and as ‘a part of the Ministry of Defence system’. MEICO performs its activities in the import-export area pursuant to 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 not other authority for running these procedures for export-import of SALW. Albania UN Letter, July 2003. Also, Council of Ministers’ Decision No. 365 of 06 June 1994.

23 The Council of Ministers’ Decision No. 366 of 05 October 1991 on ‘Founding the Import-Export Enterprise Dependent on the Ministry of Defence’ establishes MEICO as the import-export agency in order to deal with export and import of goods and specific military objects and as ‘a part of the Ministry of Defence system’.

24 End-user requirements are stated in Regulation No. 9603, 18. September 2003, ‘For the compilation and documentation of the military equipments import-export activity’.


27 Interview, Pinari, 20 April 2005.

detailing structures and processes for the collection of weapons from citizens, including amnesty provisions, feature large in Albania’s legislative framework.\(^{29}\) Further, the reality of widespread SALW ownership in Albania is at odds with national law. Civilian weapons possession is officially restricted primarily to state officials, hunters and a significant number of businessmen who were permitted to register their weapons (many assumed to be from looted government stocks) in 1998 during a time of great insecurity.\(^{30}\) Yet it has been estimated that there are at least 200,000 illegal SALW in private hands.

The direction that Albania’s legislative framework for civilian weapons possession will take in future remains unclear. The current weapons amnesty law, which permits civilians to surrender an illegal weapon without prosecution provided it has not been used to commit a crime, expired on 31 May 2005. Although there are plans to extend the law for a further two years, at the time of writing there is no certainty that the national parliament will approve the legislation. As far as the law is concerned, as the amnesty lapses Albanian citizens in possession of illegal weapons will be fully culpable under law and be liable to prosecution regardless of their circumstances. According to specialists within the MoPO, harsher sanctions for those holding illegal weapons are planned in future with a review of Article 278 of the penal code by the Ministry of Justice, which will introduce a minimum prison sentences of between 3 and 7 years for this offence.\(^{31}\)

### Table 2: Features of Albania’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>ALBANIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>National Coordinating Agency</td>
<td>No (an Inter-Ministerial Commission coordinates weapons collection only, though there are plans to upgrade its role to include all forms of SALW control)(^{32})</td>
</tr>
<tr>
<td>National Point of Contact</td>
<td>Yes(^{33})</td>
</tr>
<tr>
<td><strong>LAWS &amp; PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</strong></td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Some legislation exists in this area, but there is no comprehensive system</td>
</tr>
<tr>
<td>Production</td>
<td>Yes, but limited provisions</td>
</tr>
</tbody>
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\(^{29}\) 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’. Also, Law No. 9018, ‘For Collection of Weapons, Ammunition and Other Military Materials’ (6 March 2003), is the current law governing collection.

\(^{30}\) Prior to the crisis of 1997, only certain categories of state (or private security firm) employees or political or judicial officials were allowed to possess active firearms and ammunition. In addition, certain categories of citizens were allowed to possess firearms, ‘Law on Firearms’, with Appendices, Decision No.7591 dated 29 April 1991. However, a subsequent Law allowed two additional categories of civilians 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 Nr. 8388, 05 August 1998 for SALW Collection.

\(^{31}\) Interview, Grazhdani, 18 April 2005.


\(^{33}\) Ibid.
<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>ALBANIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes(^{34})</td>
</tr>
<tr>
<td>Transit</td>
<td>Apparently governed only by a law on military administration(^{35})</td>
</tr>
</tbody>
</table>

### NATIONAL SYSTEM OF EXPORT & IMPORT LICENSING OR AUTHORISATION

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Diversion risk</td>
<td>Yes (though not a legal requirement)</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Yes(^{36})</td>
</tr>
<tr>
<td>Re-transfers</td>
<td>Yes (though not a legal requirement)</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>Pre – yes, to a certain extent (see above footnote on EUC)</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>No</td>
</tr>
</tbody>
</table>

### DOMESTIC POSSESSION, STOCKPILING & TRADE

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Manufacture</td>
<td>NA, (see ‘production’ above)</td>
</tr>
<tr>
<td>Marking and Tracing</td>
<td>NA, in terms of production/manufacture(^{37})</td>
</tr>
<tr>
<td>Possession</td>
<td>Yes(^{38})</td>
</tr>
<tr>
<td>Stockpiling</td>
<td>No(^{39})</td>
</tr>
<tr>
<td>Trade</td>
<td>Yes(^{40})</td>
</tr>
</tbody>
</table>

\(^{34}\) ‘The Ministry of Defence does not export and import SALW from countries that are under UN embargo and involved in regional conflicts.’ Albania UN Letter, July 2003. Further, ‘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, 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.

\(^{35}\) ‘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.

\(^{36}\) End-user requirements are stated in Regulation No. 9603, date 18. September 2003, ‘For the compilation and documentation of the military equipments import-export activity’. Also, ‘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-user.’ \(Ibid\).

\(^{37}\) As noted above, there is no current production of SALW in Albania. Consequently, 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.’ \(Ibid\).


\(^{39}\) There seems to be no legislation specifically governing stockpiles, although it is assumed this is probably covered by military regulations.

\(^{40}\) 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 of 25 June 1992.
3.2 SALW transfers

Given its difficult economic situation, the Government of Albania places great emphasis on the foreign sale of arms both as a source of foreign earnings and as a way to dispose of unwanted stocks. Commercial ambitions must however be balanced against Albania’s international arms control commitments. Fortunately, there seems to be broad agreement among both government officials and informed international observers that the Albanian Government is strongly and genuinely committed to upholding international norms on arms transfers, not least because bad practice might seriously jeopardise its prospects for NATO and EU membership. This is a considerable improvement on past practice. According to government officials, the Albanian Government exported arms to many sensitive destinations between 1992 and 1997. 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.

Albania’s main current client for SALW transfers is the US, where ‘trophy’ weapons and ammunition (10m rounds in 2003) are sought by collectors. Other recent clients have included Bulgaria (10 tonnes of TNT), Germany (200 trophy weapons in 2004), Iraq (10m rounds of ammunition in 2004), the UK and Israel. The Albanian Government is also reported to have 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. According to government officials, only a few arms transfers now occur every year. In 2004, only 3 permits were issued for exports, and 2 for imports.

Albanian criminal groups have a long history of involvement in the trafficking of guns, drugs and people. These groups operate across Europe, and at the beginning of the decade it became clear that Albania was emerging as ‘an important transit stop in the trafficking of arms, drugs and human beings.’ Albania’s importance as a transit hub is indicated

41 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 Ministry of Defence to sell military equipment in order to raise funds for the modernisation and re-structuring of the military or reconstruction of military factories.

42 Interview, Roland Bimo, Secretary General of Albanian MFA, and Armand Skapi, Head of UN Department, MFA, 25 April 2005.


44 Interview, Pinari, 20 April 2005.

45 In early 2005 a licence was also issued for the transfer of 4m rounds of ammunition to Iraq. The terms of the contract have not yet been met however. Ibid.

46 Further requests from the Iraqi government were turned down as the Albanian government was unable to supply them, as the requested goods were not available in the Albanian stockpiles. Interview, Pinari, Op Cit. NISAT databases also show ammunition exports in 2004. The first was $200,000 worth of trophy firearm ammunition that was exported to the US and the second occurred in November 2004, when $130,000 worth of ammunition was exported to Iraq for use by the police.


48 Interview, Pinari, 20 April 2005.

by the seizures of imported weapons in 2001 when tensions were high in Macedonia.\textsuperscript{50} The power and influence of such groups remains extensive. Allegations have also been made that traffickers benefit from links to political figures. In 2004 the socialist Prime Minister of Albania, Fatos Nano, was accused by opponents of having participated in the smuggling of Albanian weapons into neighbouring Kosovo during the crisis period.\textsuperscript{51} At the time of writing, these allegations remain unproven and have not been the subject of a public investigation.

With a view to better combating illegal transfers, MoPO’s ‘Department for the Fight Against Organised Crime and Justice Collaboration’ was established in 2001. Initially a sub-Directorate under the General Directorate of Criminal Police, it became a separate Directorate in October 2004. There are several structures under this, including one that deals specifically with the fight against trafficking.\textsuperscript{52} Other positive changes in the anti-trafficking field include the establishment in 2004 of a ‘Prosecution Office for Very Serious Crimes’. In addition, alterations to the ‘Procedural Penal Code’ were adopted in May 2004; these alterations introduced new investigative methods, such as the use of undercover agents, which have already proved valuable in the fight against traffickers. As a result of these new provisions, there have been several successful operations that have foiled or disrupted trafficking activities. These include an operation in December 2004 that lead to the arrest of four Albanian arms traffickers who were trying to smuggle surface-to-air missiles from Montenegro to a neighbouring country via Albania.\textsuperscript{53} This was a sting operation coordinated by the Combating Trafficking Section and was conducted in close cooperation with the police authorities in Montenegro.\textsuperscript{54}

Cooperation between Albanian police and their counterparts in neighbouring countries is considered to be gradually improving and to have been particularly good with Montenegro and Macedonia over the past year.\textsuperscript{55} This has resulted in joint investigative work, often with the use of undercover agents. Cooperation with the Italian police is also strong, with regular exchanges of information and a significant number of joint investigations. While they have focused on the trafficking of humans rather than arms, these investigations have nevertheless had an impact on SALW control since traffickers are sometimes apprehended with mixed consignments and usually carry weapons for protection.\textsuperscript{56} Successes have also

\textsuperscript{50} For example, in the summer of 2001 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. This was not the only case as a few months earlier a similar shipment containing automatic weapons and ammunition had been seized in Durres. ‘Albanian police seize arms shipment for Macedonia’, ISN Daily News, 31 July 2001.

\textsuperscript{51} In autumn 2004, Nikol Lesi, an opposition MP and editor-in-chief of the daily paper Koha Jone, presented to parliament a transcript of what he claimed was a conversation between Nano and former Constitutional Court chairman Fehmi Abdiu, in which the two discussed the possibility of smuggling arms into Kosovo in 1997. ‘Albania’s Nano Denies Arms Trafficking Allegations’, AFP, ATA, 09 and 10 November 2004.

\textsuperscript{52} Anti-trafficking activities are regulated by Articles 278/a and 282/a of the Penal Code, the former dealing with trafficking of arms and munition, while the latter regulates the trafficking of radioactive materials and explosives. The two articles were amended in 2001 to include provisions on combating trafficking. Interview, with Edmond Bahiti, Head of Section for Combating Trafficking, 31 March 2005.

\textsuperscript{53} According to one media report, the SA-7B Strela missiles originated in either Bosnia or Serbia and were probably destined for separatists in Macedonia. ‘Missiles Seized in Albania’, Balkans Crisis Report 533, IWPR, 17 December 2004.

\textsuperscript{54} Interview, Bahiti, 20 April 2005.

\textsuperscript{55} Ibid.

\textsuperscript{56} Interview, Dr Giovanni Santoro, Head of the Italian Interforce Police Liaison Office and Maj Antonio Rizzi, Carabinieri, 30 March 2005.
occurred along the border with Kosovo. For example, UNMIK announced in September 2004 the seizure of 70 packages of ammunition (4,900 rounds) from a vehicle crossing from Albania into Kosovo.\textsuperscript{57}

In fact there appears to have been an overall decrease in the number of cases of arms trafficking from Albania in recent years. Recent arms trafficking often has its origins in neighbouring countries, such as BiH, Serbia and Montenegro, with Albania either being used as a transit route (the December 2004 operation being a typical example) or as an end destination for individuals buying cheaper weapons in neighbouring countries for personal use.\textsuperscript{58} The decrease in arms trafficking can probably be attributed to a combination of factors, these include increased stability in neighbouring countries, leading to a decrease in demand and a corresponding decline in the profitability of arms trafficking, the establishment of dedicated structures for combating arms trafficking, a degree of ‘market saturation’ as well as improved information exchange and police work.\textsuperscript{59} If Albania is to continue progress in this area, international support will still be required over the coming years since resources are lacking at all levels. Staff training and the provision of more equipment, especially computers and portable detecting equipment, remain priorities for effective border control.\textsuperscript{60}

3.3 SALW collection programmes and capacities

From 1998 onwards, following the mass looting of stockpiles in 1997, the Albanian Government has run back-to-back weapons collections, creating new structures and operational procedures within the MoPO. With the passage of the 1998 ‘Law on Weapons Collection’ (subsequently extended in August 2002), a central Weapons Collection Commission was established as the main body overseeing the recovery of looted weapons and ammunition and was placed under the chairmanship of the Deputy Prime Minister.\textsuperscript{61} The police were put in charge of weapon collection while the Army was assigned the responsibility for receiving collected weapons from the police for storage in army depots.\textsuperscript{62} Around 250 additional police officers were recruited especially for weapons collection activities in May 2000, although this force was subsequently reduced. Albanian police officers are estimated to have visited more than one million homes since 1997, asking people to hand over guns voluntarily or sign a declaration that they have none.\textsuperscript{63}

A further 2003 law on weapons collection upgraded the Weapons Collection Commission to an Inter-Ministerial Commission for Weapons Collection, chaired by the Deputy Prime Minister it included the Ministers of Public Order, Defence, Justice, Local Government and

\textsuperscript{57} ‘UN Customs Seize Ammo at Kosovo-Albania Border’, BBC Monitoring Service, 03 September 2004.

\textsuperscript{58} Interview with Ilir Aliaj, co-author of IWPR report ‘Armed to the Teeth’, 10 February 2005.

\textsuperscript{59} Interview, Bahiti, 20 April 2005.

\textsuperscript{60} Ibid.

\textsuperscript{61} Law No. 8388, 05 August 1998 for SALW Collection sets out principles of weapon 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 to 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’.


\textsuperscript{63} Armed to the Teeth, IWPR 2003.
Decentralization and the head of the National Intelligence Service. The new Weapons Collection Commission is supported by commissions at the prefecture and local level. During 2004 the national level commission met every three months as legally obliged to review reports on collection activities and develop plans for the next period. Twice, at the behest of UNDP, the new Weapons Collection Commission convened to discuss further steps following the end of the Weapons Amnesty Law.

The Albanian Government’s efforts to collect weapons were supported by UNDP Albania until 2003. UNDP initially piloted the ‘Weapons in Exchange for Development’ (WED) concept in the central district of Gramsh, setting important precedents for weapons collection best practice. During the Gramsh Pilot Project (GPP), which ran from December 1998 to January 2000, development aid was offered in return for a reasonable number of surrendered weapons, with the communities themselves identifying aid targets. The entire process was supported by awareness-raising campaigns. 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.

Following the Gramsh project, which was considered a significant success by national and international actors, and at the request of the Albanian Government, the UNDP continued the WED project with funding from donations totalling US$ 3.2 million. 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, and the award of 23 development projects at a total cost of US$1.8 million.

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, the SALWCP introduced an element of competition incentives for development aid in order to address a much larger geographical remit (the five prefectures of Tirana, Shkoder, Lezhe, Kukes, Vlora and three communities in the Tepelena district). There were financial limitations (a budget of US$ 3.4 million) and a tight timeline, due to the expiry of the Government amnesty law on 4 August 2002. Based on the number of weapons collected per family, the communities with the highest rates of surrender were awarded development projects. In addition, the SALWCP placed greater focus on public information

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65 Interview, MoD officials, 17 March 2005.

66 Interview, Doczy, 17 March 2005.


69 The total WED budget of USD 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.

70 Interview, Doczy, 17 March 2005.

71 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.
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 weapons registration and control database. By the close of the SALWC programme in December 2003 a total of just under 10,000 weapons had been surrendered in the project area and 66 development projects awarded at a total cost of US$ 1.5 million.\footnote{72}

With donor interest waning, the UNDP ended its direct support for weapons collection in December 2003. Since then the MoPO has continued its work on weapon collection in collaboration with local government and civil society groups where possible. Collection efforts have, however, been hindered by the reduction in weapons collection personnel from 250 police officers working exclusively on collection to a few staff also engaged in other duties.\footnote{73} Those tasked with coordinating police weapons collections report that there is a good deal of ‘collection fatigue’ among officers who have a range of other tasks. Nevertheless, according to staff from the police weapons collection unit, around 800 to 1,000 weapons are now voluntarily collected in an average month’s work by police officers, and a further 70 seized.\footnote{74} In 2004 for example, the MoPO reports that 11,307 weapons were collected.\footnote{75} Some of the methods used to encourage weapons surrender include the ‘one less weapon, one less crime’ campaign, whereby each policeman is asked to source at least one weapon from either friends or family, and a campaign involving cooperation with private security companies that is reported to have netted approximately 200 firearms.\footnote{76}

According to the 1998 national inventory conducted in the wake of the looting of government stockpiles, a total of 525,000 weapons were stolen, of which it is estimated a total of 208,464 SALW have been collected.\footnote{77} The recovered SALW are variously destroyed, re-allocated for use by state security agencies or, in limited cases, sold abroad. So far approximately 60,000 SALW have been handed over for use by the armed forces or police.\footnote{78} In addition, MoD statistics put the number of recovered pieces of ammunition at 110,415,347 rounds.\footnote{79} While these high figures constitute remarkable progress in numerical terms, the significant number of weapons that continue to turn up during collections and seizures by police indicate that substantial numbers of weapons remain in civilian hands. Furthermore, a substantial number of these weapons are military-style SALW or explosives, many of which are in functional if not perfect working order. According to staff from the MoPO weapons collection unit, five MANPADS were among the weapons collected by police in 2004.\footnote{80}

\footnote{72}{Correspondence with Lawrence Doczy, Project Manager, UNDP-SSSR Project, 02 March 2004.}
\footnote{73}{Interview, Grazhdani, 26 April 2005.}
\footnote{74}{Ibid; Interview, MoD officials, 17 March 2005.}
\footnote{75}{Interview, Grazhdani, 26 April 2005.}
\footnote{76}{Ibid.}
\footnote{77}{Interview, MoD officials, 14 April 2005.}
\footnote{78}{Some of the returned pistols have also been given to MoPO. Interview, Lek Kashnketi, MoPO armoury, 26 April 2005.}
\footnote{79}{Interview, Papdhima, 14 April 2005.}
\footnote{80}{Interview, Grazhdani, 26 April 2005.}
3.4 SALW destruction programmes and capacities

During the dramatic events of 1997 explosions were triggered by civilians at no less than fifteen depots around the country causing 60 fatalities and making these locations priorities for Explosive Ordnance Disposal (EOD) action.\(^\text{81}\)

NATO responded to these events by assembling an Ammunition Storage and Disposal Implementation Team (ASDIT), which worked under PfP auspices to identify the scale of the SALW and ammunition problem in Albania in 1998 and begin preparations for training the Albanian Armed Forces in EOD procedures. Following this mission NATO deployed a follow-up NATO PfP EOD and Ammunition Support Training Team (EODASTT) during 1999 - 2002. The mission of this second team was to enhance the Albanian EOD capacity and provide advice on safe ammunition storage and destruction. An EOD team was formed within the Albanian Armed Forces and consisted of the first 12 students to qualify from the NATO training course. Approximately 13 more students were subsequently trained. Unfortunately, as a consequence of army reforms, many of those who were trained have been retired. A few now work for an Albanian NGO, the National Demilitarisation Centre (NDC). NDC is a growing concern, with a network of staff across the country, and provides a number of services relating to demilitarisation, including training and EOD.\(^\text{82}\)

SALW destruction has been ongoing since 2000 when the Albanian government destroyed 16,000 weapons with help from the UNDP’s WED programme. 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 itself to promoting the destruction of surplus weapon stocks.\(^\text{83}\) Following this Memorandum 40,000 SALW were destroyed with German funding by a German military team between January and March 2001. The destruction of a further 60,000 SALW began in April 2001 with US and Norwegian funding. This programme was executed by the private contractor EOD Solutions Ltd in 2001 and included a local capacity-building component and the development of a demilitarisation site at the Elbasan military base. This site has subsequently been handed over to the Albanian government for ongoing destruction projects.\(^\text{84}\) During 2004 bilateral agreements were signed with the United States and the United Kingdom to fund the destruction of 12,500 SALW each. Thus a total of 141,000 SALW have been destroyed during the past four years.\(^\text{85}\)

\(^{81}\) Interviews, Sina, 18 April 2005; Anderson, 19 April 2005.

\(^{82}\) Interview, Sina & Ahmet Osmani, NDC, 25 April 2005.


\(^{85}\) Interview, MoD officials, 17 March 2005.
Surplus ammunition also poses a significant problem. In 2000 the Albanian armed forces calculated that their stores contained an excess of 117,476 tonnes of ammunition. This figure was reduced to 85,424 by the end of 2004 as a result of destruction activities carried out by the Albanian Armed Forces (AAF), EOD Solutions Ltd, NAMSA and the National Demilitarisation Centre (NDC). In 2004 NDC repackaged 900 tonnes of loose ammunition for incineration by NAMSA. The organisation has also provided verification and auditing services for NAMSA during destruction of MoD ammunition stocks. Work has also been undertaken to improve the MoD’s capacity to deal with surplus ammunition. In 2003 the US funded EOD Solutions to provide technical assistance to ammunition experts within the Albanian MoD. NATO has also provided $2.5 million to install an incinerator at the weapons destruction facility in Elbasan, which after initial delays, is to start operating in late 2005.

In 2004 the MoD developed a strategy for disposing of ammunition surpluses that specifies destruction priorities, methods and costs, and identifies particular stores for destruction. Although the strategy is awaiting formal approval and is not fully funded, it is already being used to guide work in this field. Ammunition destruction is, however, gradually becoming more difficult since many of the easiest and cheapest items have already been dealt with, leaving increasing stocks of more technically challenging rounds (eg medium artillery and mortar rounds). With cost per item rising, donor interest in SALW destruction is also dropping off. At the same time, other surplus military hardware is considered a higher priority for destruction. For example, the US is now highlighting destruction programmes for chemical weapons, sea mines and torpedoes.

According to statistics provided by the Albanian MoD, in the period 2001 – 2004, AAF destroyed 26,473 tonnes of ammunition (11,404 in 2004), NAMSA destroyed 2874 tonnes of anti-personnel mines and 1,475 tonnes of ammunition (1,440 in 2004) and EOD Solutions Ltd destroyed 1,229 tonnes of ammunition (330 in 2004).


### Table 3: Summary of SALW Destruction in Albania 1997 – 2004 \(^{92}\)

<table>
<thead>
<tr>
<th>DESTRUCTION ACTIVITY</th>
<th>SALW</th>
<th>AMMUNITION (TONNES)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNDP WED Project (2000/2002)</td>
<td>16,000</td>
<td>N/A</td>
<td>Destroyed by Albanian agency</td>
</tr>
<tr>
<td>Germany Project (2001/2002)</td>
<td>40,000</td>
<td>N/A</td>
<td>Destroyed by German Military Team</td>
</tr>
<tr>
<td>Norway/USA Project (2001/2002)</td>
<td>60,000</td>
<td>N/A</td>
<td>EOD Solutions Limited</td>
</tr>
<tr>
<td>UK funded-destruction (2003/2004)</td>
<td>12,500</td>
<td>N/A</td>
<td>EOD Solutions Limited</td>
</tr>
<tr>
<td>Albanian Armed Forces (2001-2004)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NATO SEE Initiative Project (2003 - 2004)</td>
<td></td>
<td></td>
<td>NAMSA</td>
</tr>
<tr>
<td>TOTAL (not including ongoing projects)</td>
<td>141,000</td>
<td>32,052</td>
<td></td>
</tr>
</tbody>
</table>

#### 3.5 SALW stockpile management programmes and capacities

Within the MoD, stockpile security is defined, regulated, implemented and inspections undertaken according to procedures researched and designed by the Defence Design Institute. No information is presently available on any relevant legislation. According to regulations, a stockpile inventory is to be carried out on an annual basis. An entirely different set of regulations to that in use by the MoD governs the storage, documentation and reporting systems for weapons collected from the population by the police.\(^{93}\) Despite the strict nature of these systems, which provide for multiple accounting among the agencies involved in weapons collection (local government, police and military), the media have reported incidents of stockpile management inadequacies.\(^{94}\) However, with the comprehensive looting of the past and the fact that the black market for such weapons is probably still close to saturation, there is little incentive for thefts from official stores.\(^{95}\)

Although trial versions of computerised SALW accounting packages have been provided to both the MoPO and MOD headquarters, police stations and storage depots belonging to both organisations still rely on paper-based systems.\(^{96}\)

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\(^{92}\) Statistics provided during interview with Col. MoD officials, MoD, Tirana 14 April 2005.

\(^{93}\) Trial Agreement No. 1214, date 29 March 2000 ‘For Collection, Storage, secure, Administration of armament-Ammunition and other Fighting Materials’, Law No. 8388, 05 August 1998 for SALW Collection. Also, interview with Grazhdani, 15 April, 2005.


\(^{95}\) Interview, Phil Cox, Defence Attaché, British Embassy in Tirana, 21 April 2005.

\(^{96}\) Interview, MoD officials, 14 April, 2005.
Surplus SALW stocks under the control of the MoD are currently estimated to number around 150,000 units (151,039 units as of 2002), which pale in comparison with current ammunition surpluses. Through the PfP process NATO is working closely with the Albanian Government on military downsizing. It is expected that this will result in a significant increase of both surplus SALW and ammunition. In addition there is now a national policy to centralise explosive storage depots based on the long-term Armed Forces restructuring plan. Progress in implementing these plans has so far been good. Whereas in 1998 there were 167 ammunition storage sites across the country containing 917 explosive storage buildings, by 2004 there were 57 storage sites with 474 storage buildings. Much still remains to be done, however, since the ultimate goal is to reduce the number of depots to single figures. Until this goal is achieved there is little incentive to upgrade security at sites that will shortly be emptied. Moreover, the current rate of SALW and ammunition destruction is not sufficiently high to absorb the excess weapons arising from the closure of storage facilities. Existing depots, already strained by surplus stocks, cannot safely house the added burden. Out of the 57 current depots, the army considers 25 to 30 to be at high risk of detonation. Of the approximately 92,000 tonnes of ammunition of all types slated for destruction, much of which is unstable, around 91 percent is over thirty years old. Worse still, many depots are now uncomfortably close to residential areas, largely because of the state’s failure to enforce building regulations.

The burdens Albania faces in this area will only increase as stocks of active SALW are gradually rendered surplus during the ongoing armed forces reforms. Staffing cuts continue within the armed forces to meet a final target of 35,000 personnel, including only 6,000 professional soldiers, by 2010. With the reduction of manpower, fewer personnel are available for managing and guarding stockpiles making it increasingly difficult to adequately secure and manage stockpiles. Additional difficulties are posed by the ammunition stored at MoD depots following weapons collection activities. Often arriving loose in bags and bottles, these rounds are difficult to count and store safely, and significant numbers lie unsorted.

The Albanian military has received assistance from outside organisations in adapting its storage system to achieve NATO-compatibility. The UK contractor EOD Solutions advised the MoD in the process of moving the old system closer to the NATO-based structure of ammunition management planning. This was achieved using NATO guidelines on ammunition storage.

97 Ibid.
99 Interview, MoD officials, 14 April 2005.
100 Ibid.
101 The most unstable stored material is larger artillery, anti-aircraft and 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 degrade with 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; telephone conversation with Kenn Underwood, Operations Director, EOD Solutions Ltd, 17 February 2004.
103 Interview, Dashamir Shehu, former head of the parliamentary Defence committee (restructured in January 2005 leading to ‘security committee’ encompassing Defence, Public Order, SHISH), 03 May 2005.
104 Interview, MoD officials, 14 April 2005.
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 in order to assist the Albanian MoD in planning the future storage of ammunition. These sites will not, however, conform fully to NATO/UK standards until the backlog of surplus ammunition is reduced and additional space becomes available. The Albanian armed forces have also received bilateral support in this area. During 2004 the US funded a project to increase security of MANPAD stockpiles, and three fences now surround the storage site in question with five keys needed to enter the facility. While a great deal of goodwill and commitment to improving practices exists, it seems clear that much additional support from the international community is still required.

3.6 SALW awareness activities

Several awareness-raising campaigns have been conducted in Albania by civil society (see below) with governmental and international actors often working in collaboration. Although no single evaluation has been conducted on the progress made in changing knowledge, attitudes and perceptions of target groups, substantial progress is likely to have been made in this area since 1998. Uniquely in the region, awareness raising is even mentioned in government legislation, as a responsibility of the Weapons Collection Commissions at Prefecture Level to encourage voluntary surrender. The methods used by the MoPO in its work have varied over time, dependent on the resources available, and have included door-to-door appeals by police, use of public information materials and announcements, televised discussions, and work by the police in schools.

Awareness raising was also a significant part of the UNDP, GPP, WED and SALWCP projects. The awareness-raising campaigns for these projects variously involved use of the mass media, village discussions, door-to-door work and targeting of specific groups including schoolchildren and women. During the SALWC project local awareness-raising teams composed of teachers and other community and NGO representatives distributed posters and pamphlets with the aim of disseminating information on the danger of weapons, the deadline for voluntary surrender and the rules for the 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. The Assessment of the SALWC project undertaken in October 2003 concluded that the public awareness component of the project was successful: ‘Across the spectrum... people agreed that SALWCP had a major impact on changing the ‘mentality’ of the Albanian population towards firearms ownership and thereby has contributed towards and increase in public safety.' UNDP has since provided the police, who are now responsible for conducting awareness campaigns, with material such as posters and radio advertisements developed during the SALWCP for weapons collections.

Support for awareness raising has also been forthcoming in recent months, albeit at a reduced level. During 2004 the International Criminal Investigative Training Programme (ICITAP) made a documentary on the weapons collection process that is now being shown

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106 Interview, MoD officials, 17 March 2005.
107 Each municipality has an awareness-raising plan. Police conduct house visits to explain the law to citizens. Article 8, Law No. 8388, 5 August 1998 for SALW Collection.
109 ‘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.
in all districts. A number of the above-mentioned organisations also attended a training seminar in September 2004 organised by SEESAC and supported by Saferworld. One of several events in the region, the seminar introduced participants to the particular model of SALW Awareness developed in SEESAC’s publication, the ‘Small Arms and Light Weapons Awareness Support Pack’, (SASP).110

Table 4: SALW Awareness activities

<table>
<thead>
<tr>
<th>Campaign and implementer</th>
<th>duration</th>
<th>Objective (target group)</th>
<th>methods</th>
<th>indicators of success</th>
<th>donor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albanian Government</td>
<td>1998 to date</td>
<td>General public</td>
<td>Official announcements, televised discussions and documentaries, dissemination of UNDP AR materials such as posters, T-shirts, etc.111</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Gramsh Pilot Project (1998/1999)</td>
<td>1998-1999</td>
<td>General public</td>
<td>TV and radio spots, public debates, leaflets, T-shirts, posters, etc.</td>
<td>The Gramsh AR campaign is widely regarded as a success, alerting communities across the country as well as the pilot area.</td>
<td>NA, as a breakdown of total project costs.</td>
</tr>
<tr>
<td>UNIFEM112</td>
<td>2000</td>
<td>Women and youth.</td>
<td>Campaign and conference ‘Women of Diber Say No to Guns, Yes to Life, Yes to Development’.</td>
<td>NA</td>
<td>UNIFEM</td>
</tr>
<tr>
<td>UNDP SALWCP</td>
<td>2002-2003</td>
<td>School pupils, women, general public</td>
<td>Posters, pamphlets, discussions, delivered through media and local door-to-door teams.</td>
<td>Evaluation: “major impact at changing mentality towards firearms”. 113</td>
<td>US$ 100,000</td>
</tr>
<tr>
<td>UNDP SSSR</td>
<td>15 May-15 July 2003</td>
<td>School pupils</td>
<td>Interactive briefings and discussions, electronic media and distribution of T-shirts</td>
<td>Messages reached the 2,200+ individuals who participated</td>
<td>SEESAC funds of US$ 30,500</td>
</tr>
<tr>
<td>Albanian Women Journalists Forum</td>
<td>July 2003</td>
<td>Women community leaders</td>
<td>Two trainings on SALW campaigning in Shkoder and Lezhë.</td>
<td>50 women were trained and AR projects have resulted from the project.</td>
<td>Saferworld funds of US$ 7,000</td>
</tr>
<tr>
<td>Albanian Center for Peace and Disarmament Education NGO</td>
<td>2003</td>
<td>Secondary school pupils</td>
<td>Teacher trainings, participatory activities and discussions and support for resource-creation.</td>
<td>NA</td>
<td>UNDDA and Hague Appeal for Peace</td>
</tr>
</tbody>
</table>


111 Correspondence with Shqelqim Sina, then National Technical Security Specialist, UNDP-SSSR Project, 04 February 2004.


113 ‘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.
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. In June 2004 the national television station Top Channel TV hosted a national debate on small arms attended by various personalities, including UN, civil society and police personnel. The show dealt with issues of arms control and education for disarmament.

### 3.7 SALW survey activities

A number of research reports have been prepared on different aspects of SALW in Albania. The SALWCP’s ‘Socio-economic Analysis and Impact Survey’, repeated in 2002 and 2004, was undertaken to gauge the effectiveness of SALWCP’s collection and awareness-raising work in target communities. 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 (AWJL); and on school students’ attitudes towards violence and weapons, by the Albanian Centre for Peace and Disarmament Education, SaferAlbania, and Movement for Disarmament.

Only in early 2005 was support finally secured for a comprehensive national survey of the SALW situation in Albania. Saferworld is conducting the research with the backing of the Albanian Government and with funding provided by the UK’s Global Conflict Prevention Pool. Results are expected in the summer of 2005 and this survey should assist in the implementation of Albania’s draft national strategy on SALW control.

### 3.8 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. This network 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.

As part of UNDP Albania’s current SSSR project, broader educational work on security and peace education has continued in schools. In connection with this work, UNDP’s previous NGO partners, the Movement for Disarmament and SaferAlbania, undertook a pilot

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115 UNDP SALWC funded the Albanian Women Journalist’s League and the UNDDA 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>](<www.peace.undp.org.al>), accessed 21 January 2004.

‘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 this 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. Over 2,200 teachers and students participated in the DPEC project and an effective model has now been developed for further project implementation, dependent on funding. Other work is being undertaken in schools by the Albanian Centre for Peace and Disarmament Education (CPDE) on small arms and disarmament issues within a broader framework of peace education. This work focuses on developing older students’ awareness of problems through debates and ‘shadow’ public policy work and the capacity building of teachers to undertake longer-term peace education activities. In cooperation with the Institute for Pedagogical Studies (ISP), CPDE trained eight teachers who were certified as national trainers in peace education during 2004 in Gramsh and Shkoder. These teachers have participated in several peace education workshops during the past two years and have written peace education activities for the teachers’ manual ‘Toward a culture of peace,’ a chapter of which has been incorporated into the National Manual for Secondary School Teachers.

3.9 Cross-border SALW control initiatives

Reform of border management systems has been ongoing for some time and is now under civilian control. The Albanian Border Police, who have the responsibility for controlling the state’s borders and combating illegal crossing and trafficking of contraband, cooperate with several international organisations, including UNHCR, EUMM, IOM, ICITAP and PAMECA. ICITAP has conducted training with marine and border police and helped to create a dedicated organised crime unit within the Ministry of Public Order. The Border Police also cooperate 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. A number of different programmes are currently under way to upgrade border controls. These generally involve capacity-building through staff training and donations of equipment by international organisations and bilateral donors. Recent examples include a contribution by the OSCE in which €200,000 worth of communications equipment was provided.

118 Interview, Elton Skendaj, 08 February 2005.
120 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>, accessed 07 April 2005.
equipment including repeaters, base radio sets and mobile radios were donated to the Albanian border police to allow real-time communication across the country.\textsuperscript{122} Limited cross-border cooperation projects at the operational level, such as that coordinated by the OSCE involving KFOR in relation to the Kosovo border, are under way.

Albania also participates in several 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 Cooperation Organisation (BSEC), the Central European Initiative (CEI) and the SECI\textsuperscript{123} Regional Centre for Combating Trans-border Crime, to which it seconds a liaison officer (see below). In addition, Albania has sent law enforcement liaison officers to Greece, Italy, Macedonia and Kosovo to coordinate 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 bilateral agreements on combating organised crime with Italy, Romania, Malta and Egypt.\textsuperscript{124}

According to officials working within the MoPO’s anti-trafficking unit, Albanian has co-operated well with the SECI Centre Task Forces against SALW trafficking, first in 2002 and now again in 2004 - 2005\textsuperscript{125} Albania acted as the proposer country for the first SECI Centre Task Force on SALW, ‘Operation Ploughshares’, established in December 2001.\textsuperscript{126} Tirana also hosted a second planning workshop in December 2004 in the run-up to the 2004 - 2005 ‘Operation Safe Place’, which is once again led by Albania.

Albania has also 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 implemented between 2003 and 2006. The goal of the national strategy is to enhance the functioning of the national bodies dealing with border control. Objectives include completing the necessary legal framework for border control and assisting organisation of border control and cooperation between national, regional and international agencies.\textsuperscript{127} In the spring of 2005 the Border Police conducted a thorough review of their progress towards an Integrated Border Management system with the assistance of PAMECA and the EU Customs Assistance Mission to Albania (CAM-A).\textsuperscript{128} The results of this review will be used to draft further strategies and highlight areas that require further attention.

\textsuperscript{122} ‘OSCE Presence to Donate its 200,000 euro Communications System to Albanian Border Police’, 29 September 2004.

\textsuperscript{123} South Eastern Europe Co-operative Initiative.

\textsuperscript{124} Albania UN Letter, July 2003.

\textsuperscript{125} Interview, Bahiti, 20 April 2005.


3.10 SALW management information and exchange systems and protocols

Albania has made commitments to various international and regional systems, such as the UN Programme of Action, OSCE and INTERPOL mechanisms; the country is also in the process of negotiating a cooperation agreement with EUROPOL. In terms of international obligations, Albania has submitted information exchange material to the OSCE and reports on implementation of the UN PoA to UNDDA in both 2003 and 2004.

The Directorate of Integration within the MFA is responsible for exchanging information relating to Albania’s arms control commitments to other states and multilateral bodies (eg the UN PoA and OSCE Document). However, most information submitted by the MFA is compiled either by the MoD, which has primary responsibility for the regulation of SALW production and transfers, or the MoI, which implements other domestic controls on SALW.

The Albanian Government provided a boost for both domestic and international transparency in recent months with a decree, issued by the Minister of Defence, requiring the import-export agency MEICO to compile and publish a report on all official arms transfers from Albania between 1992 and 2004. Though the report is unprecedented in its detail (full commercial contracts are reproduced in the report), its circulation has been limited to parliamentarians, government ministries and foreign embassies, thus curbing the prospects for effective public oversight of SALW transfers.

Table 5: Information and Exchange Progress

<table>
<thead>
<tr>
<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>ALBANIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
<td>Yes¹³¹</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (eg Wassenaar)</td>
<td>-</td>
</tr>
<tr>
<td>INTERPOL/ EUROPOL</td>
<td>Yes/ In negotiations</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to EU (if relevant)</td>
<td>-</td>
</tr>
<tr>
<td>SECI Regional Centre intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>Yes (with limited circulation)</td>
</tr>
<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>Yes (with limited circulation)</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>Planned for 2005</td>
</tr>
</tbody>
</table>


¹³⁰ Interview, Pinari, 20 April 2005.

¹³¹ A letter reporting on the 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.
Bosnia and Herzegovina

1 Small Arms problem

Bosnia and Herzegovina (BiH) suffered more damage and more loss of life during the conflicts of the early 1990s than any other successor state of the former Socialist Federal Republic of Yugoslavia (SFRY), with at least 150,000 deaths, many of which directly involved SALW.¹

The security situation in BiH has improved in the intervening ten years to the degree that, by 2004, the United Nations announced that half of the estimated two million people displaced from their homes had returned to their communities, three quarters of them to the Federation of Bosnia Herzegovina (FBiH) and one quarter to the Republika Srpska (RS). The presence of a combined European Union Stabilisation Force (EUFOR) and its predecessor, the 7,000 strong NATO Stabilisation Force (SFOR)² has undoubtedly contributed to enhancing security in BiH, although in many cantons and in the entities,³ ethnic divisions continue to frustrate a proper rehabilitation process. The reality is that ten years after the end of a war that displaced half the population and cost the lives of one in every sixteen Bosnians, BiH is still struggling to overcome strong political and ethnic tensions.

All evidence points towards the continued widespread presence of substantial numbers of firearms throughout BiH. While pre-war statistics on registered firearms indicated that there was almost one firearm for every ten members of the public, the figure is now higher.⁴ It is impossible to estimate the quantity of firearms and military equipment that entered BiH during the war. It is however widely believed that this figure is extremely significant and that many of these firearms remained in the country after the end of the conflict. Indeed, a senior representative of the FBiH Ministry of Interior stated that the number of illegal firearms in FBiH is likely to be three times that of legal firearms.⁵ Indicative of the large amount of military equipment in BiH were the ongoing SALW seizures by SFOR in 2004 and

¹ Previous estimates have ranged up to 250,000 deaths. See BBC News Online BiH Country Profile, <http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1066886.stm> accessed 05 May 2005.
³ BiH is divided into two semi-autonomous entities comprising 1) the Federation of Bosnia and Herzegovina which, in turn is comprised of ten cantons; and 2) the Republika Srpska which is comprised of a single administrative unit.
⁴ In 1989 there were 342,131 firearms registered in BiH. In 2003 there were 345,365. Small Arms and Light Weapons Survey Bosnia and Herzegovina (Hereafter SALW Survey BiH), Bonn International Centre for Conversion, July 2004, p 19-21.
⁵ SALW Survey BiH, p 23.
EUFOR in 2005. In only three months in early 2004, 347 shoulder-fired rocket launchers, 5,320 hand grenades, 1,299 anti-personnel mines and several hundred explosive devices were collected through a ‘no questions asked’ amnesty.\(^6\)

Clearly, in such a polarised environment the continued presence of large numbers of SALW is dangerous and jeopardises the security improvements experienced over the past decade. There are also serious public health costs associated with the residual weapons, ammunition, explosives and land mines in the territory as routine accidents demonstrate.\(^7\) Equally, the continued influence that organised and dangerous criminal groups have over business interests in BiH, as well as the growth in the armed private security sector, has negative consequences both for human security and law and order in BiH.\(^8\)

The importance of the military-industrial sector in BiH (including its previous high level of output) as well as the legacy of a large standing army have compounded the problems of SALW proliferation associated with the conflict of the 1990s. Stockpiled weapons can be found throughout BiH in official stores, which hold large stocks of ammunition, and storage standards vary despite significant improvements over the last decade.\(^9\)

## 2 Small Arms policy and practice

Bosnia and Herzegovina (BiH) is governed through a complex structure of multi-tiered administrations, originating in the Dayton Accord of 1995.\(^10\) At the head of the governance structure is the international administration of the Office of the High Representative (OHR), which is charged with civilian implementation of the Dayton Accord. The OHR holds wide-ranging powers to impose decisions in cases where local governance structures are unable or unwilling to reach consensus or where key political or economic interests are in question. Although these powers are used with reserve, the OHR has acted on occasion to dismiss government officials.\(^11\)

The complexity of BiH’s governing structures means there are significant challenges to the state’s ability to combat SALW proliferation. The state government, two entity governments and their police and military, as well as the cantonal administrations (in FBiH), civil protection agencies and the international community all play a role in SALW control and regulation. In such an environment, achieving improvements to regulatory controls is a challenge and requires a centralised coordination body capable of integrating a collective approach to SALW control.

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\(^8\) Interview with Nerma Jelacic, IWPR, 12 February 2005.

\(^9\) Interview with Mr. Mehmed Hrnjic, Chief of the Sector for the Infrastructure Management in the Department for Supplies and Logistics, MoD BiH, Sarajevo, 15 February 2005.

\(^10\) In 1995 the Dayton Peace Accord was signed, ending the four-year war between Serbs, Croats and Bosniaks in Bosnia. The country was subsequently divided into two separate entities - the Muslim-Croat Federation and the Republika Srpska.

BiH does have a Coordinating Body (CB) for SALW, albeit an unofficial one that awaits approval from the Council of Ministers. On 1 February 2005 a co-ordination meeting was held at which a designated focal point for SALW control was nominated within the Ministry of Foreign Affairs (MFA). This ministry has submitted the request for the verification of the CB to the Council of Ministers.\(^{12}\) Members of the CB represent the Ministries of Foreign Affairs, Security, Foreign Trade and Economy, Defence, and Interior (two entity ministries) and Indirect Tax Administration. The CB meets on average once a month or when the need arises. During 2004 the CB contributed to the creation of a SALW Project under the auspices of UNDP BiH and also worked to compile reports to United Nations Department for Disarmament Affairs (UNDDA) on the implementation of the UN PoA and to the OSCE under the OSCE Document on SALW. It also worked on the development of a draft SALW control strategy.\(^{13}\) Upon the Council of Ministers’ approval, the CB’s mandate will expand to encompass the following:\(^{14}\)

- A needs assessment of the SALW control situation;
- Development of a SALW control strategy and coordination of ministry activities towards realising the goals of this strategy;
- Assessment of strategy implementation;
- Reporting to the Council of Ministers of BiH on the implementation of the strategy.

In July 2004 the Minister of Security in BiH signed a Small Arms Project (SAP) agreement with UNDP BiH. The project agreement included several components:

- Capacity building in BiH institutions that deal with SALW issues;
- Formalisation of the Coordination Body for SALW;
- Realisation of the Pilot project for the destruction of 20,000 units of SALW held by the Armed Forces in BiH;
- Implementation of required research studies on SALW in BiH.\(^{15}\)

BiH is committed to a range of regional and international SALW control agreements:

\(^{12}\) Interview with Mr. Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA BiH, Sarajevo, 07 June 2005.

\(^{13}\) United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, Information 2003/2004 – Bosnian and Herzegovina (Hereafter referred to as the 2004 UN PoA Report).

\(^{14}\) Interview with Mr. Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA BiH, Sarajevo, 10 February 2005.

\(^{15}\) The strategy will require the approval of the Council of Ministers before it can be adopted.
Table 1: Bosnia Herzegovina’s commitments to Arms or SALW Control Agreements

<table>
<thead>
<tr>
<th>Arms or SALW Control Agreement</th>
<th>Bosnia and Herzegovina’s Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability Pact Regional Implementation Plan</td>
<td>November 2001</td>
</tr>
<tr>
<td>UN Programme of Action</td>
<td>July 2001</td>
</tr>
<tr>
<td>UN Firearms Protocol</td>
<td>-</td>
</tr>
<tr>
<td>OSCE Document on Small Arms</td>
<td>November 2000</td>
</tr>
<tr>
<td>OSCE Document on Stockpiles of Conventional Ammunition</td>
<td>December 2003</td>
</tr>
<tr>
<td>EU Code of Conduct</td>
<td>Incorporated into domestic legislation in 2003. 16</td>
</tr>
<tr>
<td>EU Joint Action on SALW</td>
<td>-</td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td>-</td>
</tr>
</tbody>
</table>

2.1 SALW production

The conflicts of the 1990s resulted in military production being split along entity lines, with production in the RS retaining close links with Belgrade. The military industry is currently organised on an entity level and in both cases the state is the majority owner in military production and export companies, with a focus on supplying the needs of the respective armed forces and exporting surplus.17 Manufacturing and servicing facilities exist and output is generally thought to be low. According to those familiar with the industry, ‘there is a lack of organised marketing and markets, combined with a lack of modern technology’18 – problems that affect many transitional states with formerly well developed production capacity. The industry faces the additional burdens of an uncertain investment climate and weak infrastructure, such as an irregular electricity supply.19

In 2005 the majority of the defence industry of BiH is located in the RS. There are a total of seventeen companies that are in some way involved in defence production in BiH, although only a small number of these are thought to be producing SALW.20 Four firms that do produce SALW are Unis Promex (Sarajevo), Kosmos (Banja Luka), Unis Pretis (Rogatica) as well as Orao (Bijeljina).21 Production levels for the industry as a whole are not known although some individual companies do disclose their turnover. Unis Promex, for example, exported €4.8 million worth of small arms, mortars, artillery and other weapons in 2002.22

16 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 2 below for more detail.
17 Although, as mentioned elsewhere in this chapter, a prohibition on the export of army surplus is currently in place.
18 Needs Assessment on SALW in BiH, Centre for Security Studies (CSS), Sarajevo, September 2003, p 55.
19 Needs Assessment on SALW in BiH, Centre for Security Studies (CSS), Sarajevo, September 2003, p 53.
20 SALW Survey of BiH, p 29.
21 Ibid.
22 Ibid.
3 Small Arms Control

3.1 Legislative and Regulatory Issues

There was wide ranging legislative progress in 2004 with the adoption of new laws regarding arms production, export and border controls. The ‘Law on the Production of Arms and Military Equipment’ sets out the system for oversight of the production and overhaul of arms and military equipment by the authorities, including licensing of producers and reporting and record keeping via a central register. An amendment to the existing ‘Law on the Export and Import of Arms and Military Equipment’, due to enter into force in summer 2005, is also said to have led to substantive improvements to the list of dual use goods by amendment. However, the amendments to the law have not yet been published.

The National Assembly of the Republika Srpska (RS) adopted the ‘Law on Changes and Amendments of the Law to the Ministries of RS’ with the aim of implementing the ‘Law on the Import and Export of Arms and Military Equipment in BiH’ as well as the ‘Law on Production of Arms and Military equipment in BiH.’ With the adopted law, authority for the import and export of arms and military equipment was transferred from the Ministry of Defence of RS to the Ministry of Economy, Energy and Development of the RS. A similar procedure is underway in FBiH. Another regulatory change made in 2004 was the adoption of the ‘Law on the Supervision and Control of State Borders’, which contains regulations on the transfer of weapons across state borders.

Arms export licence decision making currently falls under the authority of the Ministry for Foreign Trade and Economic Relations (MOFTER), although, in order to issue a licence, MOFTER must first receive approval from the Ministry of Foreign Affairs (MFA), Ministry of Defense (MoD) and Ministry of Security (MoS). The MFA has the legal responsibility to ensure arms exports are not made to states on the UN embargo list or ones that contravene the criteria of the EU Code of Conduct. Provided this is established, the MFA informs MOFTER that it has no objection to a particular transfer. If, however, the MFA believes there are grounds to deny the export then it informs MOFTER which in turn is obliged to reject the application outright. The legal basis for this licensing protocol is found in the 2003 ‘Law on the Import and Export of Arms and Military Equipment.’ According to Article 5 of the law, an End-User certificate must be obtained by the MFA in advance of the shipment by MOFTER. In 2005 the ‘Law on the Import and Export of Arms and Military Equipment’ was amended to include the ‘List of Dual Use Items’.

Once an import or export is made, MOFTER is legally bound to collect details of licensing approvals and refusals, values and types of shipments and destination states and, once a

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23 Official Gazette of BiH No. 28/04, No. 36/04.
24 Interview, Ms. Dragica Hinic, Acting Secretary of the Commission for Defence and Security of the Parliamentary Assembly of BiH, Sarajevo, 3 March 2005. The new list will be published and maintained by MOFTER.
26 Official Gazette of BiH, No 56/04.
27 In practice a number of additional agencies may be asked for their input, including foreign embassies and EUFOR.
28 Article 5, Paragraph A.
year, create an annual report, which it must submit to a Parliamentary Assembly of BiH.\textsuperscript{29} Reports are now public and details of the 356 licence approvals and three rejections issued by MOFTER in 2004 may now be scrutinised.\textsuperscript{30} In terms of exports, the report provides comprehensive lists of destination states and value of sales to those states. However, the report does not describe which types of controlled goods are exported to which states. Instead the report lists broad categories of military goods and defence equipment and ascribes an overall annual value for the export of goods within these categories, regardless of their destination. More specific categories and details of destinations of particular types of goods would greatly improve the annual reporting process.

Licensing of civilian firearms is regulated at entity level. The 1993 ‘Law on Arms and Ammunition’ regulates civilian possession in the RS. This law has undergone several minor amendments in the last 12 years and is due to be replaced by a new draft RS ‘Law on Arms and Ammunition,’ which was submitted to the Office of the High Representative (OHR) in April 2003. In FBiH the situation is rather different in that each canton has a law regulating the acquisition, possession and carrying of arms and ammunition. These laws have not been harmonized between the cantons. Although a draft ‘Law on Arms and Ammunition’ has been prepared by the FBiH Ministry of Internal Affairs and sent for consideration to the FBiH Parliament, this has not yet resulted in an FBiH-wide law. There is said to be mounting pressure for the constituent parts of BiH to agree to a single, state-level law regulating the acquisition, possession and carrying of firearms.\textsuperscript{31}

A state-level ‘Law on Testing, Stamping and Marking Small Arms and Ammunition’ was passed in March 2003, making provisions that entity authorities may only issue permits for the possession of SALW that have been marked in accordance with provisions of the law. Determining which arms and ammunition should be tested, stamped and marked is the responsibility of MOFTER.\textsuperscript{32}

### Table 2: Features of Bosnia and Herzegovina’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>BOSNIA AND HERZEGOVINA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>National Co-ordinating Agency</td>
<td>Yes, although still remains informal</td>
</tr>
<tr>
<td>National Point of Contact</td>
<td>Yes, MFA</td>
</tr>
<tr>
<td><strong>LAWS &amp; PROCEDURES ON PRODUCTION, IMPORT, EXPORT AND Transit</strong></td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes, new legislation in 2004 and 2005</td>
</tr>
<tr>
<td>Production</td>
<td>Yes, new legislation in 2004</td>
</tr>
<tr>
<td>Export</td>
<td>Yes, new legislation in 2003 and 2005</td>
</tr>
<tr>
<td>Import</td>
<td>Yes, new legislation in 2004 and 2005</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes, new legislation in 2004</td>
</tr>
<tr>
<td><strong>NATIONAL SYSTEM OF EXPORT &amp; IMPORT LICENSING OR AUTHORISATION</strong></td>
<td></td>
</tr>
<tr>
<td>Diversion risk</td>
<td>Yes, MFA to assess</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Yes</td>
</tr>
</tbody>
</table>

\textsuperscript{29} Each licence is said to contain the following information: License number, tariff mark, quantity, exporter, importer, end user, period of license validity, border crossing/s. ‘Law on the Import/Export of Arms and Military Equipment’, Article 11, Paragraph 1.


\textsuperscript{31} Interview with Denis Hadzovic, CSS, Sarajevo, 11 April 2005.

\textsuperscript{32} ‘Law on Testing, Stamping and Marking Small Arms and Ammunition’, Official Gazette of BiH, No 21/03.

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 manufactured 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 that have been tested, stamped and marked in accordance with the provisions of the law (Article 6).

It is forbidden for civilians to procure or keep, keep or carry: military-style firearms and weapons (including automatic weapons, although certain semi-automatic weapons are permitted); unmarked weapons; arms equipped with silencers and; exploding and gas firearms (trade of which is also prohibited). Licences for the purchase of weapons or ammunition cannot be issued to those who are underage or suffering from mental disabilities or illness and those without an official health certificate or with a criminal record. Following the issuing of procurement licence and the purchase of a firearm, a five 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.

Civilians may procure, keep and carry arms and ammunition, including some kinds of semi-automatic and self-loading firearms with a permit, (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, hand grenades and launchers, anti-aircraft guns etc., as well as 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. 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. ‘Trophy’ weapons do however require a permit and may not be carried or used (Articles 26-30). Firearms must be safely stored in a locked 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 Brcko District ‘Law on Arms and Ammunition.’

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>BOSNIA AND HERZEGOVINA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-transfers</td>
<td>Yes</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>Yes</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DOMESTIC POSSESSION, STOCKPILING &amp; TRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Manufacture</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<tr>
<td><strong>Marking and Tracing</strong></td>
</tr>
<tr>
<td><strong>Possession</strong></td>
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<td></td>
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<tr>
<td></td>
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</tbody>
</table>
### 3.2 SALW Transfers

In February 2005 MOFTER completed its annual report for arms imports and exports for the calendar year 2004. According to the report, the ministry approved 356 licenses in total for international arms transfers during 2004. Of these, 191 licenses were issued for the export of firearms and military equipment with a total value of just under €35 million, representing an approximate increase of €5 million on 2003 figures. Table 3 below lists the states to which BiH transferred the largest amounts of military equipment during this period:

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>VALUE OF EXPORT (Euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>10.3m</td>
</tr>
<tr>
<td>Serbia and Montenegro</td>
<td>7m</td>
</tr>
<tr>
<td>Germany</td>
<td>4.2m</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>2.8m</td>
</tr>
<tr>
<td>Iraq</td>
<td>2.4m</td>
</tr>
<tr>
<td>Kuwait</td>
<td>1.5m</td>
</tr>
<tr>
<td>Canada</td>
<td>1.1m</td>
</tr>
</tbody>
</table>

In addition, transfers worth €5.7 million were reported to a further 32 states including India, Israel, Russia, and the United Kingdom. An interesting omission from the 2004 export report is Venezuela. In 2003 Venezuela was BiH’s largest export market for defence products.

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40 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.

41 Retail trade in weapons and ammunition may be conducted by enterprises and shops that have obtained a license to trade weapons, parts for weapons and ammunition before registration as a trading enterprise. 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.

42 ‘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 license 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). Brcko District ‘Law on Arms and Ammunition,’ 2002.


44 In 2003, the value of exports reached €6m.
Venezuela, along with Chad and Rwanda are cited as the three states to which export licenses were refused by MOFTER in 2004 although in the cases of Chad and Rwanda these applications were initially approved.\textsuperscript{45} A moratorium on the export of military surplus SALW came into effect on 31 December 2004. This decision was welcomed by the UK, OSCE, the UN and others.\textsuperscript{46} It has since been extended until 30 June 2005.

Of the €35 million in exports sales, €22 million of this involved the transfer of ‘ammunition, bombs, grenades, torpedoes, mines and rockets’\textsuperscript{47} while €4.1 million was raised through the export of ‘revolvers, pistols and guns.’\textsuperscript{48} In addition to these sales, other categories of defence equipment on the BiH control list and exported during 2004 included explosives, detonators and military aircraft parts.

In 2004 MOFTER approved 128 licenses for the importation of firearms and military equipment with a total value of approximately €12 million, representing an increase of €2 million on 2003 figures.\textsuperscript{49} Table 4 below shows the primary states of origin of firearms and military equipment imported into BiH during 2004:\textsuperscript{50}

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>VALUE OF IMPORT (Euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croatia</td>
<td>3.9m</td>
</tr>
<tr>
<td>Hungary</td>
<td>2.1m</td>
</tr>
<tr>
<td>Serbia and Montenegro</td>
<td>2m</td>
</tr>
<tr>
<td>Slovenia</td>
<td>1.8m</td>
</tr>
<tr>
<td>Canada</td>
<td>1.4m</td>
</tr>
</tbody>
</table>

In addition to these states, imports in 2004 were reported as having been received from a further 12 states including Italy, South Africa, Spain and the US with a value of approximately €1.6 million. No breakdown of the type or category of firearm and defence equipment imported was provided in the report.

According to the State Border Service (SBS), there were no orchestrated cases of widespread SALW smuggling uncovered in 2004,\textsuperscript{51} although the SBS did report isolated cases of individuals illegally moving SALW across BiH’s external borders.\textsuperscript{52} The SBS certainly intercepts far fewer SALW than those found internally during seizure operations.

\textsuperscript{45} ‘Bosnia Suspends Accord on Arms Sales to Rwanda’, BBC Monitoring Service, 15 December 2004, quoting MFA Spokesperson Lepa Babic; subsequent correspondence with the MFA confirmed that this change in decision reflected a deterioration in the security situation in both countries.


\textsuperscript{47} Designated by the MOFTER as category T.B. 9307.

\textsuperscript{48} Designated by the MOFTER as category T.B. 9301.

\textsuperscript{49} MOFTER Annual Report of Export / Import, p 6.

\textsuperscript{50} MOFTER Annual Report of Export / Import, p 6.

\textsuperscript{51} Interview, Mr Jozo Corluka, Chief of Central Investigation Office, State Border Service of BiH, Sarajevo 8 February 2005.

\textsuperscript{52} Ibid.
In 2004 the SBS confiscated 51 SALW in the routine execution of their duties. Yet while the ‘Law on the Supervision and Control of State Border Crossings’ provides the SBS with greater authority to track and apprehend those thought to be involved in arms trafficking, the agency continues to stress that it lacks the resources to properly secure BiH’s borders (staffing targets for 2004 were missed). A concurrent lack of specialised equipment provides further challenges to effective frontier control for the agency.

3.3 SALW collection programmes and capacities

Since 1999 there has been an amnesty in force across BiH for all citizens who choose to voluntarily surrender their firearms and military equipment, ‘Operation Harvest’. The amnesty is run concurrently with an aggressive ‘search and seizure’ programme designed to collect illegal SALW, ‘Operation Harvest Plus’. Table 5 below shows the reported totals for weapons and ammunition collected by SFOR in recent years:


<table>
<thead>
<tr>
<th>COLLECTION ACTIVITY</th>
<th>SALW</th>
<th>AMMUNITION / EXPLOSIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFOR Activities and Operations (January 2000-November 2003)</td>
<td>22,620</td>
<td>20 tonnes of bulk explosives</td>
</tr>
<tr>
<td>SFOR Activities and Operations (January 2004-December 2004)</td>
<td>9,000</td>
<td>30,000 hand grenades</td>
</tr>
<tr>
<td>Total</td>
<td>36,620</td>
<td>-</td>
</tr>
</tbody>
</table>

Collection and destruction of SALW continues to be handled principally by the international forces of EUFOR but there is an increasing involvement of BiH forces. A case in point is the Velika Ribnica weapons destruction facility, which is now controlled by BiH authorities. However, aside from this ongoing amnesty, there have been separate collection initiatives. The government of RS began a highly successful collection called ‘Internal Harvest’ on 1 November 2003. A coordinating body was created in order to ensure that the collection programme properly involved all relevant parties from RS institutions as well as SFOR / EUFOR. The operation was initially planned to last for three months but was extended until December 2004 owing to the positive response. According to the RS MoD, 768 automatic and 918 semi-automatic rifles, 189 handguns, approximately 100 heavy machine guns, 347 shoulder-fired rocket launchers, 5,320 hand grenades, 1,299 anti-personnel mines and several hundred other explosive devices were collected between November 2003 and February 2004. Final figures for collected SALW were, at the time of writing, not available.

53 Interestingly, police in the UK have, as recently as April 2005, discovered batches of miniature 0.22in and 0.25in calibre ‘key fob' pistols on U.K. streets and traced these back to BiH. ‘Killer Key Fob', Daily Mirror, 2 April 2005. Interview with Mr Jozo Corluka, Chief of Central Investigation Office, State Border Service of BiH, East Sarajevo, 8 February 2005.

54 Ibid.


56 ‘SFOR Hands Over Destruction Facility’, BH1 Radio, 02 September 2004


3.4 SALW destruction programmes and capacities

BiH has the capacity to destroy SALW and does so at factories in Zenica and Jelisingrad and elsewhere. On the basis of a scoping study commissioned by UNDP – ‘Bosnia and Herzegovina Small Arms and Light Weapons Ammunition Demilitarization Study’ – the UNDP office in BiH is expected to provide assistance to upgrade demilitarization facilities during 2005. Between 2000 and 2003, 23,145 SALW are recorded as having been destroyed in BiH. A significant amount of military equipment, including 10,000 SALW from each of the two entity armies, was destroyed in 2004. This process is due to continue throughout 2005. Ongoing reforms of BiH’s defence sector accelerated in 2004, further adding to the already large quantities of stockpiled SALW surplus in BiH (since 1996 the number of professional soldiers in both entities has been reduced to 12,000 from 160,000). EUFOR as did SFOR before it, also organises and implements ongoing destruction activities associated with the weapons collected as part of ‘Operation Harvest’. The most recent example involved the February 2005 destruction of 1,170 SALW in Bihac (FBiH) and Banja Luka (RS) where firearms were crushed by tanks and then smelted. In 2004 SFOR began handing over authority for some destruction facilities, such as that in Velika Ribnica, to local authorities.

Table 6: Summary of SALW Destruction in Bosnia and Herzegovina 2000 – Feb 2005

<table>
<thead>
<tr>
<th>DESTRUCTION ACTIVITY</th>
<th>SALW</th>
<th>AMMUNITION (TONNES)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFOR Activities and Operations (January 2000-November 2003)</td>
<td>23,145</td>
<td>NA$^{67}$</td>
</tr>
<tr>
<td>SFOR and entity armed forces Activities and Operations (2004)</td>
<td>22,251</td>
<td>10,429,901</td>
</tr>
<tr>
<td>EUFOR (February 2005)</td>
<td>1,170</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>46,566</td>
<td>&gt; 10,429,901</td>
</tr>
</tbody>
</table>

3.5 SALW stockpile management programmes and capacities

There has been over the past nine years a significant downsizing of the armed forces, which should correspond with a like-for-like decrease in the quantity of SALW and ammunition possessed by the BiH armed forces. These soon-to-be surplus SALW are part of an

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$^{59}$ Ibid.

$^{60}$ Interview, Amna Berbic, Project Manager for SALW, UNDP BiH, 08 February 2005.


$^{62}$ Interview, Amna Berbic, UNDP BiH Project Manager for SALW, 16 February 2005.


$^{64}$ EUFOR BiH, Lieutenant Matt Reynolds, UK Navy, and Captain Nick Griffith UK Army, as quoted by the Centre for Security Studies (CSS), Sarajevo, 02 March 2005.

$^{65}$ BBC Monitoring Service, BH1 Radio, 02 September 2004.


$^{67}$ No information on tonnes of ammunition destroyed exists, however official figures estimated over 4 million pieces were destroyed by the end of May 2003.
estimated current surplus of 370,000 weapons under the control of BiH armed forces.\textsuperscript{68} How these weapons are stored, managed and transported is a continuing matter of concern as previous procedural weaknesses are reported to continue to adversely affect stockpile security (see below).\textsuperscript{69} 

In 1999 there were 540 weapons storage sites in BiH. Five years later that number was reduced to 42 with plans for a further reduction by the end of 2005.\textsuperscript{70} As a result of the reduction in the number of storage depots, there has been an appreciable improvement in general storage standards, although informed sources suggest that the situation remains “hazardous” because stores are beyond their capacity and because of a lack of sufficient personnel to guard them.\textsuperscript{71}

The entity components of the Armed Forces of BiH (the Army of the FBiH and the Army of RS), with support from EUFOR, are currently responsible for the maintenance and security of military warehouses.\textsuperscript{72} Under the framework of the local Armed Forces restructuring, it was decided in 2005 to return the inspection of weapons and ammunition to the armed forces of BiH. In order to facilitate this, EUFOR forces organised training to instruct personnel on conducting inspections.\textsuperscript{73} Current security conditions at ammunition and weapons storage locations are said to be ‘superficial and therefore inadequate.’\textsuperscript{74} According to a 2004 demilitarisation study, ‘Inadequate physical security, coupled with poor accounting standards does not effectively prevent pilfering of weapons and ammunition from storage sites.’ In addition, access denial systems are ‘primitive and largely ineffective.’ Adequate financial resources are said to be the greatest obstacle to increased standards.\textsuperscript{75}

### 3.6 SALW Awareness Raising

In 2004 the state institutions of BiH did not organise any significant educational programmes or SALW awareness campaigns for the public regarding the dangers of SALW.\textsuperscript{76} According to the 2004 UN PoA report, ‘Awareness-raising on SALW in Bosnia and Herzegovina is conducted in cooperation with EUFOR and through the operations of Civilian Protection.’\textsuperscript{77} NGOs and international organisations were however involved in several initiatives. At the entity level, the RS government was involved in raising awareness surrounding ‘Operation Internal Harvest’ through government-run media outreach involving TV and newsprint.\textsuperscript{78}

\textsuperscript{68} \textit{Small Arms and Light Weapons Survey (SAS) Bosnia and Herzegovina}, p 13.
\textsuperscript{69} Interview with Mr. Mehmed Hrnjic, Chief of the Sector for the Infrastructure Management in the Department for Supplies and Logistics, Ministry of Defence of BiH, Sarajevo, 15 February 2005.
\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid.
\textsuperscript{72} Ibid.
\textsuperscript{75} SALW Survey BiH, p 52.
\textsuperscript{76} Interview, Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA BiH, Sarajevo, 10 February 2005.
\textsuperscript{77} UN PoA, p 7.
\textsuperscript{78} Information letter from Cvijeta Kovacevic, Bureau Chief, Bureau for Public Relations in the Government of Republika Srpska, Banja Luka, 16 February 2005.
From February to December 2004, the Red Cross in BiH in cooperation with SEESAC and UNDP BiH implemented a pilot project highlighting the dangers of SALW for primary school students in BiH. The project was implemented as an extension to an ongoing Mine Risk Education (MRE) programme run by the Red Cross. The instructors organised 841 lectures, which were attended by 15,019 persons including youth, parents, teachers and others.79

3.7 SALW Survey activities

UNDP BiH completed two significant research projects on SALW issues during 2004, the ‘Bosnia and Herzegovina Small Arms and Light Weapons Ammunition Demilitarisation Study’ and the ‘SALW Survey of BiH’ produced by Threat Resolution Limited (UK) and the Bonn International Centre for Conversion (BICC) respectively. The scope and methods of the national SALW survey were in accordance with UNDP-SEESAC guidelines designed to provide a comprehensive picture of the SALW situation. The ammunition demilitarisation study, written by the UK-based company Threat Resolution Ltd, examined the feasibility of establishing an Ammunition Disposal Facility (ADF) in BiH.80

3.8 Civil Society involvement in SALW interventions

The Genesis Project – an NGO from Banja Luka – implemented 209 awareness raising puppet shows during 2004, targeting 21,000 young people aged 5-11 years in kindergartens and primary schools throughout BiH.81 Approximately 30 percent of each show was dedicated to the problems of firearms in the home and their potential negative consequences. There were several activities by the Campaign for Conscientious Objection in BiH regarding SALW in 2004. Activities included five public rallies, the printing of 20,000 posters and a ‘Food not Arms’ campaign that distributed food with a pacifist message.82 The Campaign for Conscientious Objection in BiH also organised a Regional Conference on 21 September 2004 to coincide with the International Day of Peace. This Conference focused on the demilitarisation of the region and included government representatives, members of international organisations, NGOs and the media. One of the associated activities was a ‘Toys for Toy Weapons’ campaign for children.83 The Centre for Security Studies (CSS), the Genesis Project, the Red Cross of FBiH and the Campaign for Conscientious Objection participated in regional seminars and training organised by SEESAC, RACVIAC and Saferworld and other NGOs during 2004.84 Cooperation with many other NGOs also took place through the Regional Network for arms control (SEENCA).

Other work of note includes the participation of CSS and the Red Cross of FBiH in the efforts of the Coordination Body. CSS in particular was actively involved in the creation of the draft Strategy for SALW in BiH. CSS and the Red Cross of FBiH also participated in monitoring and verifying the destruction of 20,000 SALW organised by UNDP BiH.

79 Email correspondence with Senadin Kumro, Program Coordinator, Red Cross of the Federation of BiH, Sarajevo, 26 January 2005.
81 Email correspondence with Dijana Pejic, Program Manager, Genesis project, Banja Luka, Sarajevo, 28 January 2005.
82 Email correspondence with Darko Brkan, Co-ordinator, Campaign for Consciences Objection in BiH, Sarajevo, 11 February 2005.
83 Ibid.
84 Interviews with Mr. Senadin Kumro, Program Coordinator, Red Cross of the Federation of BiH; Mr. Darko Brkan, Co-ordinator, Campaign for Consciences Objection BiH; Sarajevo, 01 March 2005; Ms. Dijana Pejic, Program Manager, Genesis project – Banja Luka, Sarajevo, 15 February 2005.
3.9 Cross-border SALW control initiatives

BiH has now signed a number of bilateral agreements with states across the region expressing commitment to jointly combating illegal activities including organised crime.\textsuperscript{85} During 2004 there were no joint projects on border control with other countries. Nonetheless, SBS BiH states that the service maintained regular contact and has relevant information exchanges with authorised police institutions from neighbouring countries.\textsuperscript{86} The SBS training programme includes activities aimed at preventing the flow of SALW across state borders. This necessitates enhanced cooperation with equivalent services in neighbouring states with the aim of a co-ordinated approach to countering the illegal arms trade and related types of criminal activity. Toward this end, BiH seconds a law enforcement officer to the SECI Centre, based in Bucharest that provides a forum for South East European states to share information on arms trafficking.

Part of EUFOR’s role is to work with the 534-strong Integrated Police Unit (IPU). IPU units are armed and work alongside the SBS and local police services. During 2004 IPU carried out a number of intelligence-based operations that focused on anti-smuggling along the borders with Serbia and Montenegro. The IPU discovered significant weapons caches away from borders, including RPGs, 85 mm rockets, grenades and bombs that were uncovered during ‘Operation Tarcin’ in December 2004.\textsuperscript{87} Since 2003 a EU Police Mission (EUPM) has also been active in BiH working on policing, customs, taxation and justice issues. The EUPM has, during 2004, succeeded in assisting the Customs and Fiscal Assistance Office (CAFAO) to create a single, unified customs service for BiH.\textsuperscript{88}

3.10 SALW management and information and exchange systems and protocols

There is an unmistakable move towards increased transparency in BiH, facilitated in part by the 2002 passage of the ‘Freedom of Information Act,’ which places in the public domain a great deal of information previously regarded as secret.\textsuperscript{89} The public dissemination of the 2003 national report on strategic imports and exports, issued again for 2004, marked an important watershed in the move towards greater transparency.\textsuperscript{90} In addition, all laws that are passed and are related to SALW are published in the official gazettes relating to those institutions to which they correspond. These gazettes are available to any member of the public. Further, during 2004, state institutions prepared reports to UNDDA on implementation of the UN Programme of Action, to the OSCE and the Wassenaar Arrangement. These reports were submitted to the relevant international organisation as well as to the Parliamentary Assembly by the MFA.\textsuperscript{91} The timeliness and high level of detail

\textsuperscript{85} As in the 05 May 2005 Agreement between BiH and Turkey to fight terrorism and organised crime.

\textsuperscript{86} Ibid.


\textsuperscript{89} This legislation provides each member of the public with the right to access information on a great variety of state related matters.

\textsuperscript{90} The report was compiled by MOFTER in accordance with the ‘Law on the Import/Export of Arms and Military Equipment.’ Interview, Berin Kurshpahic, Senior Consultant, Ministry of Foreign Trade and Economic Relations of BiH, Sarajevo, 02 February 2005.

\textsuperscript{91} Interview, Svetozar Miletic, Chief of Department for Peace and Security, Sector for Multilateral Relations, MFA of BiH, Sarajevo, 10 February 2005.
provided by BiH in its annual reports on the implementation of the UN PoA are promising signs of an enhanced information exchange capability.

BiH participates actively in initiatives associated with the South Eastern Europe Clearinghouse for the Control of SALW (SEESAC) and with the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC). BiH also has an Office for Cooperation with INTERPOL, and accordingly shares information with this agency. This recently resulted in the apprehension of a BiH citizen by the French police for smuggling 100 kg of Semtex plastic explosives.  

Cooperation has also been established with the South East European Cooperative Initiative (SECI), a regional information-sharing organisation for law enforcement officers from around the region.

Despite these improvements in transparency levels and information exchange, BiH faces engrained problems associated with corruption that have implications for further progress in this area. Over the last eighteen months, Lord Ashdown, the High Representative, has invoked his extraordinary powers on several occasions to dismiss officials accused of corruption. Another potential barrier to better information exchange systems is a lack of resources to meet existing commitments on transparency of information.

**Table 7: Information and Exchange Progress**

<table>
<thead>
<tr>
<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>BOSNIA AND HERZEGOVINA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (eg Wassenaar)</td>
<td>-</td>
</tr>
<tr>
<td>INTERPOL/ EUROPOL</td>
<td>Yes/ Yes</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to EU (if relevant)</td>
<td>-</td>
</tr>
<tr>
<td>SECI Regional Centre intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>Yes</td>
</tr>
<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>Yes, through request to MOFTER</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>Yes, limited strategy detailed in UN PoA Report</td>
</tr>
</tbody>
</table>

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94 Interview with Mr. Berin Kurspahic, Senior Consultant, Ministry of Foreign Trade and Economic Relations of BiH, February 2005.
Bulgaria

1 Small arms problem

SALW issues remain highly relevant for Bulgaria even though it has not experienced internal SALW proliferation to the same degree as its Western Balkan neighbours. The country faces a number of unresolved challenges in controlling SALW, many of which can be traced back to the Communist era when Bulgaria maintained a large standing army and the defence industry was a mainstay of the national economy.

The decline of the Bulgarian defence industry and the simultaneous restructuring of the nation’s security forces and administration that followed the end of Communism have meant that, while SALW production capabilities have gradually reduced, stocks of surplus SALW have grown. Further, although Bulgaria’s SALW production capacity is now much reduced in comparison to a decade ago, with only 8,000 - 9,000 persons directly employed, the privatisation of defence industries has led to the emergence of many smaller companies and has placed an increased burden on the system for regulating arms and dual-use goods and technologies.

These changes have occurred against a backdrop of increasing physical and economic insecurity for the country’s citizens, and have been a leading factor in producing higher levels of civilian firearms possession. Furthermore, in 2004 there were approximately 3,000 registered private security companies operating in Bulgaria, employing close to 130,000 security guards. Most of these guards are former or current police and army officers who can easily obtain a license and purchase a firearm at a preferential price. This practice continues because the current laws do not prohibit the use of weapons licensed for personal protection by security guards.¹

At the same time, craft producers are thought to operate in the country, contributing to an overall pool of anywhere between 93,000 and 259,000 illegal SALW.² The sources for illicit weapons are thought to include re-modelling of ‘gas-spray’ guns and thefts from households, factories and military depots.

² This figure represents an estimate of all unregistered firearms in the country and includes the MoI estimate of 40,000 units entering the black market over the past five years; as quoted in Taming the Arsenal – SALW control in Bulgaria, Rynn, Gounev and Jackson, UNDP, 2005, p 16.
In addition, despite significant improvements in border management in the past three years, corruption and a lack of equipment have left Bulgaria susceptible to cross-border SALW smuggling. Although the numbers of SALW being trafficked through Bulgaria’s borders are comparatively low (far more stolen cars and drug consignments are intercepted), illicit shipments of SALW are continually intercepted at all crossing points.\(^3\) Outstanding border control problems include a lack of equipment at crossing points (even at major sites such as the Black Sea ports of Varna and Burgas) and low staffing levels in relation to the large volume of traffic.\(^4\) A recent report into the incidence of corruption amongst some customs officials and border guards might also contribute to an environment where SALW can be illegally trafficked.\(^5\)

Although the Bulgarian Government has so far destroyed around 100,000 surplus SALW with the assistance of international donors, the Bulgarian Armed Forces still hold around 200,000 surplus SALW and 21,000 tons of surplus SALW ammunition.\(^6\) The disposal of these stocks poses an ongoing challenge given the country’s international commitments. The continuing downsizing of the armed forces, in line with the requirements of NATO membership, means that surplus stocks are likely to increase further in the near future.

A final challenge faced by the Bulgarian Government is that of increasing domestic transparency with respect to the arms trade. Although government officials are generally willing to provide information, they feel constrained by the provisions of the Law on Protection of Classified Information. The effect is a serious curtailment of Bulgarian citizens’ rights to obtain information relating to SALW. The long-awaited publication of the country’s first ever arms export-import report, now expected in 2005, should shed welcome light in this area.

## 2 Small Arms policy and practice

The domestic and international dimensions of arms control in Bulgaria have evolved along two different trajectories over the last decade. The laws on civilian firearms possession have been gradually liberalised since the early 1990s, leaving some 305,624 registered weapons in the hands of 249,882 civilians across Bulgaria as of 2003.\(^7\) Although hunters and businesses also now possess firearms on a significant scale, the single largest increase in ownership has been among citizens applying for ‘self-defence’ licenses. A sizeable internal legal market for firearms now exists and is supplied by some 269 registered gun shops situated across the country.\(^8\)

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\(^{5}\) US Department of State, <http://www.state.gov/g/drl/rls/hrrpt/2003/27830.htm>, accessed 03 May 2005. In October 2002, Bulgarian customs officers intercepted a shipment of dual-use Bulgarian-made tractor components destined for Iraq. The police investigation uncovered that the export channel involving TEREM had been operating for about six years and also included the export of 50 tank engines to Syria. The company in question was the state-owned Targovishte branch of TEREM EAD facility. In October 2003, the current and former CEOs of the privately owned Beta-Cherven Briag were briefly detained and charged with illegal exports of parts for the 122 mm Gvozdika self-propelled howitzer to Sudan along with an unlicensed broker from RIK Co. Beta had allegedly delivered 18 howitzers to Sudan in the preceding years and had continued to export from 22-29 November 2001, seven months after the Bulgarian Government had joined the EU embargo against Sudan. Capital, 18 October 2003. The system’s flaws were once again highlighted by the publication of the Iraq Survey Group’s Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq’s Weapons of Mass Destruction (WMD) in September 2004, which drew attention to multiple examples where Bulgarian companies had been involved in the transfer of ADGT to the Iraqi regime in contravention of a UN embargo. Iraq Survey Group report, p 114, 137 & 138.

\(^{6}\) Taming the Arsenal - SALW control in Bulgaria, 2005, p 10, 99, 100.

\(^{7}\) Taming the Arsenal - SALW control in Bulgaria, 2005, p 5.

\(^{8}\) MoI data, 2004.
At the same time, the country has moved from a relatively permissive arms and dual-use goods transfer control regime, which allowed arms transfers to reach highly sensitive destinations throughout the 1990s, to a framework that is broadly consistent with EU and international norms. The Government’s commitment to uphold a ‘…consistent and responsible policy of export control’ has been demonstrated by its alignment with, and participation in, the main international mechanisms for SALW control. In August 1998 Bulgaria formally aligned itself to the EU Code of Conduct on Arms Exports, thereby committing itself to abide by all guidelines, decisions and positions relating to arms transfers taken by the EU. In December 1998 a further commitment was made to the EU Joint Action on SALW. Bulgaria signed the OSCE Document on SALW in November 2000 and in 2002 the Council of Ministers also adopted a ‘Decision for the Approval of the UN PoA’, requiring government institutions to appoint a point of contact to facilitate implementation of the Programme. In April 2001 a ‘consolidated list’ of countries and organisations to which transfers of arms and dual-use goods are prohibited or restricted was introduced. The list provides the basis for Bulgaria’s adoption of EU, UNSC and OSCE resolutions and decisions on arms transfer control.

10 EU Joint Action of 17 December 1998 on the EU’s contribution to combating the destabilising accumulation and spread of small arms and light weapons (1999/34/CFSP).
11 FSC.DOC/1/00, 24 November 2000.
12 On 07 March 2002, the Council of Ministers adopted a Government 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. Since the Programme was adopted, Bulgaria has submitted two annual progress reports to the UN Department for Disarmament Affairs. <http://disarmament2.un.org/cab/salw-nationalreports.html>, accessed 23 November 2004.
13 The List was established by a Decree of the Council of Ministers. List of countries and organisations, towards which the Republic of Bulgaria applies prohibitions or restrictions on the sale and supply of arms and related equipment in accordance with UNSC resolutions and decisions of the EU and the OSCE, SG 34/2001.
Table 1: Arms transfer control instruments pertaining to SALW, to which Bulgaria is a party

<table>
<thead>
<tr>
<th>Arms or SALW Control Agreement</th>
<th>Bulgaria’s Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability Pact Regional Implementation Plan</td>
<td>November 2001(^{14})</td>
</tr>
<tr>
<td>UN Programme of Action</td>
<td>July 2001</td>
</tr>
<tr>
<td>UN Firearms Protocol</td>
<td>February 2002(^{15})</td>
</tr>
<tr>
<td>OSCE Document on Small Arms</td>
<td>November 2000(^{16})</td>
</tr>
<tr>
<td>OSCE Document on Stockpiles of Conventional Ammunition</td>
<td>December 2003</td>
</tr>
<tr>
<td>EU Code of Conduct</td>
<td>August 1998</td>
</tr>
<tr>
<td>EU Joint Action on Small Arms and Light Weapons</td>
<td>December 1998(^{17})</td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td>July 1996(^{18})</td>
</tr>
</tbody>
</table>

2.1 SALW production

Bulgarian defence facilities have long been associated with a range of military and civilian SALW, ranging from handguns to assault rifles, mortars, mines, rocket launchers as well as explosives and ammunition. However, with the disappearance of traditional markets in the 1990s, the SALW industry has contracted to the point where it makes up a small proportion of the national economy, earning an estimated US$60 million in an economy worth US$20 billion.\(^{19}\) The number of workers employed in the production of SALW has shrunk from around 100,000 persons (in the 1990s) to 8 - 9,000 (in 2004).\(^{20}\) The companies that currently retain a SALW or ammunition production capacity are Arsenal, VMZ, Arcus, Dunarit, EMCO, NITI and two branches of the MoD-owned TEREM Company. Ammunition producers aside, the only three significant SALW producers at the present time appear to be Arcus, Arsenal and VMZ. Many SALW and ammunition production lines are now inactive for long periods until orders arrive.\(^{21}\)

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


17 EU Joint Action of 17 December 1998 on the EU’s contribution to combating the destabilising accumulation and spread of small arms and light weapons (1999/34/CFSP).


20 See for example, Kiss, October 2004, p16.

21 Interview with Arsenal workers following FGD, Kazanlak, October 2004.
Table 2: SALW Producers

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>NUMBER OF EMPLOYEES</th>
<th>TYPE OF SALW PRODUCTS</th>
<th>TOTAL REVENUES (MILLION US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenal</td>
<td>4,465</td>
<td>A full range of civilian and military small arms and ammunition; a wide range of light weapons and ammunition</td>
<td>45.0 (2004)</td>
</tr>
<tr>
<td>NITI</td>
<td>163</td>
<td>Small arms (hand-gun -SPS, hunting rifle- Mazalat), anti-tank mines, rubber-bullets</td>
<td>0.9 (2001)</td>
</tr>
<tr>
<td>Arcus</td>
<td>3,000</td>
<td>Pistols, revolvers, fuses for light weapons ammunition, ammunition for small arms and for light weapons.</td>
<td>32.2 (est. 2004)</td>
</tr>
<tr>
<td>VMZ</td>
<td>3880</td>
<td>Artillery and light weapons ammunition, RPGs launchers, MANPADS 25</td>
<td>22.3 (2001)</td>
</tr>
<tr>
<td>Dunarit</td>
<td>700</td>
<td>Artillery ammunition: 82 mm; 57mm-air-defence ammunition; 81mm-mortar ammunition</td>
<td>6.2 (2002)</td>
</tr>
<tr>
<td>Optiko-electron</td>
<td>786</td>
<td>Sights for small arms and for light weapons</td>
<td>2.5 (2002)</td>
</tr>
<tr>
<td>TEREM-Veliko Tarnovo Branch</td>
<td>383</td>
<td>Hunting rifle 7.62 calibre, spare parts for small arms</td>
<td>2.7 (2003)</td>
</tr>
<tr>
<td>Bendida 99</td>
<td>c. 20</td>
<td>Hunting arms ammunition</td>
<td>0.2</td>
</tr>
<tr>
<td>Ripelon</td>
<td>c. 20</td>
<td>Hunting arms ammunition</td>
<td>0.3</td>
</tr>
</tbody>
</table>

The Bulgarian defence sector has suffered a drastic decline over the last decade or so despite continued attempts to privatise and/or convert to alternative production lines. A lack of technical expertise, international quality standards and investment in the research and development needed to produce high-technology weapons have also left factories over-dependent on the production of low technology goods such as SALW.

3 Small Arms progress

3.1 Legislative and regulatory issues

Weapons production, acquisition, possession, use and the domestic trade in weapons are regulated by the 1999 ‘Law on the Control of Explosive Substances, Firearms and Ammunition’ (LCESFA), last amended in September 2003. According to the LCESFA,

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25 The company has ceased production of MANPADS for the time being due to the risks that these weapons pose. Interview with company employee, 26 May 2004.
production and internal trade may only be conducted by legal business entities that have obtained a permit from the Ministry of Interior. Civilians are required to obtain separate permits for the possession and carriage of weapons. Handguns are permitted for ‘self-defence’ and rifles for those who obtain a hunting licence. Although the permit application system is complex - including training, testing and the requirement to submit a range of documentation - the standards are much more relaxed for current and former employees of the MoI and MoD, who account for a substantial number of gun owners.

The legal foundation for Bulgaria’s arms and dual-use goods transfer control system is the 1995 ‘Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies’ (LCFTADGT), which was last amended in July 2002. The LCFTADGT provides for a two-tier control system whereby companies, brokers and shipping companies must first obtain a licence to trade before applying for permits for particular transfers. Trading licences are issued by an Interministerial Council – the Interministerial Council on the Issues of Military Industrial Complex and the Mobilisation Preparedness of the Country – chaired by the Minister of Economy and by the Minister of Defence. Arms and dual-use goods permit applications are considered on a case-by-case basis by a second body - the Interdepartmental Commission on Export Control and Non-Proliferation of Weapons of Mass Destruction (Interdepartmental Commission) – chaired by the Minister of Economy. Since there is no legal basis for pre- or post-scrutiny of licensing decisions by the National Parliament, the Interdepartmental Commission has the final say on issuing transfer permits. Additional controls include the following:

- Companies licensed to trade in arms and dual-use goods must designate a senior employee to take responsibility for each transaction’s compliance with the law and must keep a register of their transactions;
- All transfers require an additional permit from the Control on Hazardous Devices Office of the National Police Service;
- Those companies owned by the MoD are obliged to obtain personal approval for all transactions from the Minister of Defence;
- Intelligence agencies within the MoI and the MoD monitor the activities of companies trading in arms and advise the Interministerial Council;
- The National Border Police Service and the Customs Agency may inspect particular shipments at border crossings.

In July 2002, the National Assembly passed major amendments to the LCFTADGT introducing controls over arms brokering and new provisions to improve the identification of end-users.
### Table 3: Features of Bulgaria's Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>BULGARIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>National Co-ordinating Agency on SALW</td>
<td>Partial (coordination of arms transfers only)²⁷</td>
</tr>
<tr>
<td>National Point of Contact</td>
<td>Yes⁰²⁸</td>
</tr>
<tr>
<td><strong>LAWS &amp; PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</strong></td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes</td>
</tr>
<tr>
<td>Production</td>
<td>Yes</td>
</tr>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL SYSTEM OF EXPORT &amp; IMPORT LICENSING OR AUTHORISATION</strong></td>
<td></td>
</tr>
<tr>
<td>Diversion risk</td>
<td>Yes</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Yes⁰²⁹</td>
</tr>
<tr>
<td>Re-transfers</td>
<td>Yes</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>Yes, post-shipment⁰³⁰</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>DOMESTIC POSSESSION, TRADE AND STOCKPILING</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacture</td>
<td>Yes</td>
</tr>
<tr>
<td>Marking and Tracing</td>
<td>Yes⁰³¹</td>
</tr>
<tr>
<td>Possession</td>
<td>Yes</td>
</tr>
<tr>
<td>Stockpiling</td>
<td>Yes</td>
</tr>
<tr>
<td>Trade</td>
<td>Yes</td>
</tr>
</tbody>
</table>

²⁷ 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, the 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’.

²⁸ The Director of the NATO and International Security Directorate at the Ministry of Foreign Affairs 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.

²⁹ Every transaction requires an end-user certificate. The exporting company or broker needs to provide a certificate obtained by the end-user from its own national authorities. This certificate is verified by the Ministry of Economy, the MFA, the MoI and the MoD.

³⁰ The Commission requires a certificate (Delivery Verification Certificate – DVC) 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 due to limited resources.

³¹ 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 compliance with Bulgaria’s NATO compatibility requirements, all arms and ammunition of the Bulgarian armed forces will need to bear the standard marking for NATO armaments. This is likely to become the standard for the production of all Bulgarian defence companies.
3.2 SALW transfers

According to a public statement by the Deputy Minister of Economy, Bulgarian arms exports earned the country €90 million in 2003. Judged by global standards, this makes Bulgaria a small player in the estimated US$4 billion annual world market for SALW. The only two companies known to be exporting SALW and ammunition at the present time are Arsenal and Arcus. A review of publicly available information on Bulgaria’s recent SALW exports reveals that the country’s biggest trading partners currently include India, Iraq, Afghanistan and Jordan.

The contemporary Bulgarian arms transfer control regime is a considerable improvement on that of the 1990s, when the country was identified as the source of a series of arms transfers to sensitive destinations including conflict zones such as Angola, Rwanda, the Democratic Republic of Congo, Uganda, Sierra Leone and Burundi. These transfers constituted a sufficiently grave infringement of international arms control norms to attract heavy criticism from a UN Panel of Experts. Although past practices fell far short of international standards, a recent SALW Survey, ‘Taming the Arsenal – SALW control in Bulgaria’, has concluded that the occurrence of large-scale (official) illicit SALW transfers appears to be a thing of the past. Nevertheless, a number of potentially problematic sales may have occurred from 2001-2003 to destinations such as Colombia, Georgia, Guatemala, India, Indonesia, Macedonia, the Russian Federation, Turkey and Saudi Arabia. In August 2004 a sale of 2,500 boxes of mortar shells to Georgia was authorised despite there being a number of unresolved internal conflicts in that country. However, it is not possible to make a definitive judgement on these cases without the type of detailed information that might be included in a national arms export report (e.g. on types of weapons transferred and end-use guarantees received).

A final issue of concern is the incomplete implementation of the LCFTADGT’s requirement for companies transporting arms and dual-use goods, or providing financial or consulting


33 The Small Arms Survey estimates the global value and volume of small arms production for the year 2000 at US$7.4 billion (SAS, 2002, p15) This figure includes military small arms, commercial firearms and ammunition for both of these. This estimate is presented as a ‘very tentative’ approximation, and has not been improved upon in subsequent yearbooks. See also SAS, 2003, p 97.


36 Gounev et al., Chapter 3.


services to other firms to obtain a trading licence. In early 2005 only a small number of transport companies involved in the arms trade (Bulgaria Air, Bulgarian Maritime Company and Bulgaria State Railways) were registered to do so. Other omissions apparently include road haulage firms and forwarding, financial and consulting companies since no licences had been issued for these activities at that time.

3.3 SALW collection programmes and capacities

In 1990 an amnesty law was passed allowing anyone possessing unregistered firearms, ammunition or explosives to hand them in without fear of prosecution. Since that time, regional police departments have administered two temporary weapons collections during periods of political tension (1992 and 1994). After these apparently successful collections, the weapons were subsequently returned to their owners. In June 2002 Nonka Matova, a Member of Parliament, submitted a draft law proposing a further amnesty for those holding unregistered weapons. The proposal did not meet with success and was never voted on. Ms Matova renewed her attempt to introduce an amnesty law in late 2004, but as government agencies argued that an amnesty would need to be accompanied by a large and possibly costly collection and awareness campaign, the draft law stalled again.

3.4 SALW destruction programmes and capacities

As noted above, Bulgaria has sizeable stocks of surplus SALW and ammunition (approximately 200,000 weapons and 21,000 tonnes of SALW ammunition), held primarily by the army. Following an agreement reached with the US Government in 2001, the Bulgarian armed forces have destroyed around 96,000 SALW and 6,700,000 rounds of ammunition. The MoD has since destroyed a further 4,500 AK-74 rifles, 750,000 rounds of 5.45mm small arms ammunition and 2,475 rounds of high explosive anti-tank ammunition in July 2003 with assistance from the United Nations Development Programme (UNDP).

The Bulgarian Government signalled a particular interest in questions surrounding the disposal of ammunition surpluses by tabling a UN General Assembly Draft Resolution on ‘Problems arising from the accumulation of conventional ammunition stockpiles in surplus’ in October 2004. On 4 March 2004 Bulgaria’s Council of Ministers approved a MoD document entitled ‘The National Programme for Recycling and Destruction of Surplus Ammunition on the Territory of Republic of Bulgaria.’ The document sets out a national plan for the destruction of around 50% of surplus ammunition stocks on grounds of age or a possible safety hazard. In addition to detailing existing surpluses, the document lists nine separate defence facilities that are capable of destroying surplus ammunition by various means. A number of gaps are identified in the programme document’s survey of national destruction capacities, including an inability to meet current environmental standards, the

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39 Taming the Arsenal, p 35.
41 Gounev et al., p 46.
42 Georgiev, 3-4 November 2004.
44 The programme was submitted on 9 March to the National Parliament. Since it was first considered on 18 March by the Foreign Relations, Defence and Security Committee, the programme has been retained for further consideration by the Committee.
use of out of date technology, inappropriate destruction techniques and limited recycling capacities.

Although no national programme for SALW destruction currently exists, the Government of Bulgaria continues to seek funding for further destruction from foreign donors on a bilateral basis. In December 2004 a joint delegation from the UK’s Joint Arms Control Implementation Group (JACIG) and SEESAC made an assessment visit to MoD storage sites. Yet, despite commitments made under the OSCE Document on SALW, the Bulgarian Government has declared a preference for the sale rather than destruction of surplus weapons, whether on the national or international market.

3.5 SALW stockpile management programmes and capacities

The army’s storage standards are set out in military regulations, which are in turn informed by those of NATO and the Euro-Atlantic Partnership Council (EAPC). These include standards for the location, construction, maintenance, security and record keeping of stockpiles. Although reserve and surplus weapons are stored at seventeen depots across the country, current Army policy is to move all SALW surpluses to the 137th Central Storage and Technical Maintenance Base (CSTMB), under the supervision of the General Staff’s Logistic Command in the city of Veliko Tarnovo. The Army General Staff has been overseeing the introduction of ‘Integrated Alarm Systems’ in arms warehouses and stores since 1997 and hopes to have all stores electronically monitored by 2007.

Although security at the CSTMB appears satisfactory, periodic thefts from active military units have shown that other stores are not managed as effectively. The problem appears to have been at its worst several years ago at the height of military restructuring when SALW were regularly being moved to new military bases around the country without close supervision or detailed inventories. Nevertheless, the number of thefts reported by the military has fallen fairly consistently from 1996 (22 cases), to 2002 (5 cases).

The problems facing these agencies in their work include the lack of a centralised electronic accounting system, low salaries and chronic corruption.

46 Interview, Adrian Wilkinson, Head SEESAC, 06 December 2004.
47 The Document states that destruction rather than sale is the preferred method of disposal for all member states.
48 This site was designated in accordance with the requirements of the Conventional Forces in Europe Treaty as the facility to which surplus SALW will be transported for storage and destruction.
49 Interview, Wilkinson, 03 December 2004, based on information provided during a visit to the CSTB from 30 November to 01 December 2004 by a joint SEESAC/JACIG delegation.
50 Comments by the Chief of the General Staff, General Kolev, quoted in Dnevnik, 23 December 2004.
51 SEE SALW Monitor, 11 January 2003. Reports indicate that most of the stolen weapons in these cases were 9mm Makarov pistols and 7.62mm Kalashnikovs. In one case however, the security service also reported fifty pistols, seven sub-machine-guns and twenty-two hand-held anti-tank rocket-propelled grenade launchers (RPGs) (ten of them stolen from a military unit in the town of Strajitza), as being among the stolen items. Segà, 18 January 2003.
among army conscripts. In September 2004 in an attempt to prevent stolen military equipment being smuggled out of the country, the Customs Agency signed an agreement on information exchange with the Military Counterintelligence Service to regularly share information on stolen or missing military equipment and arms.

3.6 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 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 destroyed Kalashnikov rifles. 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.

A number of NGOs have also engaged in public awareness activities (see ‘Civil Society involvement in SALW interventions’ below). Of particular note are the publications, media work, courses and seminars undertaken by the Bulgarian Red Cross since 2000 as part of its wider campaign against armed violence.

3.7 SALW survey activities

Following the ‘expert group’ assessment of Bulgaria’s arms transfer controls system in 2003, which was coordinated by CSD and Saferworld in 2004, the two organizations jointly conducted a comprehensive SALW Survey of the impact and distribution of SALW in Bulgaria. The survey also covered the public’s perceptions of SALW issues and the capacities of national agencies to achieve SALW control. The report, entitled ‘Taming the Arsenal – SALW in Bulgaria’ published by SEESAC, was launched by CSD in March 2005, attracting considerable media interest and generating a number of requests for information from government agencies involved in SALW control.

3.8 Civil Society involvement in SALW interventions

A number of Bulgarian NGOs now have an established track record in researching SALW related issues, raising awareness and advocating policy change. They include the Atlantic Club of Bulgaria, the Bulgarian Red Cross (BRC), the Bulgarian Helsinki Committee and the Centre for the Study of Democracy (CSD). From 1999 onwards, these organisations have worked to improve understanding of SALW issues in Bulgaria by publicising research reports and organising seminars for policy-makers and academics.

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53 See the annual publication of Bulgaria’s anti-corruption initiative for an assessment of levels of corruption in various public institutions, <http://www.anticorruption.bg/eng/coalition/car2003.htm>
56 This resulted in a report, Weapons Under Scrutiny, Centre for the Study of Democracy and Saferworld, 2004, Gounev et al.
Table 4: SALW seminars held in Bulgaria, 2002 – 2004

<table>
<thead>
<tr>
<th>ORGANISERS</th>
<th>EVENT</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgarian Red Cross Saferworld</td>
<td>Controlling Small Arms Proliferation: the View from Bulgaria</td>
<td>May 2002</td>
</tr>
<tr>
<td>Atlantic Club in Bulgaria Centre for the Study of Democracy Saferworld</td>
<td>Developing a Bulgarian National Programme to Implement Arms Export Controls and Combat Small Arms Proliferation</td>
<td>May 2003</td>
</tr>
<tr>
<td>Atlantic Club in Bulgaria Bulgarian MFA NATO Information Centre</td>
<td>Modern Control of Arms Export in the Process of Bulgaria’s Accession to NATO</td>
<td>September 2003</td>
</tr>
<tr>
<td>Centre for the Study of Democracy</td>
<td>Export Control on SALW in Bulgaria</td>
<td>March 2003</td>
</tr>
<tr>
<td>Bulgarian Red Cross</td>
<td>‘Non-proliferation of SALW’</td>
<td>November 2004</td>
</tr>
</tbody>
</table>

The BRC and the think-tank CSD have been the two most consistently active NGOs. In addition to hosting periodic national seminars on SALW, some BRC volunteers address questions of weapons possession and use in the course of their work during anti-violence campaigns or in tutorials on International Humanitarian Law, which they convene for military and police personnel, students, public authorities and BRC staff. Primarily a think-tank, CSD has completed two major research reports on SALW, one of which, a national SALW survey, is discussed further below. Following a roundtable discussion entitled ‘Export Control on SALW in Bulgaria’ held on 28 March 2003, CSD convened an ‘expert group’ of specialists from the MoD, MFA, MoI, MoE and the University of National and World Economy to analyse the Bulgarian arms export control system and make recommendations for its improvement. The resulting report, ‘Weapons Under Scrutiny – Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria’, was launched on 5 April 2004.57 At the time of writing, CSD is beginning a nine-month programme of follow-up work to pursue some of the findings of the national SALW survey and improve SALW controls in the country. Planned activities for 2005 include policy briefings, newsletters and roundtables with government officials. CSD also hopes to enlist the support of other NGO partners in this work.

3.9 Cross-border SALW control initiatives

With a target of 2007 for accession to the EU, Bulgaria has shown a keen interest in improving border control capacities and standards, particularly following EU-sponsored reports in 1999 and 2000 that identified operational deficiencies.58 Bulgarian law enforcement and border control agencies participate in a number of regional initiatives with a border control dimension (see below). In addition a number of specific programmes are under way to enhance the country’s capacity in this area. Since 2002 the Customs Agency’s Investigations Directorate has been reformed with the help of British consultants. The Directorate now has field officers at almost all border posts and has begun developing a risk profiling and analysis system. The agency has been gradually introducing an ‘Integrated Bulgarian Customs Information System’ since 2000, which has apparently facilitated faster information exchanges and risk analysis. Other beneficial changes include: decisions by

the Agency to designate 23 specific customs posts for the passage of all ADGT shipments and to allow the preparation of customs documents at sixteen specific customs posts;\textsuperscript{59} the passage of legislation in 2003 allowing undercover operations; the phasing out of conscription in the border police service; the introduction of specialist staff training courses;\textsuperscript{60} and an increase in the number of mobile customs units (from five to fifteen).\textsuperscript{61} As part of the EU’s Pre-accession assistance programme for Central and Eastern European countries (PHARE), two new patrol boats were launched in December 2003 to help update security along the Black Sea coast.\textsuperscript{62} In 2003 the European Commission praised the progress being made by Bulgaria in updating its Schengen Action Plan and its efforts to improve border control.\textsuperscript{63}

3.10 SALW management information and exchange systems and protocols

Bulgaria has made good progress during the last decade in lifting the veil of Communist secrecy from its arms production and trade. Cooperation with international organisations and involvement in arms control initiatives is now fairly routine. Bulgaria was an early member of international initiatives such as the NATO Partnership for Peace (PfP) programme and the Wassenaar Arrangement. Bulgaria has also expressed its support for adding SALW reporting requirements to Wassenaar’s stipulations. Following its acceptance of the OSCE Document on SALW,\textsuperscript{64} Bulgaria has, as required, made timely submissions to the OSCE on SALW transfers within the OSCE area.\textsuperscript{65} Also, since adopting the UN Programme of Action on SALW, Bulgaria has submitted two annual progress reports to the UN Department for Disarmament Affairs (a two-year version, covering 2004/2005 is planned for 2005).\textsuperscript{66}

Bulgarian officials are active within, or represented at, a good number of regional initiatives currently operating in South East Europe to combat organised crime or cross-border trafficking. These include the International Criminal Police Organisation (Interpol),\textsuperscript{67} the European Police Office (Europol),\textsuperscript{68} the Stability Pact for South-Eastern Europe (via the South Eastern Europe Clearinghouse for the Control of SALW, or ‘SEESAC’), the Black Sea


\textsuperscript{60} Tolev, op cit.

\textsuperscript{61} Official correspondence with Bulgarian Ministry of Foreign Affairs, June 2005


\textsuperscript{63} 2003 Regular Report on Bulgaria’s progress towards accession, p 99.

\textsuperscript{64} FSC.DOC/1/00, 24 November 2000.

\textsuperscript{65} Bulgaria has made three submissions to the OSCE secretariat since the document’s adoption. Correspondence with Anton Martynyuk of the OSCE Secretariat, 23 September 2004.


\textsuperscript{67} According to public statements by government officials, the Bulgarian Customs Agency periodically receives information on stolen firearms from the Interpol National Bureau, thereby enhancing its capacity to prevent illicit arms trafficking. 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.

\textsuperscript{68} On 17 June 2003 Bulgaria signed a co-operation agreement with Europol in connection with the fight against international organized crime. The agreement allows Bulgaria to appoint a liaison officer to work at Europol headquarters in The Hague. Europol press release, 17 June 2003.
Economic Cooperation (BSEC), the Central European Initiative (CEI) and the Southeast Europe Cooperative Initiative (SECI) Centre for Combating Trans-Border Crime. The Bulgarian police, customs and intelligence agencies cooperate with several of these initiatives on the basis of bilateral agreements. The most influential and important of these are probably SEESAC and the SECI Centre to which Bulgaria has two nationals on the staff.

**Table 5: Information and Exchange Progress**

<table>
<thead>
<tr>
<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>BULGARIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (eg Wassenaar)</td>
<td>Yes</td>
</tr>
<tr>
<td>INTERPOL/EUROPOL</td>
<td>Yes/ Yes</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to EU (if relevant)</td>
<td>Yes</td>
</tr>
<tr>
<td>SECI Regional Centre intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>No</td>
</tr>
<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>No</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>No</td>
</tr>
</tbody>
</table>

69 Co-operation between customs authorities takes place on the basis of: Protocol No 6 on Mutual assistance in Customs activity, in accordance with Article 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’, p 7-8.

70 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.
Croatia

1 Small Arms problem

A decade after the wars, which accompanied the break-up of the Socialist Federal Republic of Yugoslavia (SFRY), Croatia is now a peaceful and stable country concerned mainly with Euro-Atlantic integration and economic development. With the exception of Slovenia, among the citizens of former SFRY states Croatians have enjoyed the fastest progress towards normalisation and economic recovery. Having been granted the formal status of an EU candidate country in June 2004, Croatia has its sights firmly set on EU membership and is working towards meeting a range of outstanding requirements for action on issues such as refugee return, minority rights, judicial reform, the prosecution of war criminals and media freedom. Although much remains to be done, the security situation in the country is now good and crime levels are relatively low for the region.\(^1\) NATO membership is the country’s second foreign policy priority. Under the Partnership for Peace (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.\(^2\) Other security services, particularly the police, are also being reformed with assistance from the OSCE and the International Criminal Investigative Assistance Training Program (ICITAP).\(^3\)

Despite what has been achieved so far, several SALW control problems remain. These include the widespread availability of SALW in society, the illegal possession, use and trafficking of weapons by criminal gangs, problems with law enforcement over mafia activities and war crimes, and a regulatory system governing arms transfer control that has lagged behind EU standards in certain important areas.\(^4\) To some extent, these problems can be traced

\(^{1}\) MOI statistics for 2004 show a total of 981 armed crimes including only 66 murders or attempted murders. Correspondence obtained via the Croatian National Focal Point for SALW on 18 March 2005, from Mr Zlatko Mehun, Spokesperson for the Croatian Ministry of Interior.


\(^{4}\) 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. Further, ‘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.
back to wartime practices, which saw large quantities of SALW become available within the country, either through a substantial increase in local production, imports, or through capture on the battlefield.5

According to current MoI records, approximately 376,000 firearms are currently registered to Croatian citizens: 182,500 for self-defence, 154,000 for hunting and 8,600 for sports.6 This would mean that close to twenty percent of Croatian households have registered firearms. There is a widespread consensus in Croatia among governmental and non-governmental actors alike that, despite extensive weapons collection work undertaken by the Croatian Government (and early on by the UN forces in Eastern Slavonia) from 1992 – 2002, more remains to be done to reverse the extremely high levels of SALW possession, much of it illegal, which came into being during the war.7 Many unregistered firearms remain in the community and government officials from both the MoI and MoD are concerned at the level of civilian possession.8

Nevertheless MoI sources are keen to point out that illegal weapons typically remain the preserve of criminals and not ordinary civilians – currently around 75% of murders and attempted murders are committed with illegal weapons.9 Records for 2004 show that 319 individuals were prosecuted for the illegal possession of weapons or explosives.10 Connected to, but distinct from, problems of illicit SALW possession are the ongoing problems with the trafficking of SALW and other goods, which has seen Croatian weapons being supplied to criminal groups in Western Europe (see below).

2 Small Arms policy and practice

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. Policy is also influenced by the adoption of a package of new measures on national security and defence strategy that have NATO membership as an overall goal.11 According to presentations at international fora, the Croatian Government "fully supports and actively implements" the UN PoA and the Stability Pact’s RIP.12 In addition to hosting several regional meetings on security issues,13

5 ‘Developing weapons collection programmes in a society with a pronounced firearms proliferation’, presentation given by Chief Inspector Lav Kalda, Croatian MoI, at a seminar on ‘Combating Illicit Trafficking in Central Asia: Regional Follow-up Meeting’, Almaty, 21 - 22 May 2002.
6 Correspondence from Croatian MoI, Op Cit.
7 Even before the war possession levels were also significant. In 1989, 299,586 weapons were registered out of a population of 4.6 million. Armed and Dangerous – The Proliferation of Small Arms and Light Weapons in the Balkans, Global Disarmament, Demilitarization and Demobilization – BICC Conversion Survey 2002, Bonn International Center for Conversion, 2002, p 127.
8 Correspondence from Croatian MoI, Op Cit. Also, correspondence obtained via the Croatian National Focal Point for SALW on 10 March 2005, from Col. Mirko Kukolj, Deputy Head of Directorate for Development, Acquisition and Modernization, MoD, 21 February 2005.
9 Correspondence from Croatian MoI, Op Cit.
10 Correspondence from Croatian MoI, Op Cit.
12 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, 8 July 2003. See also, UNPoA report 2003, p 10.
13 For example, Croatia hosted the EAPC/PfP October 2002 workshop in Zagreb on ‘The Practical Challenges Arising from the Implementation of the OSCE Document’, a meeting involving 100 participants from 37 states. UNPoA report 2003, p 9.
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 the OSCE Code of Conduct on Politico-Military Aspects of Security and other provisions aimed at fostering transparency and cooperation in the region.

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.\textsuperscript{14} The Government has applied for membership of two more export control regimes, the Wassenaar Arrangement and the Missile Technology Control Regime. While it waits for a decision on its membership, the Government “plans on unilaterally applying the provisions of these abovementioned initiatives until such time as we become member countries ourselves”.\textsuperscript{15} In November 2004 the Croatian parliament passed a law ratifying the UN Firearms Protocol.\textsuperscript{16}

\begin{table}[h]
\centering
\begin{tabular}{|l|l|}
\hline
Arms or SALW Control Agreement & Croatia’s Commitments \\
\hline
Stability Pact Regional Implementation Plan & November 2001 \\
UN Programme of Action & July 2001 \\
UN Firearms Protocol & November 2004\textsuperscript{17} \\
OSCE Document on Small Arms & November 2000 \\
OSCE Document on Stockpiles of Conventional Ammunition & December 2003 \\
EU Code of Conduct & 2002\textsuperscript{18} \\
EU Joint Action on SALW & No \\
Wassenaar Arrangement & No, but application to join \\
\hline
\end{tabular}
\caption{Croatia’s commitments to arms or SALW control agreements}
\end{table}

\section*{2.1 Production}

Spurred by the need to supply a country at war, the Croatian military industry grew rapidly in the early 1990s from a small base to the point where approximately 15 per cent of


\textsuperscript{15} 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.

\textsuperscript{16} Correspondence from MoD, Op Cit.

\textsuperscript{17} Croatia signed the UN Convention Against Transnational Organised Crime in December 2000, and ratified it in January 2003; the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime was ratified by the Croatian parliament on 10 November 2004.

\textsuperscript{18} On 09 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 08 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’. UNPoA report 2003, p 2-6.
the national budget was spent on defence. By 1992 over 62 military-related firms had a contract with the MoD, including seven or eight small arms producers.\(^\text{19}\) Approximately 10,000 staff worked in the military industry in Croatia during the peak production period in 1993. Present production has fallen to around 15 per cent of 1993 levels.\(^\text{20}\)

There are at present eight production facilities registered to produce or overhaul SALW or SALW ammunition in Croatia, all of which are privately owned.\(^\text{21}\) According to a MoD source, only two facilities are actively producing weapons, while only three ammunition producers are active (albeit sporadically). Consequently only around 650 workers are currently employed full-time by the SALW production industry.\(^\text{22}\) According to the MOD, weapon types currently under production include pistols, sniper rifles, large calibre rifles and hand grenade launchers (40mm). Ammunition output is apparently most often 9mm ammunition for commercial purposes.\(^\text{23}\)

One of the largest small arms producers and exclusive supplier of the Croatian defence and security forces, the HS Product Company, has manufactured 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 per cent of the company’s output.\(^\text{24}\) Available information on small arms producers also lists IM Metal, which produces pistols, and KK Metallic, which produces grenade launchers.\(^\text{25}\) Although Croatian police discovered an illegal workshop producing small arms in a small town Ivanec,\(^\text{26}\) this practice is not thought to be widespread.

3 Small Arms progress

3.1 Legislative and regulatory issues

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 firearm, 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 3.1).

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\(^{19}\) 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. Small Arms Survey 2003, SAS, 2003, p 44.

\(^{20}\) Small Arms Survey 2003, p 44.

\(^{21}\) The relevant legislation is the ‘Law on Production, Overhaul and Trade of Weapons and Military Equipment’. Companies are registered following a proposal from the MOD. Articles 22 and 23 of the law provide for the inspection of production facilities.

\(^{22}\) Correspondence from MoD, Op Cit.

\(^{23}\) Correspondence from MoD, Op Cit.

\(^{24}\) Small Arms Survey 2003, p 44.


2 below for more detail). There are no limitations on the number of arms that individual owners may have. 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.

Citizens in possession of illegal firearms can now face fines up to Euro 6,500 and compulsory prison sentences from 6 months to 3 years with tie years in grave cases. Some government officials interviewed during previous research expressed a belief that “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.” Questions about the licensing system have also been raised following the misuse of weapons by registered owners. Following a recent case in which a retired policeman diagnosed as suffering from post-traumatic stress disorder murdered three people in Petrinja, the head of the medical department at the MoI was quoted in a media report as questioning the wisdom of issuing civilian firearms licenses for a ten year period. The same report queried the thoroughness of the medical tests used, particularly in a country where many veterans suffer from PTSD, and raised further concerns that, ‘people often get permits because they have connections in the police.’

Seven separate units and departments within the MoI currently take joint responsibility for implementing the ‘Law on Arms’, ranging from the Organised Crime Department, which combats large scale illegal possession and smuggling, to the Department for Public Order which handles confiscations. Following difficulties with coordination, the MOI is currently considering forming a single unit responsible for all matters relating to firearms proliferation and control.

The ‘Law on Production, Overhaul and Trade in Arms and Military Equipment’, adopted on 25 March 2002 is the main piece of legislation covering the military industry and trade in Croatia. 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;

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28 UNPoA report 2003, p 2-6.
29 Correspondence from Croatian Mol, Op Cit.
30 UNPoA report 2003, p 2-6.
31 ‘Developing weapons collection programmes in a society with a pronounced firearms proliferation’, presentation given by Chief Inspector Lav Kalda, Croatian Mol, at a seminar on ‘Combating Illicit Trafficking in Central Asia: Regional Follow-up Meeting, Almaty’, 21-22 May 2002.
32 There also appeared to be some confusion among governmental interviewees as to the legal basis for punishing those who transgress arms laws, and the nature of those penalties. Some officials claimed that penalties are mentioned in the law governing the weapons trade, while others said that specific punishments are listed only in the country’s penal code. Grillot, June 2003, p 13.
33 ‘Loose Gun License Control a Problem’, Vecernji List, Zagreb, HRT, 06 April 2005.
34 Other units include the Department for Ballistics and Mechanoscopy, the Division for the Border, the Division for Inspections and Administrative Affairs, the Divisions of Technology, Division of Finance and Material Affairs. Correspondence from Croatian Mol, Op Cit.
36 Following an amendment to the ‘Law on Production, Overhaul and Trade’ passed in October 2003, control over production of arms and military equipment for export purposes resides with the MoD.
• 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.\(^{37}\)

Although the introduction of a comprehensive national SALW commission (see below) may change the current regulatory system, Croatia has to date been running a dual system for controlling arms transfers, meaning that the state and commercial actors are regulated differently. In cases of imports for use by the Croatian Army and Police, the MoD and MoI issue their own import licences,\(^{38}\) with government-to-government arms transfers also requiring a reduced administrative process for permission.\(^{39}\) Independent trade has fallen under a more thorough licensing system, wherein export and import licences covering weaponry for commercial purposes are issued by the Ministry of the Economy, subject to previous approval by an inter-ministerial commission, the Licensing Authority for the Import and Export Control of Weapons for Commercial Purposes. The Licensing Authority has one representative each from the MFA, MoE, MoD and MoI who are formally required to reach a consensus decision about each individual arms transfer licence application.\(^{40}\) As administrator of the Licensing Authority, the MoE has been responsible for issuing licenses in commercial cases whereas the MoI and MoD simply notify the MoE may maintain up to date records.\(^{41}\) Apparently a very small number of officials – only one or two people per ministry – work on non-proliferation.\(^{42}\)

The majority of Croatia’s arms exports have take place under the auspices of a state-owned coordination and trading company, ‘Agencija Alan Ltd.’, jointly administered by the Ministers of Defence (President), Interior, Foreign Affairs, Finance and Economy. The Alan company’s role is to coordinate transfers of military weapons and equipment for the MoD, MoI and for commercial purposes. Its legal remit is wide, including issuing the initial approval for production of weapons and military equipment in cooperation with the MoD, MIA and MoE, preparing contracts, maintaining a database of military transfers and production, as well as marketing surplus SALW.\(^{43}\)

Arms shipments in transit through Croatian territory are subject to lower standards of control. These shipments are the responsibility of the MoI and do not require permission from the multi-ministerial Licensing Authority, only a valid copy of the import licence issued

\(^{37}\) UNPoA report 2003, p 2-6


\(^{39}\) ‘Officials admit, however, that military imports for the Ministry of Defence are not subject to licensing – and neither are government-to-government weapon deals’. Grillot, June 2003, p 13.

\(^{40}\) Correspondence obtained via the Croatian National Focal Point for SALW on 21 February 2005, from Ms Vesna Focht, Head, Division for Trade, MoE. See also UNPoA report 2003, p 2-6.


\(^{42}\) Correspondence obtained via the Croatian National Focal Point for SALW on 21 February 2005, from Ms Vesna Focht, Head, Division for Trade, MoE. See also Grillot, June 2003, p 12-13.

\(^{43}\) Correspondence from MoD, Op Cit.
by the relevant national authority in the country of destination. Following consultation with the MoD, the MoI will issue a transit license. Applications to re-transfer arms are, however, considered with the same rigour as any normal commercial import or export. Standard import-export requirements and licenses have to be obtained from the Licensing Authority for companies wishing to import and then re-transfer arms and military equipment from the country.

The MFA has an advisory role in the arms transfer control system and is responsible for ensuring that all competent authorities in Croatia are regularly informed of any UN Security Council arms embargos. Although, as of May 2002, Croatia has committed to apply the criteria and principles of the EU Code of Conduct when authorising arms transfers, the EU Code criteria are not as yet incorporated into domestic legislation. The only list of prohibited destinations in use appears to be compiled on the basis of UNSC embargoes and provided to other ministries by the MFA on a regular basis. In previous research, government officials have stressed that the MFA’s involvement in the licensing process provides enough of a guarantee for ensuring arms transfer practices stay in line with international ideas about responsible arms practices. However, officials also admit that difficulties remain with their ability to determine who is an acceptable partner and what is an acceptable export. Nevertheless, the MoE also reports that on at least two past occasions export licence applications have been refused for reasons compatible with the EU Code.

Although, at the time of writing, Croatia’s arms transfer control system does not regulate arms brokers, the MoE is working on a new draft law on ‘Trade in Arms and Military Equipment’, which would (among other things) introduce a list of arms and military equipment subject to import-export licensing along the lines of the EU Common military list and introduce brokering controls in line with the EU Common Position on Brokering. Lastly, there are no provisions in the regulatory system either for parliamentary scrutiny of arms transfer licensing, or for the publication of reports on this subject by the government.

On 31 March 2005 Croatia established a comprehensive national commission for SALW control.

The new commission is composed of assistant ministers from the MFA, MoI, MoD, MoE, Ministry of Finance / Customs Administration, Ministry of Justice, as well as representatives from the National Intelligence Agency, Counterintelligence Agency and ‘Agencija Alan’. The national commission is mandated to develop a national strategy and action plan for combating problems related to arms and ammunition, and to coordinate the activities envisaged by the action plan. The Government Decision, which established the national commission, gives it competency in the following areas:

44 UNPoA report 2003, p 2-6.
45 UNPoA report 2003, p 2-6.
46 During interviews, MoE representatives have expressed a desire for the introduction of detailed guidelines on the application of the EU Code of Conduct export criteria. Interview and subsequent correspondence with Ms Focht, MoE, Op Cit. See also Grillot, June 2003, p 13.
47 In most cases though, applications are denied for lack of paperwork as was apparently the case with most of the 22 denied SALW transfer license applications that occurred in 2004. Interview and subsequent correspondence with MoE, Op Cit.
48 Interview and subsequent correspondence with MoE, Op Cit. See also UNPoA report 2003, p 2-6.
49 ‘Recognizing such dangers and noting international efforts and recommendations of the international community, and the obligations following from the National Program for EU Accession 2004-2005, and the Annual National Plan 2004-2005, the Third Cycle for NATO membership, the need has arisen to set up the National Commission for arms and ammunition within which the coordination of activities on the national level and with international factors will take place. The Commission, as a national-level body, will be responsible for the coordination and guidance of activities in question and for the consultancy concerning the policy and monitoring the implementation of policies and strategies.’ ‘National Commission for Arms and Ammunition’, Decision of the Government of the Republic of Croatia, 31 March 2005.
50 Ibid.
• Suppressing illegal production, trade, possession and smuggling of arms and ammunition;
• Controlling the acquisition, possession, trade, repair and production of arms and ammunition, and controlling civilian shooting ranges;
• Border control;
• Legislative and normative issues;
• Processing criminal offences (criminal policy);
• Survey and assessment of the issues;
• Strategy for informing the public;
• Collecting, stockpiling and destroying arms and ammunition;
• Stockpile management;
• Ensure the reporting of measures conducted in accordance with international obligations; and,
• Import/export of arms and ammunition.

Given its broad mandate, the new national commission may have implications for the current legislative and regulatory framework in Croatia. At the time of writing however, it is too early to report on any changes or achievements so far.

Table 2: Features of Croatia’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>CROATIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL</td>
<td></td>
</tr>
<tr>
<td>National Coordinating Agency</td>
<td>Yes (established March 2005)</td>
</tr>
<tr>
<td>National Point of Contact</td>
<td>Yes, but the MFA as a whole rather than an individual.</td>
</tr>
<tr>
<td>LAWS &amp; PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes</td>
</tr>
<tr>
<td>Production</td>
<td>Yes</td>
</tr>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes</td>
</tr>
</tbody>
</table>

51 UNPoA report 2003, p 1.
53 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’ (Official Gazette 5/2003) and a regulation governing the ‘Regulation on Special Conditions for Defence Equipment Development’ (Official Gazette 67/2003), which governs the application of safety measures in the production of military equipment. UNPoA report 2003, p 2-6.
54 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 licenses for commercial import and export. Licenses for the import or export of weaponry or equipment for the Croatian Army or Police are issued by the Ministry of Defence or Interior 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.
55 As ‘Export’ above.
### FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK

<table>
<thead>
<tr>
<th>Feature</th>
<th>Croatia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit</td>
<td>Reduced licensing requirement; licenses issued by the MoI after consultation with MoD⁵⁶</td>
</tr>
</tbody>
</table>

### NATIONAL SYSTEM OF EXPORT & IMPORT LICENSING OR AUTHORISATION

<table>
<thead>
<tr>
<th>Feature</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion risk</td>
<td>Not specified in law, but should be taken into consideration if commitments to implement the EU Code criteria applied as of May 2002 are met⁵⁷</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Required⁵⁸</td>
</tr>
<tr>
<td>Re-transfers</td>
<td>No specific legislation or regulations exist, but the government reports that re-transfer is treated as import and export⁵⁹</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>Not known</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>No⁶₀</td>
</tr>
</tbody>
</table>

### DOMESTIC POSSESSION, STOCKPILING & TRADE

<table>
<thead>
<tr>
<th>Feature</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture</td>
<td>Yes⁶¹</td>
</tr>
<tr>
<td>Marking and Tracing</td>
<td>Yes⁶²</td>
</tr>
<tr>
<td>Possession</td>
<td>Yes⁶³</td>
</tr>
<tr>
<td>Stockpiling</td>
<td>Yes (Army and Police stockpiles are governed by regulations of the MoD and MoI respectively)⁶⁴</td>
</tr>
<tr>
<td>Trade</td>
<td>Yes⁶⁵</td>
</tr>
</tbody>
</table>

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⁵⁶ 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).

⁵⁷ UNPoA report 2003, p 5.

⁵⁸ The requirement for companies to present EUC’s and an import licence from the proposed recipient country when making a permit application to the Inter-Ministerial Committee was introduced in 2003 with the ‘Decree Specifying Goods Subjected to Export and Import Licences’.

⁵⁹ UNPoA report 2003, p 5.

⁶⁰ UNPoA report 2003, p 8.


⁶² The ‘Firearms Protocol’ has been incorporated into national law. The ‘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).

⁶³ ‘Citizens may be issued a permission to obtain weapons for the purposes of personal protection, hunting and sports shooting’ (Article 14, ‘Law on Weapons’) if they are over 21, or over 18 in certain circumstances, (Articles 18-22). A permit lasts only 6 months and a licence for possession or possession and carrying, valid for ten years, is also required (Articles 23, and 27-30). Possession, trade, manufacture, repair or transport of military-style firearms is largely forbidden (Article 11). All registered firearms must be kept in secure locked cabinets, accessible only by the person holding the license (Articles 36 and 37).

⁶⁴ Article 97 of the ‘Law on Weapons’ states that ‘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 UNDDA 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.’ UNPoA report 2003, p 8.

⁶⁵ 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. 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. 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’.
3.2 SALW transfers

In global terms Croatia has a small but competitive international trade in high-quality types of SALW. Croatia’s annual earnings from SALW exports have hovered in recent years between US$ 1m - 7 million. The MoE reports that in 2004 there were 610 applications to transfer arms or dual use goods, of which 169 were for export and 441 for import. There are currently around 130 companies in Croatia that are licensed to trade in arms, although only around 45 are currently exporting or importing. According to the national database of imports and exports maintained by the MoE, Croatia’s largest client for SALW in recent years has been the USA, with the main export being pistols. From 2000 onwards, sizable shipments have also been transferred to states including Guinea (2000), Macedonia (2001), Uganda (2002), Venezuela (2002), the Federal Republic of Yugoslavia (2001 and 2002) and Israel (2000, 2001 and 2002). The suitability of arms transfers to these destinations must be judged in light of Croatia’s international commitments on arms export control, and in particular against the requirements of the EU Code of Conduct to which Croatia voluntarily aligned itself in 2002. Judged in this light, most of the above destinations are potentially problematic. However, in the absence of a detailed governmental arms export report, stating the end-use guarantees received in each case, it is not possible to reach final conclusions on these cases. Croatia is also a regular importer of SALW. According to the NISAT database, Croatia has imported pistols and revolver parts, rifles and non-military shotguns from 1996 to present, often from Germany, the UK and the US.

Although the information available on Croatia’s official arms export trade is not exhaustive, current practice appears to adhere more closely to international and European norms than that of previous years when the war-time nationalist government sought supplies of SALW on the international market in contravention of UN embargoes. Networks forged during the war appear to have remained intact for several years after the end of the conflict, as evidenced by the involvement of a number of retired military officers in illicit arms trafficking in subsequent years.

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66 The State Bureau for Statistics retains information on the number of handguns exported by Croatia annually, as prepared by the Croatian Chamber of Economy, Sector for International Relations.

67 Interview and subsequent correspondence with MoE, Op Cit.

68 Correspondence from Croatian MoI, Op Cit.

69 Interview and subsequent correspondence with MoE, Op Cit.

70 Interview and subsequent correspondence with MoE, Op Cit.

71 The State Bureau for Statistics retains information on the number of handguns exported by Croatia annually, as prepared by the Croatian Chamber of Economy, Sector for International Relations. The records for past years (which include a small number of miscellaneous items) are as follows: 41,656 units (2003); 24,314 units (2002); 6,609 units (2001); 5,640 units (2000). Arms export data is also available from the NISAT and COMTRADE databases. NISAT records show a transfer of ‘military weapons’ (COMTRADE code 9301) worth 258,979 USD as having gone to Guinea in 2000. A transfer of ‘Bombs, Grenades, Ammunition, Mines and Others’ (COMTRADE code 930690) worth 164,055 USD and Small Arms Ammunition (930630) worth 578,094 USD as having gone to Uganda in 2001 and 2002 respectively. <www.nisat.org>, accessed 4 May 2005.


73 There are thought to have been a number of different suppliers, including the former Argentinian President. See for example, Grillot S, ‘Small Arms Control in Central and Eastern Europe’, Eurasia Series No. 1, International Alert, June 2003, p.13. BICC also notes wartime imports of Hungarian-made and South African weapons in violation of the UN arms embargo. BICC, 2002, p 129.

A series of cases in which Croatian citizens were found to be involved in smuggling illicit arms from Croatia has led researchers to speak of the country as an ‘important centre for illegal trade’ and of the ‘flourishing black market in military hardware’ which operated there. For example 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. In one of the largest EU anti-trafficking operations in recent years, Italian police arrested two Croatian citizens carrying arms and explosives in Milan in September 2003. Those mentioned in connection with SALW smuggling in Croatian media reports include the joint owners of one of Croatia’s largest SALW producers, IM Metal, who are reported to have been under investigation by the Croatian authorities for illegally delivering 600 pistols to the Nigerian company GC Ehen International in 1999 (IM Metal declared the export as ‘bakery products’). The consequences of a previous illicit transfer in 1998 of some 2,750 Croatian-made pistols thought to have been produced by IM Metal have continued to be made apparent in a series of high-profile crimes. For example, pistols from this consignment are believed to have been used in both the assassination of the president of the Aragon People’s Party in 2001 by the Basque separatist terrorist group ETA, and the killing of a police officer in the UK in 2003. In another high-profile killing, that of Dutch film director Theo van Gogh in November 2004, suspicions were raised that the weapon used had come from Croatian military stores.

Croatia faces multiple challenges to effective border control because of its long and geographically varied Adriatic coastline to the South and difficult terrain along its eastern border with Bosnia. While the long and porous border with Bosnia, with its 150 crossing points, poses serious difficulties for border control agencies, the many ports and islands off the Dalmatian coast provide various opportunities for smuggling of contraband by sea. Although other borders, including that with EU accession country Slovenia, are not without problems, standards are reportedly higher there, and were recently boosted by the introduction of joint patrols between Croatian and Slovenian Border Police.

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76 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. Bazargan D, ‘Balkan gun traffickers target UK’, article based on the BBC2 ‘Correspondent’ documentary broadcast at 1900 hours 07 December 2003, <www.bbc.co.uk>, accessed 25 January 2004.


78 ‘Pistols are Sold Cheaply to the Americans’, Globus, 03 December 2004.


80 In several media reports Oxfam Great Britain and Amnesty International UK are reported as having been passed confidential documents showing that weapons from this consignment were used in the latter case. See for example, ‘Lax Weapons Laws Helped Arm PC’s Killer Say Campaigners’, Control Arms Press Release, and ‘Bieber Gun ‘part of bogus batch’, BBC News, 2 December 2004.

81 Vecernji List, 30 November 2004.


time, a total of 1,836 Customs Officers and 2,121 Border Guards are deployed at Croatia’s 173 crossing points.\footnote{Correspondence obtained via the Croatian National Focal Point for SALW on 10 March 2005, from Ms Vesna Kadic, Assistant Director General, Sector for International Cooperation, Integration and Development, Customs Directorate Headquarters; and Correspondence with MOI, Op Cit.}

Checks on complex goods such as weapons shipments are particularly problematic. ‘Procedures for conducting checks may be there, officials say, but they are not always able to implement them. Officials stress they are short on personnel, skills, technology, equipment and money’.\footnote{Grillot, June 2003, p 13.} Statistics on the number of arms and dual-use goods shipments inspected are not available, while the interception of illegal shipments is apparently based on random detection.\footnote{Lists of shipments of arms and dual use goods physically inspected have not previously been kept, but should be in future with the introduction of the new Act on Exportation of Dual Use Goods and a supplementary Regulation on the List of Dual Use Goods on 1 January 2005. MOF correspondence.} Corruption is also a problem – ‘several members of the police force were reportedly arrested for selling Ministry of Interior weapons with false licenses’\footnote{Grillot, June 2003, p 13.} – and there are reports of other instances of corruption in the customs service.\footnote{‘Porous Borders and Corrupt Customs Officials’, Ivan Lovreccek, Beta, 31 October 2002, <www.beta.co.yu>.
} 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.’\footnote{Grillot, June 2003, p 13.}

These challenges notwithstanding, the capacity of the Croatian authorities and level of cooperation 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.\footnote{‘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 Ushtria Cilitare e Kosove (Kosovo Liberation Army, KLA/UCK) in Kosovo, Yugoslavia, were charged and sentenced.’ Grillot, June 2003, p 13.} The MoF reports that a newly opened training centre for Customs Agents will in future provide new recruits and existing staff with additional expertise.\footnote{Correspondence with Customs Directorate, Op Cit.

3.3 SALW collection programmes and capacities

In order to combat the serious problem posed by the high levels of proliferation following the war, the Croatian Government launched the National Programme for Increasing General Security by the Voluntary Submission of Arms, Ammunition and Explosive Ordnance Devices in 1992. The National Programme aimed among other things to improve security by reducing the number of illegal weapons, ammunition and explosives in circulation and to raise awareness of the dangers of firearms possession.\footnote{‘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.} A Working Group, coordinated
by the MoI and consisting of representatives from relevant ministries, met once a month to oversee the implementation of a series of six amnesty and collection periods from 1992 to the end of 2002. In 1996 the third amnesty phase was combined with a ‘buy-back’ financial incentive for surrender. This collection phase overlapped with a collection implemented in cooperation with the UN Transitional Administration for Eastern Slavonia (UNTAES), which ran an 18-month ‘buy back’ in Eastern Slavonia, collecting approximately 10,000 weapons. The Croatian Government funded the buy-back initiative across the country at a cost of over €4 million. Further phases of the Programme incorporated more awareness raising and media activity in order to sustain impetus without monetary compensation (see below).

The statistics collated by the MoI on the number of weapons collected up until May 2002 make impressive reading: ‘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.’ Nearly 58,000 additional weapons were brought under police control through registration. The amnesty and collection programme ended with the last day of the sixth amnesty, on 31 December 2003. No information has been provided as to the ultimate fate of the weapons that were collected from the population during this period.

During 2004 a total of 4,179 weapons were confiscated as a result of criminal or administrative proceedings.

3.4 SALW destruction programmes and capacities

Because different policies have been applied in each case, it is helpful to distinguish between the destruction of weapons deemed surplus by Croatian government agencies and the destruction of those recovered during weapons collection.

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

96 UNTPoA report 2003, p 09.


98 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. Short Mission Report – SEESAC Consultation in Croatia, 16 December 2002 – 31 January 2003, <www.seesac.org>

99 Correspondence from Croatian MoI, Op Cit.
The Croatian authorities began weapons collection very promptly after the end of the war. There are various references to the destruction of a proportion of these weapons following a sifting process, during which the MoI and MoD took charge of weapons with potential for use by their forces. For example the Croatian Government states that ‘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 for disposal.’

A similar process was employed for weapons collected through later activities under the MoI National Programme: ‘The seized and voluntarily 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].’

It is, however, unclear what the ‘regular procedures’ mentioned above involve. Aside from ‘ceremonial destruction’ – the public destruction 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 three to four times a year’. This lack of clarity may extend to some government officials interviewed for previous research on this topic – an earlier study reported 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.”’

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. According to the ‘Regulation on Sales of Obsolete Weapons and Defense Equipment’, ‘if surplus stocks are not to be sold on the market, they will be destroyed according to established procedure, using Armed Forces facilities.’ 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’. Because of the relatively small amounts of military SALW earmarked for destruction each year, the MOD reports that it handles its own SALW destruction. However, with a maximum annual destruction capacity of around 1,000 tons of ammunition, the Croatian Armed Forces is developing plans to use civilian industrial facilities. These plans are still at the inception phase.

The process for determining surpluses within the MoD is handled by a committee, which reports to the General Staff and Minister. In SEESAC discussions with officials in Croatia, it appears that ‘funding constraints were an issue’ in the destruction of SALW. According to figures supplied by the MoD, limited numbers of surplus weapons are destroyed on an ongoing basis (see table 3 below).

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100 UNPoA report 2003, p 2-6.
101 Kalda, 21 - 22 May 2002.
102 Kalda, Op Cit.
103 Grillot, June 2003, p 12.
104 Official Gazette 95/02 - UNPoA report 2003, p 7.
105 UNPoA report 2003, p 7-8.
106 Correspondence from MoD, Op Cit.
The only publicly confirmable reports of SALW destructions that appear in the regional SALW destruction database maintained by SEESAC is a report from 2002 of 15,000 weapons smelted in the steelworks at Sisak, (Zeljezara Sisak). The MoD reports that because of ongoing military downsizing, in line with NATO requirements, the exact number of surplus military SALW has yet to be determined. Clarity with regard to this question is obviously required before a national SALW destruction plan can be adopted. The level of SALW ammunition surplus has however been identified – of the armed forces’ current ammunition stock (circa 40,225 tonnes of all kinds), some 8,049 have been identified as surplus of which around 2,500 tonnes are SALW ammunition. No information has been provided regarding any plans for the destruction of these stocks.

Table 3: Surplus military SALW destroyed annually

<table>
<thead>
<tr>
<th>WEAPON TYPE</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pistols</td>
<td>28</td>
<td>42</td>
<td>28</td>
</tr>
<tr>
<td>Rifles</td>
<td>1128</td>
<td>845</td>
<td>1967</td>
</tr>
<tr>
<td>Submachine guns</td>
<td>45</td>
<td>63</td>
<td>404</td>
</tr>
<tr>
<td>Machine guns</td>
<td>165</td>
<td>159</td>
<td>305</td>
</tr>
<tr>
<td>Mortars (60 &amp; 82 mm)</td>
<td>24</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Launchers</td>
<td>0</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
<td>1,390</td>
<td>1,109</td>
<td>2,741</td>
</tr>
</tbody>
</table>

3.5 SALW stockpile management programmes and capacities

Reserve and surplus weapons under the control of the MOI are held at four locations across the country. The MoD states that these locations are under ‘close police supervision’ and have been the subject of a complete inventory (type, calibre of weapon and serial number) in late 2004. Within the MoI, the Department for Police Technical Issues and the Police Directorate jointly determine the number of weapons and ammunition to be held in reserve. Distribution of these stores to police units is said to require an order from two ‘responsible bodies’, while the physical movement of the arms is recorded in a register.

According to information provided by the MoD, surplus stocks of SALW and ammunition are regularly collected from active military units and stored at a central location. Those deemed fit for sale are then moved to a separate depot for viewing by potential buyers. The security and accounting methods used in military stores are set out in a manual prepared by the General Staff - ‘Manual on Storing, Keeping and Maintaining of Ammunition and Explosive Ordnance’ - which requires each depot to develop its own security plan.

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109 Correspondence from MoD, Op Cit.

110 Correspondence from MoD, Op Cit.

111 Correspondence from Croatian MoI, Op Cit.


113 Correspondence from MoD, Op Cit.

114 Ibid.
However, although MoD stores are said to be checked on an annual basis, several cases of stockpile theft have been uncovered in recent years, including the discovery of the theft of 231 pistols from one military unit near Split in 2003. In this case four military personnel were charged with the theft, which was thought to have occurred some years prior to the problem being discovered.\textsuperscript{115} Although the Croatian MOD reports that a complete inventory was conducted at all military installations following the incident and security measures enhanced, the apparent delay in discovering a theft from military stocks raises questions about the thoroughness of past accounting practices.\textsuperscript{116}

Similar information is provided in Croatia’s July 2003 report on the implementation of the UN PoA, which reported that ‘Croatian Armed Force’s and the Ministry of Internal Affair’s 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 said to be conducted annually on a required percentage for different types of ammunition’ (sic.).\textsuperscript{117}

### 3.6 SALW awareness activities

Substantial awareness raising and public information activities accompanied the Croatian Government’s more recent amnesty and collection efforts up until 2002. In early 2001, the Government launched the ‘Zbogom Oruże’ (‘Farewell to Arms’) collection initiative, which officials describe as ‘an excellent example of cooperation between relevant ministries, NGOs and the media.’\textsuperscript{118} Cooperation with the Ministry of Education allowed the MoI to bring the police into schools to teach firearms safety and promote weapons surrender. The mass media and civil society organisations, such as the Croatian Red Cross, veterans’, women’s and hunters’ associations, also joined the campaign. With mass media support and advertisements running at peak times free of charge, the campaigns were well placed to reach large sections of the population. Other activities included ceremonial weapon destructions and the distribution of written campaign materials.\textsuperscript{119} Informed observers note that the campaign was “clear, concise and effective”.\textsuperscript{120}

The government-led awareness campaign ended with the suspension of the last period of weapons amnesty in 2002. The only current awareness raising 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.

\textsuperscript{115} Croatian Pistols in the Hands of Terrorists, Vecernji List, 30 November 2004.

\textsuperscript{116} 231 9mm HS95 pistols were stolen from a military camp in Dracevac. Correspondence from MoD, Op Cit.

\textsuperscript{117} UNPoA report 2003, p 7.

\textsuperscript{118} Ibid, p 9.

\textsuperscript{119} Kalda, Op Cit.

\textsuperscript{120} Interview with Craig Rutherford, then SEESAC Deputy Team leader and former Mine Co-ordinator with the OSCE Mission in Croatia, 10 February 2004.
### Table 4: SALW Awareness activities

<table>
<thead>
<tr>
<th>CAMPAIGN AND IMPLEMENTER</th>
<th>DURATION</th>
<th>OBJECTIVE (TARGET GROUP)</th>
<th>METHODS</th>
<th>INDICATORS OF SUCCESS</th>
<th>DONOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croatian MoI ‘Farewell to Arms’ AR campaign</td>
<td>1992-2002</td>
<td>General public</td>
<td>Media (national TV and radio) announcements, promotion in communities, public events.</td>
<td>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.</td>
<td>Croatian Government funded.</td>
</tr>
<tr>
<td>DELTA Practical Shooting Club ‘Let us Tame the Strength’ programme</td>
<td>2002 ongoing</td>
<td>School children and adult firearms owners</td>
<td>Presentations in schools and at shooting clubs, dissemination of campaign materials such as colouring books.</td>
<td>NA</td>
<td>Private contributions from shooting club members and local businesses.</td>
</tr>
</tbody>
</table>

### 3.7 SALW survey activities

No survey of SALW has been conducted in Croatia making this a priority area for future action. Detailed research would provide valuable management information for the Croatian Government’s proposed national SALW commission.

### 3.8 Civil Society involvement in SALW interventions

As noted above, Croatian NGOs and the mass media played an important awareness-raising role during the country’s weapons collection initiatives. NGO representatives also took part in the coordinating committee for the national SALW collection programme. In addition, Croatian NGOs have been involved in the South Eastern Europe Network for the Control of Arms, (SEENCA), and have attended the training events on SALW organised by RACVIAC, SEESAC and Saferworld.\(^{121}\) There is, however, greater scope for increased participation by Croatian civil society representatives. The establishment of a national SALW commission provides one such opportunity. The Government Decision of 31 March 2005 which established this commission states that, “…representatives of other governmental and non-governmental organizations and independent experts can be invited to the National Commission.”\(^{122}\)

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\(^{121}\) During April 2004 SEESAC and RACVIAC held a joint training course for civil society on the monitoring of SALW collection and destruction operations with assistance from the Croatian army. SEESAC Bi-annual Report, 1 January - 30 June 2004, p 17.

3.9 Cross-border SALW control initiatives

Overcoming the challenges related to border control set out above in SALW transfers is a high priority for Croatia in the context of its drive for EU membership. Improved regional cooperation and border security are therefore policy priorities. Cooperation on border control with neighbouring states and internationally is said to be ‘stepping up’. For example, as mentioned above, Croatian and Slovenian Border Police have engaged in joint customs control. Croatia committed itself to the Ohrid Border Security and Management Common Platform in May 2003 and has undertaken various activities within this framework. These include the implementation of a ‘TWINNING’ project on integrated border management, with an aim to approximate national legislation with EU standards, and the development of a National Border Management Information System under the EU CARDS programme. The Platform appears to have provided a spur for improved cooperation between border control agencies. Partly as a result of implementing this project, MOI and MOF officials report greatly improved levels of co-operation between Croatian border police and customs officials at all levels with regular meetings, information exchanges and joint activities taking place. Although Croatia does not have any bi-lateral agreements on cross-border SALW control, which is regulated by non-specific treaties on customs assistance, Croatia has participated in the SECI Centre Taskforces on SALW, attending planning meetings and exchanging information with other participating states on arms seizures during Operations ‘Ploughshares’ and ‘Safe Place’ in 2002 and 2004-5 respectively.

International organisations and donor states have been active in advising and assisting reform in the area of border control. Croatia also obtained ‘significant’ amounts of border control equipment from Germany in 2004 through the CARDS programme and hopes to receive another €8 million worth of surveillance equipment in the near future. The OSCE Mission includes support for police reform in general and has a number of key objectives for police assistance in Croatia. These include 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, the weak links or safe havens necessary for criminal networks to thrive would be eliminated.’ US assistance programmes are also getting underway to help improve border security and customs. However, it appears that much of this support will be focussed on weapons of mass destruction and not SALW although this will benefit from any tightening of control. In March 2004 the US Government organised a workshop on the export control of dual-use goods. A US-sponsored training workshop


126 A November 2003 Directive provided for a unified framework of cooperation and coordination between Customs and Police officials. Correspondence from Croatian MoI, Op Cit. Correspondence with Customs Directorate, Op Cit.

127 A large number of bilateral or regional agreements provide the framework for Croatian police to cooperate with their counterparts across borders, all of which are available from the MoF.


held in December 2004 on Risk Management should assist Customs officers in recognising high-risk shipments in future.\textsuperscript{130}

\section*{3.10 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 Centre in Bucharest to which it seconds one law enforcement officer. In addition, the development of new methodologies on weapons handling and databases is apparently under way and will be presented to SECI for support and participation.\textsuperscript{131}

Cooperation with international police mechanisms is 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-governmental bodies and institutions in Croatia as well as abroad on INTERPOL issues’.\textsuperscript{132} Following promising assessments by EUROPOL in late 2004, Croatia hopes to sign an Operational Agreement and begin information exchange with the organisation in 2005.

Government statements note that Croatia also submits regular reports to both the UN register on conventional weapons,\textsuperscript{133} to UNDDA on implementation of the PoA, and to the OSCE as required by its commitment to the OSCE Document on SALW. The reports to the OSCE include ‘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.’\textsuperscript{134} Although a previous research report found problems obtaining copies of legislation and regulations on SALW control in Croatia, the situation appears to have improved considerably. Officials from all Ministries approached in early 2005 provided detailed answers to most queries and also supplied copies of relevant legislation.\textsuperscript{135} Moreover, information for this report was effectively channelled via the designated National Focal Point at the Ministry of Foreign Affairs. Gaps certainly remain, however, such as a lack of reporting requirements for parliamentary transparency on arms exports or general arms control policies. While government officials stress their willingness to supply information on arms transfers, they are under no obligation to do so, or to compile and publish official reports on the subject.\textsuperscript{136}

\begin{flushright}
\textsuperscript{130} Correspondence with Customs Directorate, Op Cit.
\textsuperscript{131} UNPoA report 2003, p 10.
\textsuperscript{132} UNPoA report 2003, p 13. The Croatian MoE and MoD also report that in one case, an arms transfer licence was denied because of information received from INTERPOL.
\textsuperscript{134} UNPoA report 2003, p 9.
\textsuperscript{135} Correspondence from MOI, MOF AND MOD, Op Cit. Researchers from International Alert reported problems in 2003. ‘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.’ Grillot, June 2003, p 12.
\textsuperscript{136} Grillot, p 13-14.
\end{flushright}
Table 5: Information and Exchange Progress

<table>
<thead>
<tr>
<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>CROATIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
<td>Yes\textsuperscript{137}</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>To a certain extent\textsuperscript{138}</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (eg Wassenaar)</td>
<td>Yes, according to PoA report</td>
</tr>
<tr>
<td>INTERPOL/ EUROPOL</td>
<td>Yes / application for membership\textsuperscript{139}</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to EU (if relevant)</td>
<td>No, but should be forthcoming if Croatia applies the EU Code fully</td>
</tr>
<tr>
<td>SECI Regional Centre intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>No</td>
</tr>
<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>No</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>No (but proposed by MFA in early 2005)</td>
</tr>
</tbody>
</table>

\textsuperscript{137} UNPoA report 2003 and 2004.

\textsuperscript{138} See SALW transfers above.

\textsuperscript{139} As noted above, in addition to its membership application, Croatia is currently negotiating a cooperation agreement with EUROPOL.
Macedonia

1 Small Arms Problem

The Former Yugoslav Republic of Macedonia (FYROM, hereafter Macedonia) is presently experiencing a level of security and stability which is in stark contrast to the armed violence of 2001/2002. Nevertheless, Macedonia still has a range of unresolved SALW control problems to combat. These include the presence of a large amount of unregistered SALW, serious incidents of armed violence and related criminal activity and a general acceptance by the Macedonian population of SALW possession (especially in rural areas).

According to the 2004 National SALW Survey of Macedonia, there are estimated to be between 380,000 - 750,000 SALW present in the country, of which 100,000 to 450,000 are illegal and about 156,000 are legally registered with the Ministry of the Interior (MoI).

The presence of large amounts of SALW is demonstrated by continued police seizures. Although the MoI has not released exact figures for the amount of SALW stockpiled for use by uniformed police, police reservists and Special Forces, it is estimated that between 23,000 and 36,000 pieces are available. The Ministry of Defence (MoD) has declared that its stockpiles contain a total of 85,446 SALW. In addition to reservists, it is estimated that significant numbers of SALW are in the hands of paramilitary forces such as the National Liberation Army (NLA), the splinter group Albanian National Army (ANA), private security services, organised criminals and civilians.

Several historical factors have had an impact on increasing the number of illegal and unregistered SALW in Macedonia including: the inter-ethnic conflict of 2001, the 1997 looting of stockpiles in neighbouring Albania, the arms that have entered the black market

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2 Ibid.

3 The number of confiscated weapons and ammunition during the first three months of 2005 was 35 per cent higher in comparison to the same period in 2004. Macedonian Statistics Show Rise in Illegal Weapons Trafficking, Dnevnik, Skopje, 09 May 2005. Another recent article cited Ministry of Interior (MoI) statistics of 214 cases of possession of illegal weapons in 2004. ‘Kalashnikov Democracy’, Vest Daily Newspaper; (As translated by Skopje Diem media monitoring), Skopje, 29 January 2005.


5 Ibid, p 15.

6 112 firearms have been registered with the MoI by Private Security Companies (PSCs). These include 103 pistols, 6 hunting rifles, and 3 semi-automatic rifles. Interview with Goran Pavlovski, Spokesperson, MoI, Skopje, 25 February 2005.
from the former NLA rebel group\(^7\) and the distribution of SALW from government stockpiles.\(^8\) A complex network of smuggling routes, still in operation across the mountainous and water borders, is a further potential source for illegal SALW.\(^9\)

Although inter-ethnic relations have improved, the effects of SALW proliferation continue to be felt and past conflicts have been replaced by an ‘epidemic of gun crimes’, with 71 people killed by firearms in the first nine months in 2003;\(^10\) over 50 per cent of murders in Macedonia are committed with illegal weapons.\(^11\) The 2004 National SALW Survey notes 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. In general, Macedonian citizens are said to be concerned about their security and safety and to perceive the general availability and distribution of SALW in society as threatening.\(^12\) Despite this, other reports note that until trust in the police has been developed further, Macedonians are likely to own guns in an attempt to guarantee their own security.\(^13\)

Border control has in the past been problematic, but with the adoption of a National Strategy on Integrated Border Management in December 2003 the situation is improving. Although seizures of trafficked SALW have decreased during the past year,\(^14\) well-organised trafficking networks that smuggle illicit weapons both into and out of Macedonia still exist.\(^15\)

### 2 Small Arms policy and practice

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.\(^16\) Official statements claim that Macedonia supports, respects and implements all relevant UN resolutions and has signed several UN conventions against international terrorism.\(^17\) Macedonia has made commitments to implement the OSCE Document on

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\(^7\) A Fragile Peace, SEESAC, 2004, p 2. The Small Arms Survey estimate that the NLA may have been in the possession of between 8,000 and 20,000 weapons at the peak of its activities.

\(^8\) It appears that before and during the conflict, weapons were handed out to party supporters, ethnic Macedonian reservists and community defence forces. Armed to the Teeth, IWPR Balkan Crisis Report No 470, 27 November 2003 (Henceforth Armed to the Teeth, IWPR, 2003.


\(^10\) Armed to the Teeth, IWPR, 2003.


\(^12\) ‘It is clear that fears for individual and collective security remain one of the main reasons why people continue to hold weapons. Police..., fail to bring a sense of law and order to much of the former crisis areas. Kidnappings, bombings, spates of murders and armed robberies are frequent occurrences, with the culprits often evading capture’; ‘Currently, the prevailing lawlessness is a key reason why people continue to keep weapons... many people feel that official law-enforcement structures are not capable of providing adequate protection from crime and that they have to take the law into their own hands.’ Macedonia, Saferworld 2003, p 8.


\(^14\) EC Questionnaire, 2004, Chapter 24.


SALW and has participated in the information exchange outlined in the document. Within the Stability Pact, Macedonia has been active, advocating on several occasions SALW control measures on a regional level and hosting the first Regional Steering Group meeting in May 2002.

SALW issues are primarily the responsibility of the MoI, which, in cooperation with the MoD and Ministry of Foreign Affairs (MFA), has “been given the principal responsibility in coordinating and developing a national policy on small arms, researching and monitoring the efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects”.\(^\text{18}\) During 2004 the national SALW focal point was transferred from the MFA to the MoI. The National Focal Point has responsibility for liaising with other states and the international community in Macedonia on the implementation of the UN Programme of Action (PoA) and other instruments concerning SALW. Activities include the exchange of information with other states on national practices regarding SALW control.\(^\text{19}\)

On 1 November 2004 Macedonia adopted a decision on unilateral acceptance of the EU Code of Conduct.\(^\text{20}\) Aside from this, Macedonia has not signed up to any other SALW control initiatives in the past year, although inter-ministerial consultations are presently underway for ratification of the UN Firearms Protocol.\(^\text{21}\) Adoption of the EU Joint Action on SALW is also planned for 2005.\(^\text{22}\)

On 22 October 2004, Macedonia’s Delegation to the United Nations General Assembly introduced a draft resolution on the “Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe”, which was adopted by the General Assembly without a vote. Among other things, Resolution 59/59 “urges all States to take effective measures against the illicit trade in small arms and light weapons in all its aspects and to help programmes and projects aimed at the collection and safe destruction of surplus stocks of small arms and light weapons”.\(^\text{23}\)

During September 2004 Macedonia adopted the National European Integration Strategy, which outlines a set of priorities and long-term goals for the country’s European integration process.\(^\text{24}\) Also adopted was a national programme for NATO membership for the period 2004 – 2005, a major component of which will be defence reforms but will also include judicial reforms and increased efforts to tackle organised crime.\(^\text{25}\)


\(^{19}\) Macedonia UN PoA Report, 2004.

\(^{20}\) EC Questionnaire, 2004, Chapter 27.

\(^{21}\) Ibid.

\(^{22}\) The Macedonian Government gave significant attention to SALW in its EC Questionnaire, 2004 (see footnote 14 above).

\(^{23}\) UN General Assembly Resolution 59/59 (A/RES/59/59) adopted 3 December 2004. Available at: <http://disarmament.un.org:8080/vote.nsf> In the General Assembly, Macedonia also sponsored Res. 59/82 “Consolidation of peace through practical disarmament measures” and Res. 59/88 “Conventional arms control at the regional and sub regional levels”.

\(^{24}\) Macedonia Defines National Strategy for EU Integration, Southeast European Times, 23 September 2004.

### Table 1: Macedonia’s commitments to Arms or SALW Control Agreements

<table>
<thead>
<tr>
<th>Arms or SALW Control Agreement</th>
<th>Macedonia’s Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability Pact Regional Implementation Plan</td>
<td>November 2001</td>
</tr>
<tr>
<td>UN Programme of Action</td>
<td>July 2001</td>
</tr>
<tr>
<td>UN Firearms Protocol</td>
<td>-</td>
</tr>
<tr>
<td>OSCE Document on Small Arms</td>
<td>November 2000</td>
</tr>
<tr>
<td>OSCE Document on Stockpiles of Conventional Ammunition</td>
<td>December 2003</td>
</tr>
<tr>
<td>EU Code of Conduct</td>
<td>November 2004</td>
</tr>
<tr>
<td>EU Joint Action on SALW</td>
<td>-</td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### 2.1 Production

There are only two companies in Macedonia known to produce SALW or ammunition legally – Suvenir, based in Samokov (97 per cent state owned) and 11 Oktomvri Eurokompozit, based in Prilep (wholly state owned). According to its website, 11 Oktomvri Eurokompozit employs 523 staff and produces equipment for civilian use, 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. The Suvenir factory purports to produce small arms ammunition (7.62mm rounds for ‘Kalashnikovs’, 7.62mm NATO ball and 9mm PARA) and explosives for the Macedonian Armed Forces and ministries, and reportedly explosives and SALW products such as grenade launchers, and a limited number of sporting rifles. However, conflicting reports regarding the Suvenir factory’s status were offered as the MoD claimed the facility had shut due to insolvency and in September 2004 the government announced the liquidation of the company due to a lack of long-term prospects. Regarding 11 Oktomvri Eurokompozit, the MFA maintains that the firm in Prilep only produces to order and currently has no orders. A privatisation procedure is underway for the Prilep factory, and is due to be completed in the course of 2005. These limited domestic production capacities are generally considered to be

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27 [http://www.eurokompozit.com.mk/index.htm](http://www.eurokompozit.com.mk/index.htm), accessed 09 May 2005. Previously the company in Prilep was called ‘Euroinvest – 11 Oktomvri’, which functioned as a holding company. This holding company was ‘transformed into nine smaller enterprises’, of which only one - 11 Oktomvri – Eurokompozit - is ‘functioning successfully...as a stock company with 100% state capital. Its production programme includes defence industry (military equipment, ballistic protection equipment), as well as civilian production (for the needs of the automobile plants etc.).’ Correspondence between Hans Risser and Mr Blagoja Simonoski, Head of Department for Policy, Planning and International Cooperation, MOD, Skopje, 20 April 2004, for research on the Landmine Monitor 2004.


30 Correspondence with Mr Blagoja Simonoski, Head of Department for Policy, Planning and International Cooperation, MOD, Skopje, 20 April 2004.


32 Interview with Svetlana Geleva, MFA, Skopje, 04 February 2005.

33 EU Accession Questionnaire, 2004, Chapter 27. It is anticipated that the privatisation would lead to an injection of foreign capital for modernization of the military technology and alignment with NATO production programmes. Ibid.
insufficient for the state’s equipment requirements with procurement needs being met from abroad. Local, former-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 license in Macedonia for major manufacturers (Browning, Remington, Smith & Weston, Beretta, Heckler & Koch and Glock) and supplies ammunition, bulletproof vests, as well as sport utility vehicles and various survival and security products.

3 Small Arms Progress

3.1 Legislative and regulatory issues

Civilian possession of firearms and ammunition is Macedonia is primarily governed by sections II, III and IV of the January 2005 ‘Law on Arms’, which replaced the 1972 ‘Law on Purchasing, Possession and Carrying of Weapons’. These sections of the ‘Law on Arms’ set out the legal conditions for the acquisition and ownership of weapons and ammunition (Section II), the handling of weapons and ammunition (Section III) and termination and deprivation of weapon licenses (Section IV). The law also covers the: production (Section V); import (Section VI); export (Section VI); transit (Section VII); brokering (Section VI); marking (Section VI); stockpiling (Section VI); and domestic retail (Section VI) of weapons for civilian and private use. The MoI is the primary institution responsible for implementing and monitoring this new law.

The ‘Law on Arms’ applies to weapons and ammunition used by citizens, enterprises or other legal entities and state authorities, with the exception of those purchased for the needs of ‘the Ministry of Defence, the Army of the Republic of Macedonia, the Ministry of the Interior, penitentiaries and other state authorities and legal persons in specific regulations’. Under the terms of this law, SALW in Macedonia are regulated by a dual-licence system: citizens need separate licences for the procurement / possession and carrying of firearms, with the law prohibiting carrying firearms in public places. Under the terms of the new law, Macedonian citizens have a period of one year in which to renew their existing licenses in accordance with new provisions, after which ‘old’ licenses will...


37 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. This field was also regulated by the ‘Rulebook on the Form of the License for Weapons, Records on Weapons and Ammunition and Keeping of Weapons’ (Official Gazette of the SRM No. 41/72).

38 The new ‘Law on Arms’ some standards on storage and safe handling of firearms. Article 34, for example, specifies that legal entities that have authorization for possessing weapons either for securing property and people or for sports and hunting ‘shall keep the weapon separate from the ammunition in a technically secured premises, or in an iron cabinet, or a safe. According to the regulation, weapon and ammunition shall be kept in premises intended for storing of weapon, or in the headquarters of the legal entity’. Other standards, however, will be issued as part of the secondary legislation the government is in the process of writing, ‘Law on Arms’, Official Gazette 07/05.

39 ‘Law on Arms’, Official Gazette 07/05.

40 Article 78, ‘Law on Arms’, Official Gazette 07/05.

41 EC questionnaire, 2004, Chapter 27, p 33-34.
be invalid. This one-year period will not, however, begin until July or August 2005, as the licensing process has not yet been finalised.\textsuperscript{42}

The ‘Law on Arms’ has been drafted with reference to arms possession laws in various EU countries and has incorporated some EU standards. It introduces a National Catalogue of weapons and ammunition that can be manufactured or imported for acquisition and possession in Macedonia, and apparently records the registry number of imported weapons, as well as the type and calibre of the weapon or ammunition, the producer and the country of origin. The law\textsuperscript{43} also provides a detailed system for classifying firearms according to the following categories: prohibited firearms (Category A), e.g. automatic firearms, firearms with silencers and firearms over 12.7mm calibre; firearms which may be purchased on the basis of authorisation (Category B); firearms which may be purchased for the needs of hunting and sports, again subject to authorisation (Category C); and firearms to be declared and for which authorisation is issued, e.g. relics and bladed weapons (Category D). This weapons classification system is an attempt to amend the criticism that the previous law’s classification of weapons and control regime ‘do not correspond with the international standards and experiences in this area’, and that the ‘vague definitions’ pose problems for state bodies responsible for implementation.\textsuperscript{44}

As mentioned previously, the 2005 ‘Law on Arms’ contains a section on production; however, the main law relevant to production is the 2002 ‘Law on the Production of, and Trade in Arms and Military Equipment’\textsuperscript{45} (hereafter referred to as the ‘Law on Production’). According to Macedonia’s 2004 report on implementation of the UN PoA, there is no system in place for marking at the time of manufacture, however it also notes that 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 standardised marking criteria’.\textsuperscript{46} Article 53 of the Law on Arms states that only weapons, ammunition, and parts of weapons which are tested and marked according to the regulation for testing and marking can enter circulation. Furthermore, Article 82 of the “Law on Arms” stipulates that any legal entity possessing or trading unmarked weapons, ammunition or parts of weapons, will be fined 100,000 to 300,000 MKD (€17,000 - 51,000) and the weapon confiscated.

Exports and imports of SALW are regulated by three laws – the 2002 ‘Law on Foreign Trade’,\textsuperscript{47} the aforementioned ‘Law on Production’ and the ‘Law on Arms’. Licenses are

\textsuperscript{42} Telephone interview with Alain Lapon, Project Manager, SACIM/UNDP, 06 May 2005.

\textsuperscript{43} Pursuant to the Directive 91/477/EEC. This directive also classifies firearms in the following categories: short firearms; long firearms; automatic firearms; semi-automatic firearms; repeating firearms; and single-shot firearms.

\textsuperscript{44} Macedonia UN PoA Report, 2003.

\textsuperscript{45} Official Gazette No.s 30/85, 6/89, 53/91 and 54/2002. 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.’

\textsuperscript{46} Macedonia UN PoA Report, 2003.

\textsuperscript{47} ‘Law on Foreign Trade’, Official Gazette 45/02
granted by the MoD in the case of weapons for its own need and by the MoI if the firearms concerned are for commercial purposes.\textsuperscript{48} The Law on Arms stipulates that ‘a prototype of a new manufacture, or a new import, shall be inserted in the National Catalogue based on the technical documentation and the given characteristics in the producer’s specification’.\textsuperscript{49} The MoI is responsible for providing permits for transit of exports/imports over the state border, with advice from the Ministries of Defence and Foreign Affairs as to the political expediency of the proposed import/export.\textsuperscript{50} During 2004 the Ministry of Economy took the lead in preparing a ‘Draft Law on Export Control of Dual-Use Goods and Technology’.\textsuperscript{51}

According to the government’s 2003 report on the implementation of the UN PoA, 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’.\textsuperscript{52} The importer or exporter has 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’.\textsuperscript{53}

Macedonia has appointed a National Focal Point for SALW as required by the UN PoA and the Stability Pact Regional Implementation Plan. A National Co-ordinating Body was established to develop and oversee the 2003 weapons amnesty initiative but is no longer operational. At present there is no National Commission on small arms although a proposal regarding the establishment of a special body or committee for control of SALW has been placed within the MoI, which would cooperate with all other relevant ministries on this matter. According to the MFA, a National Strategy and Action Plan for Control of SALW is in ‘ministerial procedures’ and is expected at some point in 2005.\textsuperscript{54} The National Strategy is intended to provide for the formation of a National SALW Commission.

Despite progress in developing a tighter regulatory framework for SALW control, significant problems remain with implementation and enforcement. As the 2004 National SALW Survey concludes, ‘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’.\textsuperscript{55}

\textsuperscript{48} EC Questionnaire, 2004, Chapter 27, pg 32
\textsuperscript{49} Article 6, ‘Law on Arms’, Official Gazette 07/05.
\textsuperscript{50} Macedonia UN PoA Report, 2004
\textsuperscript{51} EC Questionnaire, 2004, Chapter 27.
\textsuperscript{52} Macedonia UN PoA Report, 2003.
\textsuperscript{53} Macedonia UN PoA Report, 2003.
\textsuperscript{54} Interview with Svetlana Geleva, MFA, Skopje, 04 February 2005.
Table 2: Features of Macedonia’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>MACEDONIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>National Co-ordinating Agency</td>
<td>No, although a national co-ordinating body was established to oversee the 2003 amnesty and collection</td>
</tr>
<tr>
<td>National Point of Contact</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>LAWS &amp; PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</strong></td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes⁵⁶</td>
</tr>
<tr>
<td>Production</td>
<td>Yes, although little detail available</td>
</tr>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes, see ‘Export’ above</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL SYSTEM OF EXPORT &amp; IMPORT LICENSING OR AUTHORISATION</strong></td>
<td></td>
</tr>
<tr>
<td>Diversion risk</td>
<td>Yes. Through adoption of EU Code of Conduct</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Yes. Through adoption of EU Code of Conduct</td>
</tr>
<tr>
<td>Re-transfers</td>
<td>A company may freely import goods for the purpose of re-exporting them</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>No information available</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>Yes, though unclear to what extent⁵⁷</td>
</tr>
<tr>
<td><strong>DOMESTIC POSSESSION, STOCKPILING &amp; TRADE</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacture</td>
<td>Yes⁵⁸</td>
</tr>
<tr>
<td>Marking and Tracing</td>
<td>Yes⁵⁹</td>
</tr>
<tr>
<td>Possession</td>
<td>Yes⁶⁰</td>
</tr>
<tr>
<td>Stockpiling</td>
<td>Yes⁶¹</td>
</tr>
<tr>
<td>Trade</td>
<td>Yes⁶²</td>
</tr>
</tbody>
</table>


⁵⁷ 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 armament 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.

⁵⁸ Section V of ‘Law on Arms’ – Manufacture and Repair of Weapons and Ammunition. The MoI is primarily responsible for authorisation of manufacturers, upon received advice of the MoD and previous authorisation from the Ministry of Economy.

⁵⁹ Section VI of ‘Law on Arms’ – Trade with Weapons, Ammunition and Parts of Weapons. Mol has primary responsibility.

⁶⁰ Section II of ‘Law on Arms’ – Acquisition and Ownership of Weapons and Ammunition. Also, Section III – Handling Weapons and Ammunition. Also, Section IV – Terminating and Deprivation of the Weapon Licence, Licence for possessing and licence for Carrying a Weapon.

⁶¹ Section III of ‘Law on Arms’ – Handling Weapons and Ammunition. Also Section VI, Article 54.

⁶² Section VI of ‘Law on Arms’ – Trade with Weapons, Ammunition and parts of Weapons.
3.2 SALW transfers

Minimal information is available on arms exports by Macedonian companies or state agencies, as no government report on imports or exports is published. While no information on exports or imports during 2004 is available on the NISAT database, during 2003 exports of sporting and hunting rifles to Austria and Lithuania were reported, and a shipment with a value of US$ 480,102 was exported to the US consisting of military rifles and machine guns. Also during 2003, US$1,585,706 worth of military rifles, machine guns and other equipment was reported as being imported from Croatia, Serbia and Montenegro, but primarily from the United States; sporting and hunting rifles were imported from Cyprus, the Czech Republic, Greece, Italy, Russia, Turkey and the US and pistols and revolvers were imported from the Czech Republic and Germany. In August 2004 an article from Makfax News Agency claimed that the Army of the Republic of Macedonia (ARM) would procure rifles from the Serbian Zastava factory during 2004. The deal, reportedly worth €150,000, was for the sale of automatic M21 rifles with 5.56-calibre ammunition fully compatible with NATO standards. Macedonian media has also reported on problems with one Macedonian firm, Mikrosam. The US government imposed sanctions on the firm and its chief executive in December 2003, for the sale of missile technology deemed illegal under the US Arms Export Control Act.

Incidents of seizures of SALW destined for Macedonia demonstrate that the illicit SALW trade is an ongoing problem, although as other types of trafficking have become more profitable, the illegal arms trade appears to have declined. This decline is evidenced in the number of registered offences for illicit arms trading, from 213 offences in 2003 to 151 in 2004. The Macedonian Government primarily attributes the trafficking in arms to the 2001 crisis when large quantities of illegal weapons were accumulated in the country but also acknowledges that the current situation in the Balkans is a contributing factor. In a report to the EC completed by the Macedonian Government in 2004, however, it was noted that international connections exist between criminal groups involved in the illegal weapons trade and that these operate using a well-developed channel organised by criminal structures from Macedonia, Albania and other Western Balkans countries.

63 In its answers to the 2004 EC Questionnaire the MoD acknowledged for the first time that they have been selling surplus rifles to the American civilian market for the past five years. EC Questionnaire, 2004, Chapter 27.
66 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’, SEESAC Daily Media Review, 25 December 2003, <www.seesac.org>, accessed 05 January 2004.
67 During 2004, 1,134 weapons and 63,998 pieces of ammunition were confiscated. Macedonia UNPoA Report 2004. In one high profile incident, Macedonia was the reported destination for Surface to Air Missiles (SAMs) smuggled by a group arrested near Tirana, Albania. Barnett N, ‘Missiles Seized in Albania’, IWPR Balkan Crisis Report No. 553, 16 December 2004.
68 Comments from General Zehedin Tushi, Deputy Chief of Staff, Macedonian Army, Armed to the Teeth, IWPR, 2003.
70 Ibid.
71 Ibid
The most common SALW found on the black market in Macedonia are said to be of Chinese and Bulgarian origin, as well as weapons produced in the ‘Zastava’ Factory in Serbia and Montenegro.\(^{72}\)

The routes along which SALW smuggling occurs have been a topic for discussion in the Macedonian media. One local newspaper, Nova Makedonija, published an article in June 2004 reporting a number of smuggling routes. The article claimed that the area north of Kumanovo along the Kosovo-Serbian border has been an area for the trafficking of arms, people, oil and cattle over the years.\(^{73}\) Another report on trafficking routes appeared in a Belgrade daily. The article contained information on several organised crime ‘clans’ responsible for smuggling of contraband, either from or to Macedonia, through Kosovo. Other sources have noted that ‘arms can easily flow over the borders between Kosovo, Macedonia and South Serbia,’ the border with Albania ‘remains de facto open’\(^{74}\) and that the Bulgarian border has seen ‘an increase in trafficking in recent years.’\(^{74}\) It has been noted that ‘at the root of this problem is a disorganised system of border management’.\(^{75}\) In the past co-ordination between the various forces responsible for internal border control - for example the Army, the Police and the Customs - was reportedly poor, thus assisting traffickers in smuggling goods undetected.\(^{76}\) However, with the introduction of the Integrated Border Management System and the transfer of responsibility to the Border Police, it is hoped that this situation will improve.

### 3.3 SALW collection programmes and capacities

There have been two significant weapons collection initiatives in Macedonia. The first, ‘Operation Essential Harvest’, was undertaken by NATO’s Task Force Harvest in 2001. The second and most recent collection programme was implemented by the Macedonian Government, with the support of the international community, in November and December 2003. There have been no voluntary weapons collection programmes in 2004.

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. A total of 3,875 weapons were collected by Essential Harvest, a higher total than the 3,000 agreed upon during negotiations.\(^{77}\) The second SALW collection in Macedonia was implemented by the Government from 1 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

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\(^{72}\) Ibid.


\(^{74}\) Macedonia, Saferworld, 2003, p 8, 20 and 35.


\(^{76}\) Macedonia, Saferworld 2003, p 9.

\(^{77}\) The 3,875 total comprised: 483 machine guns, 3,210 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 per cent of the weapons surrendered were serviceable’. Global Disarmament, Demilitarization and Demobilization – BiCC Conversion Survey 2002, Bonn International Center for Conversion, 2002, p 138.
prior increase in violent incidents and inter-ethnic tension. The UNDP in particular recommended the postponement of the amnesty period until Spring 2004 to provide more time for logistic preparations 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 1 November was confirmed. The now defunct National Co-ordination Body was established to oversee the process which included 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. 79

Awareness-raising to support the amnesty began in early September, and a lottery incentive funded by UNDP also helped a great deal to attract public interest and support. Lottery tickets were handed out in return for weapons at 123 collection points established across the country and 35 prizes worth a total of US$ 60,000 were each allocated to two draws. With guarantees of immunity from prosecution and the added incentive of lottery prizes, citizens surrendered weapons in a largely peaceful and calm manner, a major achievement given the tensions of the preceding months. 80 Voluntary surrender was also greatly assisted by local municipal weapons collection commissions established as part of this initiative (See Civil Society Involvement in SALW Interventions below).

In total, the November - December 2003 initiative collected 7,571 pieces of weaponry, 100,219 pieces of ammunition, 1,257 pieces of explosive devices, 165 kg of explosives and 1,001 pieces of additional weapons 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. 81 Requests were made for the legalisation of 5,204 of the firearms collected. The MoI legalised circa 3,000 weapons, which were returned with licences to their owners. The remaining weapons were designated for destruction or were to be demilitarized for museum pieces. 82 Although many weapons surrendered were older, less sophisticated models, ‘some 348 assault rifles, 55 rocket launchers and about 800

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78 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.


80 Telephone Interview with Alain Lapon, UNDP SACIM project, 22 October 2003.


hand grenades were included in the collection statistics, suggesting that at least some contemporary military weapons were removed from society during the operation.\textsuperscript{84}

Since 2003 there have been no further amnesties, but collection continues through police seizures. Neither the MoI nor the MoD have provided information on the amount and type of SALW seized during 2004, but incidents of SALW seizures continue to be reported in the media. According to the Vest Daily Newspaper, the MoI seized a total of 1,314 weapons and 10,640 pieces of ammunition and reported 214 cases of possession of illegal weapons in 2004.\textsuperscript{85} In January 2005, 16 weapons were reported to have been seized, while in February 2005, 37 weapons were seized (compared to 11 in February 2004).\textsuperscript{86} Reported seizures range from those that are larger in scale, an example being the discovery in March 2004 of RPGs, 82mm mortars, anti-personnel landmines, grenades and miscellaneous weapons in an arms cache in Dolno Blace,\textsuperscript{87} to seizures of single weapons from individuals.\textsuperscript{88}

### 3.4 SALW Destruction Programmes and Capacities

The two main destruction projects in Macedonia 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 Krivolak site, where they were cut and the remnants sent to Greece for smelting.\textsuperscript{89} Ammunition was destroyed at Krivolak and weapons or ammunition that were unsafe to move were destroyed in-situ.\textsuperscript{90}

According to the 2003 Law on Voluntary Surrender, which regulated the 2003 amnesty and collection, the MoI had the responsibility to safely stockpile all surrendered weapons, which were to be destroyed no longer than 90 days after the end of the amnesty.\textsuperscript{91} 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 were destroyed at the Krivolak military site, and most other weapons at the Maksteel steel mill.\textsuperscript{92}

Three large-scale weapon destruction programmes have taken place in Macedonia in 2004 and early 2005. 2,648 of the weapons seized during the 2003 amnesty were destroyed on 15 March 2004 in the Maksteel Company furnaces.\textsuperscript{93} The destruction of about 400

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\textsuperscript{84} A Fragile Peace, SEESAC, 2004, Section 3.
\textsuperscript{86} ‘Number of Illegal Weapons Increased by Several Times’, Vecer Macedonia, Skopje, 28 March 2005.
\textsuperscript{87} ‘Macedonian police discover weapons cache’, MIA, Skopje, 12 March 2004.
\textsuperscript{88} ‘Citizen of Tetovo Arrested for Possession of a Gun without Licence’, Vreme, Skopje, 22 April 2005.
\textsuperscript{89} A Fragile Peace, SEESAC, 2004, Section 3.
\textsuperscript{91} A Fragile Peace, SEESAC, 2004, Section 3.
\textsuperscript{93} Interview with Alain Lapon, Project Manager, SACIM, UNDP, Skopje, 28 January 2005; ‘Arms, ammunition collected in 2003 action destroyed at Macedonian Plant’, MIA, Skopje, 15 March 2004.
firearms from the amnesty was conducted on 9 July 2004 at the Ilinden Military Barracks in Skopje. Further, ‘several hundred explosive devices, collected by the Mol, were also destroyed at the Stenkovec Polygon.’

On 15 February 2005 the Mol, with the support of UNDP destroyed 2,262 confiscated firearms at the Maksteel Plant near Skopje.

Any future destruction of surplus military SALW stocks is still undecided. According to Macedonia’s 2004 Report on the implementation of the UN PoA, the Army is still determining whether it has a weapons surplus based on the final form the army will take following defence reforms. A November 2004 media report claimed that the MoD still needed to ‘identify surplus weaponry by the end of 2004’ and that the destruction of outdated army equipment was planned for ‘mid 2005.’

3.5 SALW stockpile management programmes and capacities

Neither the Mol nor the MoD has provided information on the volume of ammunition and SALW currently stockpiled in Macedonia, the number of storage facilities in the country or who is responsible for guarding those facilities. Legislation regulating the stockpiling of armaments and ammunition include the ‘Law for Production and Trade of Armaments and Military Equipment’, the Army Rulebook and its regulations for storage and handling of ammunition and explosive devices, as well as the Guide for Protection Against Theft of Weapons and Ammunition.

The only source of reliable information available on stockpiles in Macedonia is the 2004 National SALW Survey. Stockpiles are maintained by both the Mol and MoD, and while ‘officials at the Ministry of Defence 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’. The 2004 National SALW Survey notes ‘Insufficient security for these stockpiles leaves them vulnerable as a potential depot to be raided in any future flare-ups of hostilities’.

The report also estimates that the number of weapons in official stockpiles held by the Mol range from 23,000 to 36,000. Official statistics from mid-2003 on MoD stockpiles state they contain a total of 85,500 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. According to research, all weapons in the MoD stockpiles are held in accordance with ‘strict stockpile management procedures

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99 Ibid.
102 Ibid.
while in storage or transport’, with weapons stored in carefully selected sites at designated military bases. 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’. Further, according to Macedonia’s 2004 report on the implementation of the UN PoA, the MoI and the MoD check all their stock ‘on a regular basis’. Stockpiles have not, however, been independently verified so the accuracy of these reports cannot be confirmed.

Aside from official stockpiles, the 2004 National SALW Survey notes that it is likely that the NLA maintains stockpiles of arms gathered and used during the 2001 conflict. This is a sensitive issue, and there is little information available: Based on numbers of active members and the number of weapons surrendered in NATO’s Operation Essential Harvest, the report estimates that remnants of the NLA may have retained a substantial SALW arsenal.

### 3.6 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-run weapons amnesty. Awareness-raising activities have also continued during the past year.

Awareness-raising in support of the 2003 Amnesty was undertaken by local civil society and the Government, with support from the UNDP Small Arms Control In Macedonia (SACIM) project. SACIM drafted a strategy for the campaign, which was approved by the amnesty’s National Co-ordinating Body, and provided funds for its implementation. The official website for the amnesty states that the awareness-raising campaign implemented to support the national amnesty and legalisation initiative included five main components: a media campaign, activities with local communities, dialogue, education and dissemination of information on safety and security. The SALW awareness programme was launched on 4 September 2003.

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 in supporting and promoting the programme. 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’. A total of 10,000

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103 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.’ A Fragile Peace, SEESAC, 2004, Section 3.
104 Macedonia UN PoA Report 2004, Section 5A, question ii, p 16
105 A Fragile Peace, SEESAC, 2004, Section 3
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.\textsuperscript{109}

One hundred and twenty-three local and regional commissions were also formed to promote the programme together with seven main NGOs who organised activities and discussion groups. The Macedonian Information Agency also worked on producing a ‘No Casualties’ handbook for these commissions,\textsuperscript{110} which also received training on public awareness and the collection procedures.\textsuperscript{111} An educational pamphlet for children was developed and distributed in primary and secondary schools, and a national drawing contest including exhibitions and media coverage was organised.\textsuperscript{112} Basic risk education on safety and security was addressed through the dissemination of firearms safety cards containing instructions for the secure storage and handling of weapons.\textsuperscript{113} A UNDP-commissioned opinion poll found that 63 per cent of the population felt that the campaign ‘changed public opinion in a positive sense.’\textsuperscript{114}

The UNDP has been directly engaged in awareness-raising activities through the SACIM projects. The SACIM I Project officially began on the 19 May 2003 and ended on 31 March 2004. One of the goals of the project was to increase social awareness and public education of the risks of SALW proliferation, and the main activity regarding this goal was the awareness campaign conducted for the 2003 amnesty. A recent assessment by SEESAC suggests that this awareness campaign, conducted in cooperation 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 an effective media operations strategy, and the lessons learned from both have been incorporated into the SALW Awareness Support Pack (SASP 2003).\textsuperscript{115}


\textsuperscript{111} Eight training events 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>, accessed 12 February 2005.


\textsuperscript{114} ‘Weapons Amnesty and Legalisation Frequencies’, BRIMA polling company report to UNDP, December 2003.

\textsuperscript{115} Correspondence with Adrian Wilkinson, SEESAC Team Leader, 16 February 2004.
SACIM II, the follow up to SACIM I, started in April 2004 and has focused primarily on Safer Community Development, but has also involved awareness activities. These have included the distribution of a newsletter circulated with newspapers (approximately 60,000 copies per month); a six-month media campaign on national and local TV and radio to increase the awareness of the risks of weapons proliferation and a newsletter distributed to encourage safer behaviour during the New Year’s Eve celebrations.\textsuperscript{116}

### 3.7 SALW survey activities

Two major research reports have been conducted on SALW in Macedonia. The first – ‘Macedonia: Guns, Policing and Ethnic Division’ – was jointly produced by Saferworld and the Bonn International Centre for Conversion (BICC) and published in 2003.\textsuperscript{117} The second report, a comprehensive national SALW Survey, entitled ‘A Fragile Peace: Guns and Security in post-conflict Macedonia’ conducted by the Small Arms Survey (SAS) and the Bonn International Conversion Centre (BICC) with the assistance of the Skopje-based Institute for Democracy, Solidarity and Civil Society (IDSCS), was published in January 2004.\textsuperscript{118}

### 3.8 Civil Society involvement in SALW interventions

There are several positive examples of NGOs working on SALW and related issues in Macedonia. In 2003, a number of NGOs were working on SALW control, usually in the context of peace-building and educational projects.

Support from international NGOs and networks such as Pax Christi Netherlands, IANSA and Saferworld provided capacity-building and funding for awareness-raising and research projects. SALW and related work was undertaken by the following NGOs: Journalists for Children and Women Rights and Protection of the Environment (JCWE), which focussed 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 - that 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 public attitudes towards SALW and possession (with funding from Saferworld). A training event for Macedonian NGOs, ‘Building Constituencies For SALW Work in Macedonia Capacity Building for NGOs’ was conducted by UNDP Macedonia and Saferworld in Skopje from 23 - 25 June 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 Coordinating Body overseeing the government collection, allowing local NGOs to ‘lobby’ for more inclusive implementation to safeguard confidence building,\textsuperscript{119} and community collection teams were trained and active during the amnesty, encouraging local citizens to surrender weapons. Many NGOs\textsuperscript{120} supported the campaign


\textsuperscript{118} Available from <http://www.seesac.org/reports/surveys.htm>.

\textsuperscript{119} 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.

\textsuperscript{120} 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.
in various ways, including training of local community teams and organisation of dialogue fora;\(^{121}\) organising roundtables and discussion groups;\(^{122}\) designing and distributing flyers, badges and posters to promote the collection in public places, including at retail outlets. 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 and community groups clearly contributed to the broad public support for the collection and the success of the initiative.\(^{123}\)

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.\(^{124}\) The capacity of the media in Macedonia, however, remains limited: media outlets are often ‘deeply politicised’, and coverage of SALW tends to be ‘biased and inflammatory’.\(^{125}\) Activities to improve media reporting of SALW in Macedonia have been undertaken by the Institute of War and Peace Reporting (IWPR) and Saferworld, who have conducted training events and funded investigative reports on SALW.\(^{126}\)

### 3.9 Cross-border SALW control initiatives

Macedonia’s border management system is currently undergoing reform with the assistance of international organisations such as the EAR and the OSCE.\(^{127}\) A National Strategy on Integrated Border Management (IBM) was adopted in December 2003, and during 2004 a draft Action Plan was developed. A key element of the new IBM strategy is the establishment of a dedicated Border Police Service that is taking over responsibility for border control from the Army. The deployment of the Border Police Service started in May 2004 and thus far control for the state borders with Republic of Greece, Republic of Bulgaria and a part of the border with the Republic of Serbia have been transferred to the MoI.\(^{128}\) The transfer of control of the remaining borders is due to be completed by November 2005.\(^{129}\)

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\(^{122}\) 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>.

\(^{123}\) 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, Transitions Online 2003.


\(^{125}\) Macedonia, Saferworld 2003, p 10.

\(^{126}\) 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 the Institute for War & Peace Reporting (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.

\(^{127}\) A Fragile Peace, SEESAC, 2004, p 2

\(^{128}\) EC Questionnaire, 2004, Chapter 24.

\(^{129}\) Ibid.
Macedonia is increasingly cooperating with neighbouring states on border control issues. Cross border cooperation has been significantly strengthened by the Ohrid Border Process, initiated in 2003 by the EU, NATO, OSCE and the Stability Pact for South Eastern Europe. Macedonia 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 cooperation agreements ‘in the sphere of internal affairs’ have been signed with all neighbouring countries. Macedonia is also active in the Regional Migration, Asylum and Refugee Return Initiative (MARRI), established in 2003 to develop closer cooperation, particularly in regard to border crossing. In November 2004 the MARRI Regional Centre was set up in Skopje.

The Government has concluded a number of cross-border agreements and nominated liaison officers to improve operational linkages. In November 2002 the Interim Protocol on Police Cooperation was signed with UNMIK, an agreement on combating organised crime was signed with Serbia and Montenegro in January 2003 and an agreement on cooperation on crime prevention was signed with Albania in June 2004. Joint patrols between the Macedonian and Albanian Police are also a sign of increased cooperation between these two countries. During the March 2004 violence in Kosovo, the Defence Minister announced that the Macedonian authorities were cooperating with KFOR to prevent armed groups from Macedonia from crossing into Kosovo.

Various workshops, seminars and meetings have also been held with the aim of improving cross-border cooperation and control, including regional actors such as NATO/EAPC, the Stability Pact, OSCE and SECI Regional Centre. In March 2003 the Macedonian MFA, Albania and Croatia agreed to ‘intensify regional cooperation.’ In November 2003, the Defence Ministers of Macedonia, Greece and Albania pledged to ‘step up military cooperation to address common threats more efficiently, including those posed by illegal immigration and cross-border organised crime,’ and dialogue on deepening cooperation with UNMIK on combating organised crime was held. Ways to improve regional cooperation to fight

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30 Correspondence with Mr Blagoja Simonoski, Head of Department for Policy, Planning and International Cooperation, MOD, Skopje, 20 April 2004.


136 ‘Macedonia, KFOR Work to Keep Armed Groups from Crossing Kosovo Border,’ Sitel TV, as reported in South East European Times, 21 March 2004, <www.setimes.com> According to the recent response of the Macedonian Government to the EU Accession Questionnaire, the cooperation between Macedonia and Albania is based on ‘7 signed agreements regulating the maintenance and demarcation of the border line, measures for prevention and resolution of border incidents, the visa regime and the transport of civilians in the border zone, legal assistance in civil and criminal law matters, mutual execution of court decisions and extradition. The Agreement for Regulation of Borderline Communication and Transport of Civilians in the Border Zone is officially applied as of 15.06.2000. This Agreement has alleviated the problems of illegal border crossings, thefts and similar.


organised crime was also a main topic for discussion at a conference for SEE police chiefs in December 2003.140

Further seminars have been held since 2003. In April 2004 the Macedonian and Turkish armies participated in a four-day seminar on Border Security which included new measures to fight drug and weapons trafficking;141 in June 2004 representatives from a number of South Eastern European countries, as well as experts from the EU and NATO, participated in a two-day seminar in Skopje on border management cooperation;142 on 25 February 2005, the Interior Ministers of Macedonia, Albania, Bosnia-Herzegovina, Serbia-Montenegro and Croatia signed a declaration on border cooperation at a seminar entitled, ‘Border Security Systems’ held in Skopje.143 The border units of Albania and Macedonia have also received joint training under a project sponsored by the Danish Government.144

3.10 SALW management information and exchange systems and protocols

Previous research found that ‘inter-agency communication on arms transactions in Macedonia is minimal, and domestic information sharing practices of the Macedonian government about SALW practices have been consistently inadequate’.145 Information exchange and transparency is, however, improving in Macedonia with more organised processes regulating the sharing and public dissemination of information at both the national and international level. Government programmes and policy on SALW collection were published following the 2003 amnesty146 and substantial public debate on the collection and its achievements, including those between government officials and parliamentarians, was held before, during and after the initiative. All relevant laws on arms are published in the Official Gazette and are available to the public.

Externally, Macedonia submitted a report in both 2003 and 2004 to the UNDDA on the implementation of the UN PoA,147 and submits an annual report to the OSCE as part of the information-exchange mechanism established by the OSCE Document on Small Arms. Although the Macedonian Government has not produced a public report specifically on arms exports and imports, it provided some information on arms control and trade in the ‘Common Foreign and Security Policy’ Section of its response to the EU Accession Questionnaire.148

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144 EC Questionnaire, 2004, Chapter 27.

145 Small Arms Survey 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.’ A Fragile Peace, SEESAC, 2004, Introduction and Section 7.

146 <www.smallarms.org.mk>


148 <www.sei.gov.mk/prasalnik/>
In terms of information exchange, Macedonia is a member of INTERPOL and negotiations on a cooperation agreement with EUROPOL have been initiated. Macedonia is also an active participant in the SECI Regional Centre for Combating Transborder Crime. Macedonia has made progress in terms of information exchange cooperation through bi-lateral agreements with its neighbours. The November 2002 memorandum signed with UNMIK contained provisions on ‘information-sharing on SALW related issues, in particular on illegal trafficking,’ and the Government and KFOR have gone on to agree the establishment of a hotline in order to exchange information on incidents. In addition, work is continuing to strengthen the professional standards of police with regard to information and intelligence processing with the assistance of the International Criminal Investigative Training Assistance Program (ICITAP) and the OSCE as part of broader police reform processes.

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<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>MACEDONIA</th>
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<tbody>
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<td><strong>INTERNATIONAL</strong></td>
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<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
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<td>Reporting to the UN Register of Conventional Arms</td>
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<td>Reporting to other international regimes, if appropriate (e.g. Wassenaar)</td>
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<td>Information exchange with OSCE</td>
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<tr>
<td>Annual reporting to EU (if relevant)</td>
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<td>SECI Regional Centre intelligence exchange</td>
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<td><strong>NATIONAL</strong></td>
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<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
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<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>No</td>
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<tr>
<td>Publication of SALW national strategy</td>
<td>To a certain extent, with regard to 2003 amnesty and legalisation initiative¹⁵⁴</td>
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¹⁵¹ Macedonia, Saferworld 2003, p 50.


¹⁵⁴ See official website, <www.smallarms.org.mk>
Moldova

1 Small Arms problem

Moldova’s small arms problems are rooted in the ‘frozen’ conflict that has left the separatist region in Transdniestria on the left bank of the river Dniestr, the Dniestrian Moldovan Republic (DMR), outside the administrative control of the internationally recognised Republic of Moldova (RM). The existence of large stockpiles of surplus weaponry in Transdniestria and a lack of effective state control over large sections of the country’s borders are compounded by allegations of illicit production and sale of SALW in Transdniestria (see below).

Very few SALW are thought to have fallen outside the control of formal military structures during the brief period of open conflict experienced by Moldova in 1991 and 1992. Today Moldova has no gun culture and has reasonably efficient controls over civilian possession of SALW. According to official data from the Ministry of the Interior, in 2004 there were 532 companies (5,334 weapons) and 44,028 individuals (49,780 weapons, the majority of which are hunting weapons) with registered weapon holdings across the country. Only 121 crimes that were in some way connected with the illegal use of firearms were recorded in 2004. Controls on firearms in domestic possession are believed to be similar in territory controlled by the Transdniestrian authorities as in the Republic of Moldova.

Russia still has military units based in Transdniestria as well as large stockpiles of outdated weapons and ammunition. The complete withdrawal of Russian arms and personnel, which is provided for in the commitments given at the OSCE Istanbul Summit in 1999 and confirmed at the 10th OSCE Ministerial Council in Porto in 2002, is far from complete. According to OSCE observers to date, of the arms and military equipment that were available at Russian military depots in the DMR at the beginning of 2003, Russia has withdrawn a total of 19 trainloads (555 railcars), including approximately 20,000 tonnes of ammunition out of a total of 42,000 tonnes. Some 1,300 Russian troops, including peacekeepers, are still deployed as part of the Operative Group of Russian Forces (OGRF) in Transdniestria.

1 According to one analyst, some 400 SALW were not returned after the 1992 conflict, 80 of which are still unaccounted for. Around 60 units of SALW (both pistols and assault rifles) were subsequently stolen in 1993-4. Comments by Colonel Oleg Graur, Institute for Public Policy, at the 17 May 2004 launch of the 2004 South Eastern Europe Small Arms and Light Weapons Monitor, Chisinau.


3 The withdrawal was due to have been completed by the end of 2002, but was blocked by the Transdniestrian leadership, who demanded that the Russian troops should leave their weapons and military equipment behind.

4 Correspondence with Gen. B. Aussedat, OSCE Mission to Moldova, 05 May 2005. Also, presentation by Mr Andrei Popov, Moldovan MFA, at the 17 May 2004 launch South Eastern Europe SALW Monitor report, Chisinau.

5 Correspondence with Claus Neukirch, Spokesperson/Press and Public Affairs Officer, OSCE Mission to Moldova, 26 April 2005.
Russia has repeatedly argued that the presence of Russian troops in Transdniestria is necessary in order to guard its extensive arsenals, which could otherwise end up in unsafe hands. The OSCE and other international organisations have, however, demanded that Russia withdraw its troops and weapons in order to help stabilise the region. In addition to those stocks held by the OGRF, a significant amount of munitions, probably in the order of thousands of tons, are thought to be under the control of the DMR forces in Colbasna.\(^6\)

In addition it is often alleged that small arms production facilities operate inside the DMR, producing and exporting weapons such as pistols, assault rifles, machine-guns and Grad multiple-rocket launchers.\(^7\) Moreover, SALW trafficked from within the DMR are alleged to lack serial numbers, which makes them ideal for use by organised criminal networks.\(^8\)

Allegations of SALW trafficking from Moldova are substantiated by the records of information exchanged between Moldovan police and customs officials and the police and customs officials of neighbouring countries.\(^9\) The hostile relationship with the DMR undoubtedly complicates Moldova’s border and customs controls, facilitating smuggling, arms transfers and other illegal activities. The Transdniesterian Government is not internationally recognised and is consequently not party to, or obligated by, any international or bilateral customs and border agreements.\(^10\) Four hundred and seventy km of the Republic of Moldova’s state border with Ukraine runs along territory under the control of the DMR authorities and is consequently largely unprotected and unregulated by Moldovan border services. Further, the internal Moldovan border between the Republic of Moldova and the area under the control of the DMR administration is also poorly controlled. Although a Joint Control Commission exists to coordinate various issues of security between the Chisinau and Tiraspol administrations, it functions poorly due to the ongoing wrangling between the two sides. The Commission’s effectiveness is also dependent on the state of the administrations’ relations with Ukraine and Russia.\(^11\)

Progress on the issue of illegal arms transfers and the existence of large amounts of munitions and military personnel in the DMR is consequently largely dependant on progress towards conflict resolution.\(^12\)

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\(^6\) Interview, British Ambassador to Moldova, H.E. B. Whiteside, 17 May 2004; and correspondence with General B. Aussedat, OSCE Mission to Moldova, 05 May 2005. Further, though under separate command, the DMR forces have continually benefited from the support of the Russian Defence Ministry and OGRF. Russian support helped establish the DMR armed forces in 1991 - 1992 and has since then provided a variety of technical supplies (including weaponry) and manpower. For example, Russian security officials made no effort to regain weapons stolen by, or given to, the DMR during the conflict, instead merely writing them off the inventory. Honduras: Regional Tensions Over Transdniestria, ICG Europe Report N°157, 17 June 2004.

\(^7\) Ibid. Cf also: Moldova: No Quick Fix, ICG Europe Report N°147, 12 August 2003, p 6.

\(^8\) Ibid. p 6.

\(^9\) Between November 2002 and May 2003, in the course of ‘Operation Ploughshare’, the SECI Center’s initiative to tackle illicit firearms trafficking in South Eastern Europe, Moldovan law enforcement authorities reported having 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. Data provided by the SECI Regional Center for Combating Transborder Crime, June 2003.


\(^11\) For example, in June 2004 a dispute flared up at a regular meeting of the JCC following a unilateral increase of Moldovan personnel at checkpoints. ‘Transdniestria demands reduction of Moldovan troops’, BBC Monitoring, 13 June 2004. In June 2004, during a visit by a 25-person delegation from the OSCE to Transdniester, security personnel prevented diplomats from Moldova from crossing into Transdniester. ‘Chisinau Diplomats Not Allowed To Visit Transdniester’, SEEurope.net, 15 June 2004.

\(^12\) Moldova: No Quick Fix, p 6.
2 Small Arms policy and practice

Moldova is a signatory to several important SALW control agreements, namely the OSCE Document on SALW, the OSCE Document on Stockpiles of Conventional Ammunition, the UN Program of Action and the Stability Pact Regional Implementation Plan 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, their representative emphasised Moldova’s concerns regarding 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 the uncontrolled flow of small arms.”\(^\text{13}\) In particular, Moldova emphasised its support of measures “to increase transparency in arms transfers; ensure an appropriate and reliable marking of SALW; promote brokering regulations; increase effectiveness of arms embargoes; guarantee the security of arms stocks and reduce arms in ‘hot spots’ by collecting and destroying them, as well as disarming, demobilizing and reintegrating former combatants.”\(^\text{14}\) 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 that face Moldova in the separatist region of Transdniestria. In 2003, Moldova submitted a written report to the UN DDA detailing its progress towards implementing the UN PoA.

Table 1: Moldova’s commitments to Arms or SALW Control Agreements

<table>
<thead>
<tr>
<th>Arms or SALW Control Agreement</th>
<th>Bosnia and Herzegovina’s Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability Pact Regional Implementation Plan</td>
<td>November 2001</td>
</tr>
<tr>
<td>UN Programme of Action</td>
<td>July 2001, 2003, 2005</td>
</tr>
<tr>
<td>UN Firearms Protocol</td>
<td>-</td>
</tr>
<tr>
<td>OSCE Document on Small Arms</td>
<td>November 2000</td>
</tr>
<tr>
<td>OSCE Document on Stockpiles of Conventional Ammunition</td>
<td>December 2003</td>
</tr>
<tr>
<td>EU Code of Conduct</td>
<td>-</td>
</tr>
<tr>
<td>EU Joint Action on SALW</td>
<td>-</td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td>-</td>
</tr>
</tbody>
</table>

3 Small Arms progress

3.1 Legislative and regulatory issues

The possession of firearms and ammunition is regulated in Moldova by the ‘Law on Individual Arms’, 110-XIII of 18 May 1994, the Government Decision of 18 January 1995 on its implementation,\(^\text{15}\) and Government Order No 126/2000 on ‘The list of weapons...


\(^{14}\) Ibid.

and ammunition that can be sold to physical and legal persons’. Only Moldovan citizens over the age of 18 who have received an authorisation issued by official police bodies can possess firearms. To be eligible for a licence, applicants must not have committed any ‘grave crimes’, be of good mental health and not have a history of domestic abuse. Moreover, they are required to provide a credible reason for owning a firearm as well as information regarding the storage of the firearm. Although no information has been provided on any prosecutions secured in this area, under the Moldovan criminal code the illegal manufacture, possession, trade and stockpile of arms and ammunition carries with it a prison term of up to ten years. Penalties for violating the law are to be increased with the introduction of a new Penal Code. The Moldovan Ministry of Interior is currently redrafting the ‘Law on Individual Arms’ and plans a finished version during 2005.

There are currently 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. In order to ensure comprehensive and accurate records of arms transactions, these arms dealers are required to report their business transactions to the Department of Public Order on a monthly basis. The information provided includes the quantity of arms sold and their serial numbers as well as relevant data on the buyers. Every three months the Ministry of the Interior undertakes verification of the existing record-keeping system.

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, which was developed by the Moldovan Ministry of Economy with the Assistance of the US Department of Commerce, 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, which includes the Control List of strategic goods. The above laws define the principles and procedures for controlling the export, re-export and import of strategic goods as well as the competence of Parliament and the Government in the field of export control. The national control system for strategic goods is said to embody the following principles:

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18 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 trading in arms and ammunition. If the crime is repeated, there is a mandatory prison term of 5-10 years.

19 Interview with Ion Lisnic, Inspector at the Public Order Department of the Ministry of Interior, 21 January 2005.

20 Graur, Op Cit.

21 Ibid


24 With 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); and 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>, accessed 02 February 2004.
• Compliance with the basic guidelines of the foreign policy of Moldova;
• Protection of national security interests;
• Fulfilment of international commitments with regard to the non-proliferation 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; 25
• 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; and,
• Maintenance of the confidentiality of classified information. 26

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. 27 The Division on Dual-use Goods Trade Control at the Ministry of Economy and Commerce is the licensing authority responsible for issuing licences for the export, import and transit of strategic goods in the case of both state to state and commercial transactions and for issuing delivery verification certificates. The Division is also allotted a monitoring role and is authorized to interdict transfers if required. 28

The transfer control regime allows for three types of licences: 29

• **Export licence** - Authorization 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** - Authorization 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; and,

• **Transit licence** - Authorization to convey strategic goods through the customs territory of the Republic of Moldova.

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25 However, no information was available to the researchers on how provisions for verifying end-use may be realised in practice.
26 Ibid.

In order to obtain an export, re-export, import or transport authorization applicants are requested to provide the following documents: a copy of the document that certifies the registration of the applicant as an economic agent; a copy of the licence to trade in arms; documents that certify the origin of the items; documents regarding qualitative and technical characteristics of items and, if possible, the code of respective items in accordance with the Control List; the relevant contract and its copy signed with the foreign company importing or exporting the strategic goods; 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 authorized body of the country where the company is registered; an End-User Certificate (at the demand of Division); an International Import Certificate (at the demand of Division).
29 Ibid.
The Division on Dual-use Goods Trade Control works in conjunction with the Interdepartmental Control Commission on Export, Import and Transit of Strategic Goods. The Interdepartmental Commission’s functions include: reviewing proposals with regard to signing or adhering to bilateral and multilateral agreements on non-proliferation of weapons of mass destruction and other strategic goods; implementing controls on the obligations pursuant to international and intergovernmental agreements on non-proliferation and the control of movements of weapons of mass destruction 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 national policy with regard to the control of movements of strategic goods. Although the current regulatory system is wide-ranging in many respects, there are at present no mechanisms to allow for independent monitoring of how the system is implemented in practice. Table 2 below summarises the current legislative and regulatory framework for arms transfers.

### Table 2: Features of Moldova’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>MOLDOVA</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL</td>
<td></td>
</tr>
<tr>
<td>National Co-ordinating Agency</td>
<td>Yes (partial transfers only)</td>
</tr>
<tr>
<td>National Point of Contact</td>
<td>Yes</td>
</tr>
<tr>
<td>LAWS &amp; PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes</td>
</tr>
<tr>
<td>Production</td>
<td>Yes</td>
</tr>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes</td>
</tr>
<tr>
<td>NATIONAL SYSTEM OF EXPORT &amp; IMPORT LICENSING OR AUTHORISATION</td>
<td></td>
</tr>
<tr>
<td>Diversion risk</td>
<td>Yes</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Yes, but only at the demand of the national licensing agency³³</td>
</tr>
<tr>
<td>Re-transfers</td>
<td>No</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>No</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>Yes³⁴</td>
</tr>
</tbody>
</table>

³⁰ According to the Government decision NR 408, dated 22 April 2004, ‘Concerning the activity of the Commerce Department’, the Department has the following duties: assures the activity of the ICC (art. 24); releases the authorizations for export, import and transit of the strategic goods (art. 25). The ICC has the following members: Head of the Commerce Department (President of the Commission), Chief of the Main Staff of the National Army (Vice-President), Chief of the Control Subdivision from the Commerce Department (Secretary), Prime vice-minister of Foreign Affairs, Prime vice-minister of Internal Affairs, Vice-minister of Industry, Vice-minister of Economy, Vice-director of Security and Information Service, Vice-director of Customs Department, Chief of the Prime-Minister’s office. It is understood this will soon, however, be changed.


³² Other gaps include a lack of provision for licensed production or transhipment of arms and dual use goods.


³⁴ The export control Law is applicable to persons conducting exports of strategic goods through operations that do not entail physical contact with the territory of Moldova. There are however no specifics in the legislation covering questions such as extra-territorial control of brokers or third country actors. SEESAC Export Control Analysis – Moldova, 26 November 2002.
3.2 SALW transfers

According to Jane’s Infantry Weapons, Moldova does not produce Small Arms or Light Weapons. Such a view is shared by Moldovan defence experts who maintain that the only source for Moldovan small arms exports may be the weapons that are surplus to the requirements of armed and security forces. As such, the country depends heavily on imports to supply its security forces. According to government officials, however, very few SALW were imported for the security forces in 2004. The MIA declared an unspecified number of imports, the Ministry of Justice a total of four weapons, and the MoD no exports or imports at all. Since however the Moldovan Government does not produce a public report summarising all official arms transfers, little information exists about actual practice in this area, making it difficult to verify official statements.

Following the imposition of sanctions by the US Government on two Moldovan arms companies in May 2002, a Moldovan 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.’ This emphasizes Moldova’s past association with transfers of arms, including SALW to sensitive destinations. Those cases that have come to light, such as in 2001 when the Moldovan firm Renan Airways was reported to have supplied weapons for several years to conflict zones in Africa and the Middle East, have typically involved sales via circuitous routes and facilitated by intermediaries.

In December 2001 the Moldovan Security Council adopted a decision to ‘halt the trading of unusable weapons and hardware of the national army,’ a move which drew praise from the US State Department.

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36 Graur, Op Cit.
37 2 x Russian VSC-94 rifles and 2 x 9A91 Sub-machine guns, total value 11,452 US$. Interview, Ion Lupan, Head, Export/Import Control Department, ICC, 16 March 2005.
40 According to several reports, the transaction involved an Irish company, Balcombe Investments, which 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 in the United Kingdom. Balcombe Investments was registered as the owner of a plane operated by Renan Airways, which featured in several UN Sanctions Committee Reports. Thomas B J, ‘War, Terrorism and Money Laundering’, IANSA Newsletter, February 2002.
Aside from any challenges that remain in controlling the licensed trade in SALW from the Republic of Moldova, suspicions are commonly raised that an unregulated manufacture and trade in SALW continues in the separatist DMR. According to Moldovan analysts, since 1993 - 1994 the production of armaments has become an important factor in the economic and military policy of the Tiraspol administration.\textsuperscript{42} The Bendery Mechanical Factory, which has the capacity to produce a wide range of SALW (from mortars to antipersonnel mines),\textsuperscript{43} has allegedly exported mobile rocket launcher systems to Abkhazia.\textsuperscript{44} Analysts in Moldova also allege that the ‘Ribnitsa Metallurgy Factory’\textsuperscript{45} and its branch ‘Elektrommash’\textsuperscript{46} are involved in the production and export of SALW.\textsuperscript{47} These claims were given fresh currency in May 2005 with a report that surface-to-air rockets containing radioactive materials were being offered for sale illegally in Transdniestria.\textsuperscript{48} The case in question also highlighted the dangers associated with inadequate border controls, since the weapons were offered on the premise that they would be smuggled from the Colbasna military depot, through Moldova’s eastern border, and flown from an airfield in Ivano-Frankovsk in South Western Ukraine.

Despite repeated claims to the contrary, the administration in Tiraspol firmly denies allegations of illicit arms production or sale from the territory. Although the President of the DMR has previously raised the idea of international inspections of those factories said to be producing arms and ammunition, no agreement could be reached with the authorities in Chisinau on the composition of inspection teams.\textsuperscript{49} In addition, the OSCE delegation in Moldova has also raised serious concerns about a possible illicit transfer of seventy MANPADS from an OGRF depot on DMR territory in 2004, the final destination of which is unknown.\textsuperscript{50}
3.3 **SALW collection programmes and capacities**

According to Ministry of Internal Affairs statistics during 2004, 303 illegal firearms were confiscated, 112 voluntarily surrendered and 103 recovered having been dumped by their owners. An amnesty in 2002 resulted in the registration of around 4,200 weapons with the Ministry of the Interior and the destruction of 900 illicit weapons. Moldovan regulations provide that all confiscated arms be destroyed by melting at the ‘Tracom’ plant in Chisinau. Due to financial difficulties, the Ministry of the Interior has been unable to provide funding for the destruction process and the confiscated arms are kept in MIA depots.

3.4 **SALW destruction programmes and capacities**

According to the MoD, no military SALW stocks were destroyed during 2004. However, the Republic Commission for Evaluation, Price Estimation and Scrapping of Personal Firearms allocated 1,513 of the firearms seized or collected from the general public for destruction during 2004. As suggested above, it is the stocks of surplus SALW and ammunition held by OGRF and DMR forces that are of most concern. 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. The tripartite working group identified over 26,000 tonnes of ammunition suitable for reprocessing and disposal (out of over 40,000 tonnes). Following recommendations by the working group in 2001 to the states participating in the OSCE Voluntary Fund, the OSCE Mission to Moldova was tasked with co-ordinating a major programme aimed at facilitating the withdrawal of the arms, ammunition, military equipment and troops of the Operative Group of Russian Forces (OGRF) from Transdniestria. The Mission now 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.

However, although the OGRF have both destroyed and removed a significant amount of conventional military equipment, a promise by the Russian Government to destroy 40,000...
SALW by the end of 2003 has not yet been met.\textsuperscript{58} In the past few years, ammunition has been removed sporadically (ceasing completely in 2003) and raising serious concerns about the willingness of the OGRF commanders to implement the agreed withdrawals.\textsuperscript{59} For its part, the DMR authorities have placed conditions on the disposal of stocks under their control, including requests for compensation.\textsuperscript{60} With the munitions withdrawal and destruction process stalled, the OSCE Mission submitted a proposal to the leaders of both sides in mid 2004 for a common approach to destroying surplus ammunition and SALW.\textsuperscript{61} Although both sides expressed interest, the proposals have so far not been taken up.

### 3.5 SALW stockpile management programmes and capacities

With the exception of the territory under the control of the DMR, Moldova does not appear to have any significant stockpiles of SALW.\textsuperscript{62} Although it is known that the MIA is responsible for maintaining and guarding only one stockpile, the number of depots within the territory controlled by the Republic of Moldova has not been made public.\textsuperscript{63} Nor has any information been made available of any stockpile management regulations that may be in use at this time.

In August 2004 it was widely reported that 200 hand grenades, 31 grenade-launchers and more than 90,000 rounds of ammunition had been stolen from National Army stocks.\textsuperscript{64} Although no independent verification is possible, according to the MoD, all these items have since been recovered.\textsuperscript{65} Despite this event, the MoD reports that there are ‘no obstacles in stockpile management.’ and that a full inventory of stocks was successfully carried out in 2004.\textsuperscript{66}

### 3.6 SALW awareness activities

The Moldova Government has conducted publicity campaigns against SALW proliferation, working through the mass media and in public meetings between the police and public to discourage the illegal manufacture, possession or trade in SALW. Public awareness campaigns accompanied the two amnesty periods introduced in 2000 and 2002. Because

\textsuperscript{58} In 2000 and 2001, the Russian Federation withdrew by rail 141 self-propelled artillery pieces and other armoured vehicles and destroyed locally 108 T-64 tanks and 139 other pieces of military equipment limited by the treaty for Conventional Armed Forces in Europe (CFE). During 2002 and 2003 Russian military officials destroyed a further 51 armoured vehicles, all of which were types not limited by the CFE treaty. Arms Control and Disarmament, OSCE Mission to Moldova, <http://www.osce.org/moldova/13425.html>, accessed 21 April 2005. OGRF forces are also said to be destroying selected high-risk munitions from among their stocks on an ongoing basis, though the numbers and types involved is not known. Interview, General Bernard Aussedat, OSCE Mission to Moldova, 17-19 May 2004.


\textsuperscript{60} Tomiuc, E ‘Transdniester: Separatists Obstruct Russian Arms Destruction’, RFE/RL, 12 April 2002.

\textsuperscript{61} The complete proposal featured a package of confidence building measures in the form of draft agreements on possible reductions in military forces and armaments, increased contacts, monitoring of weapon-manufacturing facilities, joint training on peace-support operations, joint disaster relief operations and SALW destruction.

\textsuperscript{62} Graur, Op Cit.

\textsuperscript{63} Interview, Ion Lisnic, Inspector, Public Order Department, Ministry of Interior, 21 January 2005.

\textsuperscript{64} The event led to the dismissal of the Defence Minister. ‘Moldovan Defense Minister Fired After Arms Thefts’, Reuters/RFEurope, 15 October 2004.

\textsuperscript{65} <www.mm.md>, accessed September 14, 2005.

\textsuperscript{66} Interview, Alexandru Cusnir, Head, Arms Department, Ministry of Defence, 16 March 2005.
of problems with poaching in Moldova, hunters’ associations have also become involved in raising awareness about the dangers of using illegal weapons when hunting. The involvement of Civil Society in awareness raising activities is at present low, although this may change following recent initiatives to teach awareness raising techniques to the Moldovan NGO sector (see 3.8 below).

3.7 **SALW survey activities**

No survey on SALW has been conducted in Moldova and as such the full extent of national progress in this area, and remaining problems, remains unknown.

3.8 **Civil Society involvement in SALW interventions**

Moldovan NGO involvement in SALW issues remains low, although the level of activity has increased in the past two years. Until recently most interest in this field has concentrated on the SALW problem in the DMR and the withdrawal of the Russian Operative Group Troops. In 2001 the Chisinau-based think tank, the Institute for Public Policy (IPP), published a detailed analysis of the military aspects of the unresolved conflict in Transdnistria, which includes an overview of the SALW situation in the breakaway region. IPP has since contributed to a number of other comparative studies on SALW, including the Moldovan chapters of two studies due for publication in mid-2005: ‘Monitoring States’ Implementation of the UN Small Arms Programme of Action: The Biennial Progress Report’; and ‘Private Security Companies (PSC) and providers – impact on the SALW situation within South East Europe’.

To date there have been no NGO-led SALW awareness activities, probably the consequence of a widespread view that civilian possession of illicit firearms is not a burning issue for Moldova. A selection of NGO personnel from both sides of the Dniestr river have, however, received training on SALW awareness-raising techniques at an event in Chisinau (October 2004) convened by SEESAC and with the support of Saferworld.

3.9 **Cross-border SALW control initiatives**

Moldova participates in several regional initiatives dealing with issues of cross-border illicit trafficking and organised crime. These initiatives include Interpol, the South Eastern Europe

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67 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, 2003.
69 These publications were published by IANSA, International Alert, the University of Bradford, and Saferworld, and International Alert and Saferworld respectively.
Co-operative Initiative (SECI) Regional Center for Combating Trans-border Crime,\textsuperscript{72} the Stability Pact for South-Eastern Europe, the Black Sea Economic Co-operation Organisation (BSEC) and the Central European Initiative (CEI). The government of Moldova has, in cooperation with the SECI Regional Centre, introduced several mechanisms to better tackle cross-border crime in South Eastern Europe.\textsuperscript{73} These include:

- Nominating specialists to negotiate agreements for the prevention and combatting of cross-border criminality;
- Creating a Regional Information Link Office (RILO),\textsuperscript{74} designed to maintain permanent operational contacts with the SECI Centre; and,
- Agreeing the detachment by the Customs Department of a liaison officer to the SECI Regional Centre in Bucharest.

In addition, Moldova has been an active participant in the SECI Centre’s operation ‘Ploughshares’ (2003), and the ongoing operation ‘Safe Place’, in which states exchange information about SALW trafficking.\textsuperscript{75}

The Moldovan authorities have long advocated international and regional co-operation to strengthen border controls, advocating various measures such as the placement of international monitors along the borders.\textsuperscript{76} A treaty dating from 1999, ‘Cooperation for Combating Crime’, jointly signed by the Republic of Moldova, Romania and Ukraine, provides the legal framework for sub-regional cross-border cooperation.\textsuperscript{77} In line with this agreement, in 2001 the Moldovan Government tried to establish joint Border Check Points on Ukrainian territory to halt illegal trafficking activities. However, following a disagreement between the participating agencies, the Ukrainian authorities stopped the programme within a few days.

Some assistance, including capacity building and equipment provision support, has been provided through multilateral and bilateral channels. The Customs and Border Guard Troops (BGT) officers have been trained in the framework of the TACIS Cross Border Cooperation Small Project Facility programme (TACIS-CBC). Since 1997 the European Commission has provided funding for several projects aimed at modernizing some of the border crossing checkpoints. These projects included, amongst other measures, training on search techniques for hidden goods (including weapons and ammunition). Another international programme, TACIS Transport Corridor Europe-Caucasus-Asia, (TACIS-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.

\textsuperscript{72} Moldova has sent law enforcement liaison officers to the SECI Centre to co-ordinate and exchange information with their counterparts in South Eastern Europe.

\textsuperscript{73} ‘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 for Preventing and Combating Cross-border Crime, presentation 2003.

\textsuperscript{74} Government Decision no. 815/ 2001, ‘Regarding the creation of the Regional Information Link Office (RILO)’.

\textsuperscript{75} Operation ‘Safe Place’ commenced in March 2005 following a start-up meeting in Tirana in December 2004, jointly organised by the SECI Center and Saferworld.


\textsuperscript{77} The agreement states that the three countries will collaborate on the prevention of, and fight against, cross-border criminal activities, including the illegal trafficking of weapons and dual-use materials. Graur, Op Cit.
In 2003/2004 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. Some US$ 6.23 million was allocated for security and law enforcement assistance to Moldova by the US State Department in 2004, a sizeable portion of which went towards improving border controls.  

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. The Moldovan Border Guard Service – ‘an autonomous military-style unit, which has no police authority and cannot conduct criminal investigations’ – carries out physical border control. There has been criticism of this new system of border control and some officials have called for the reinstatement of the Border Police to achieve more effective border control over the areas accessible to Moldovan law enforcement.

The Ministries of the Interior, BGT and Customs (the main state authorities responsible for combating arms trafficking) do not at present have any joint training programmes, either at the national or regional level, aimed specifically at combating arms trafficking. Most of the relevant institutions lack sufficient capacity, 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.

On 04-05 March 2004 Moldova, in cooperation with the governments of Switzerland and the Netherlands and the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (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 border security and border management, with a view to raising regional standards on the control of cross-border flows of SALW.

### 3.10 SALW management information and exchange systems and protocols

Moldova has made a number of commitments to international and regional information exchange systems, including UN, OSCE and Interpol. 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

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80 Ibid.

81 Ibid.

82 Ibid.

the framework of ‘Operation Ploughshare’ the first coordinated information exchange on seizures of illicit small arms and light weapons (SALW) in South Eastern Europe (SEE) coordinated by the SECI Regional Centre Moldova was an active participant in data collection and intelligence sharing with other SEE countries.

Within the country itself the Interdepartmental Control Commission on Export, Import and Transit of Strategic Goods (ICC) functions as an information sharing mechanism, bringing relevant Ministries and departments together to consider matters relating to SALW. However, during 2004, ICC met only once to discuss the import of four arms for the Ministry of Justice.84

Moldovan laws, regulations and procedures related to arms production and trade are published in the ‘Official Monitor’ of the Republic of Moldova.85 Information concerning weapons collection, destruction and 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.86 Deep-rooted corruption across government institutions acts as a further block to greater transparency in the near future. Further, in the DMR commercial trade information is shrouded in secrecy and the local authorities have constantly denied any arms transfers from the region.

Table 3: Information and Exchange Progress

<table>
<thead>
<tr>
<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>MOLDOVA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (e.g. Wassenaar)</td>
<td>-</td>
</tr>
<tr>
<td><strong>INTERPOL/ EUROPOL</strong></td>
<td>Yes87/ To start negotiations88</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to EU (if relevant)</td>
<td>-</td>
</tr>
<tr>
<td>SECI Regional Centre intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>No</td>
</tr>
<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>No</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>No</td>
</tr>
</tbody>
</table>

84 Interview, Ion Lupan, Head, Export/Import Control Department (ICC), 16 March 2005.
85 ‘Monitorul Oficial al Republicii Moldova’.
86 Graur, Op Cit.
87 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.
88 The Council of the European Union on Justice and Home Affairs adopted a Decision in Luxembourg on 25 – 26 October 2004 to add Moldova to the list of third States that the Director of EUROPOL can start negotiating agreements with, in order to be able to fight organised crime more efficiently. Ministry of Foreign Affairs of the Republic of Moldova official website, <www.mfa.md/En/>., accessed 24 April 2005.
Romania

1 Small Arms problem

The SALW problem in Romania is quite different from that of countries in the Western Balkans, where recent conflicts and insecurity have contributed to the widespread availability and circulation of weapons within society. Romania’s political and security situation has been relatively stable throughout the last decade. However, the country is an important producer and exporter of SALW and, to the extent that there is a national debate about the SALW control, it has tended to revolve around balancing compliance with international arms export control norms with the management of a defence industry in transition.

There is a strong belief among Romanian officials that the 2001 historic low-point in the value of Romanian defence exports\(^1\) was the price paid for conducting a stringent and responsible policy of avoiding transfers to countries at risk of diversion.\(^2\) At a time when Romania continues to face economic hardship and there are high levels of unemployment, the incentives to export arms to maintain jobs and keep arms production lines open remain strong.\(^3\) However, following a series of transfers to sensitive destinations in the 1990s which attracted criticism, the Romanian government has striven to align its arms transfer policies and practices with international norms, particularly from 2001 onwards.

The Romanian authorities consider the involvement of organised crime in the trafficking of firearms in Romania to be limited,\(^4\) and few cases have been reported. This may remain a potential threat however, and the European Commission, having previously pointed to the need for Romania to adopt a strategic and coherent approach against organised crime,\(^5\) has recently repeated calls for improvements in the operational capacity of the police, better

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\(^1\) Romania’s 2001 arms exports were $24.5 million. Tudor R, ‘Tough line on embargoes hits Romanian exports’, *Jane’s Defence Weekly*, 23 October 2002.


\(^3\) ‘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, 15 - 17 September 2003.


co-operation between law-enforcement bodies (both within Romania and in neighbouring countries) and the integration of policing and judicial systems.\textsuperscript{6}

Safe storage and destruction of Romanian armed forces and Ministry of the Administration and Interior (MoI) surpluses of SALW and ammunition provide a further challenge. 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.\textsuperscript{7} Although a US/Norwegian funded project for the destruction of around 200,000 SALW has been implemented, more resources and international assistance are required to dispose of the additional SALW surpluses that will be created in the coming years.

2 Small Arms policy and practice

Often accused during the 1990s of lax export controls,\textsuperscript{8} the Romanian government has in recent years undertaken important initiatives to adopt more stringent norms and regulations, align the country with regional and international arms control initiatives and improve transparency. This is in part due to Romania’s intention to join the European Union in 2007 and its sustained efforts during the run up to NATO membership (in 2003),\textsuperscript{9} which have both had an 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 the EU and NATO countries.

In what is perceived as a symbolic reward by the international community for Romania’s improved export controls, in June 2002 Romania received a contract to supply the new Afghan army with 1,000 AK-47 rifles, light weapons and ammunition.\textsuperscript{10} This contract has been followed by supplementary arms and armaments contracts for the Iraqi army.

Romania’s arms export control policy is based on a number of regional and international commitments (See Table 1). Some of these agreements focus specifically on the problem of SALW, others apply to the range of conventional arms, including SALW. No new relevant arms control agreements have been signed by Romania in the last year. Beyond its international commitments and 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 the production and transfer of small arms.\textsuperscript{11} Romanian policy prohibits exports of SALW to regions of conflict, states that support terrorism and to

\textsuperscript{6} Ibid. p 127 - 128.
\textsuperscript{7} Short mission report – SEESAC Consultation in Romania, 15 - 16 July 2002.
\textsuperscript{8} 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. Bernardo M and Chrissie H, Arms Production, exports and decision-making in Central and Eastern Europe, Saferworld, June 2002, p 150-153.
\textsuperscript{9} 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 bilateral co-operation programmes with NATO countries and the modernisation of its 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 a NATO membership agreement at a ceremony in Brussels. The seven countries joined the organisation in 2004.
\textsuperscript{11} 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 2003.
destinations that raise proliferation concerns.\textsuperscript{12} Further, Romania ‘is taking a leadership role in the Wassenaar regime by chairing a task force on Export Control Documentation.’\textsuperscript{13}

\begin{table}[h]
\centering
\begin{tabular}{|l|l|}
\hline
Arms or SALW Control Agreement & Romania’s Commitments \\
\hline
Stability Pact Regional Implementation Plan on SALW & November 2001 \\
UN Programme of Action & July 2001 \\
UN Firearms Protocol & Acceded March 2004, Ratified April 2004 \\
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\textsuperscript{14} \\
\hline
\end{tabular}
\caption{Romania’s commitments to Arms or SALW Control Agreements}
\end{table}

\subsection{SALW production}

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 world,\textsuperscript{15} employed nearly 200,000 workers and included more than 100 companies.\textsuperscript{16} By 2001 Romanian exports had sunk to their lowest level for 12 years due to the loss of traditional markets, changes in the international security environment, a reduction in state orders and the country’s adherence to arms embargoes.\textsuperscript{17}

Military industrial output is presently at 10 per cent of 1989 levels.\textsuperscript{18} Described by Jane’s Defence Weekly as ‘a group of unwieldy state-owned companies’,\textsuperscript{19} the Romanian defence industry earned only US$ 43.8 million in 2002\textsuperscript{20} (a tiny proportion of Romania’s total exports, which reached US$ 13.9 billion in the same year\textsuperscript{21}) compared to an average of US$ 500-800 million prior to 1989.\textsuperscript{22} Romania’s 35,000-strong defence industry workforce\textsuperscript{23}

\textsuperscript{12} Ibid.
\textsuperscript{14} Romania became a founding member of the WA in April 1996.
\textsuperscript{15} Bernardo M and Chrissie H, \textit{Arms Production, exports and decision-making in Central and Eastern Europe}, Saferworld, June 2002, p 142.
\textsuperscript{17} Romania’s 2001 arms exports were worth $24.5 million, down from $800 million between 1985 and 1989. ‘Tough line on embargoes hits Romanian exports.’
\textsuperscript{18} \textit{Small Arms and Light Weapons Production in Eastern, Central, and Southeast Europe}, p 18.
\textsuperscript{19} Interview with Ion Iliescu, President of Romania, Jane’s Defence Weekly, 09 May 2001.
\textsuperscript{20} Interview with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest, 4 February 2004.
\textsuperscript{21} \textit{Romania your business partner - 2003}, The Agency for Governmental Strategies, p 84.
\textsuperscript{22} \textit{Small Arms and Light Weapons Production in Eastern, Central, and Southeast Europe}, p 18.
\textsuperscript{23} Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 04 February 2004.
comprises only a small proportion of the 200,000 defence workers who were employed in Romania at the beginning of the 1990s.\textsuperscript{24}

While Romania maintains the capability to develop major weaponry, the country’s main defence products are in low-technology areas\textsuperscript{25} and SALW in particular. The 15 military producers and an R&D institute are united under the state owned company – The Romarm National Company s.a (Bucharest) – which represents the core of Romania’s defence industry. Five of these producers – Cugir (Alba), Carfil (Brasov), Mija (Prahova) and Sadu-Bumbesti (Gorj) are the most important Romanian small arms-producing companies.\textsuperscript{26} These firms are capable of producing a wide range of SALW.\textsuperscript{27} Although fewer than 10 per cent of Romarm’s military-related productive capacities are utilised, several factories are still actively engaged in the production of SALW and ammunition. For example, ammunition factories at Cugir and Sadu were reported to be working at full capacity in October 2004 in order to meet a contract with the Iraqi Army for infantry armament and ammunition worth approximately US$10 million.\textsuperscript{28}

While the core of Romania’s arms industry is still state owned, the Government has encouraged the creation of joint ventures with foreign partners. Such joint ventures are mostly focused on high-technology military products, such as the aviation sector. There have, however, been limited instances of joint ventures related to SALW production, principally concerning civilian products.\textsuperscript{29} The German group Rheinmetall AG and its subsidiary Rheinmetall WandM, which specialises in armament and ammunition systems, have recently announced their intention to engage in a partnership with the Romanian military in an upgrade project for the 152-155mm howitzer cannon.\textsuperscript{30}

3 Small Arms Progress

3.1 Legislative and regulatory issues

In 2004 there were several important changes to the legislation and regulation relating to SALW. The main changes were the introduction of Law 595/2004 \textsuperscript{31} ‘For the approval of the Government Ordinance number 158/1999 regarding the export and import regime of strategic products’ and Law 295/2004 \textsuperscript{32} ‘Regarding the regime of arms and ammunitions.’ Accordingly, the transfer of conventional arms is governed by the following regulation:

\textsuperscript{24} ‘Tough line on embargoes hits Romanian exports.’
\textsuperscript{25} ‘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, Ministry of Foreign Affairs, President of the National Agency for Export Controls. ‘Tough line on embargoes hits Romanian exports.’
\textsuperscript{26} Small Arms and Light Weapons Production in Eastern, Central, and Southeast Europe, p 20.
\textsuperscript{27} ‘...including pistols, sub-machine guns, and machine guns from 5.45 mm to 14.5 mm, in both WTO and NATO calibres; ammunition in WTO calibres of 5.45 to 14.5 mm and NATO calibres of 5.5 to 9 mm; and light weapons, including mortars and recoilless rifles (Romarm, 2004).’ Small Arms and Light Weapons Production in Eastern, Central, and Southeast Europe, p 20.
\textsuperscript{28} ‘Weapons factory work to address Iraqi Army contract,’ BBC (reported in News Summary for Eastern Balkans, CIS and the Caucasus), 21 October 2004.
\textsuperscript{29} Small Arms and Light Weapons in Eastern, Central and Southeast Europe, p 19.
\textsuperscript{30} ‘Rompres Outlines Cooperation with German Arms Companies,’ News Summary for Easter Balkans, CIS and the Caucasus, week ending 15 October 2004.
Government Ordinance (GO) no. 158/1999 on the control of imports and exports of strategic goods. This Ordinance has recently been superseded by Law 595/2004, which also:

- Introduces EU acqui regulation of the control of technical assistance and arms brokering;\(^{33}\)
- Creates a rapid enforcement mechanism for international community embargoes regarding arms transfers;
- Excludes non-commercial/ international transit of military products for Romanian or other participation in foreign missions or other operations involving NATO members from import/export legislation; and,
- Extends licenses for military export and import from six months to one year and recalculates fines according to the national rate of inflation. (Government Decision number 844/2001 on the list of weapons, ammunition and other military items subject to the import and export control regime).

Also of importance is Law 387/2003, which lays out the export control regime for dual-use goods and technologies.\(^{34}\)

The control of strategic exports is coordinated by the National Agency for Export Control (ANCEX), previously called ANCESIAC.\(^{35}\) As an agency reporting directly to the Prime Minister under the administrative direction of 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 comprised of in-house specialists and (on an irregular basis) outside experts. ANCEX’s main responsibilities are:\(^{36}\)

- Authorisation, licensing and permit issuing;\(^{37}\)
- Enforcement;\(^{38}\)
- Drawing up regulations, mechanisms, procedures and instructions specific to the export control system; and,
- Communication of the national position on export controls.\(^{39}\)

ANCEX examines the legality of each export, including the validity of the original International Import Certificate (IIC) or any other equivalent document (End-Use Certificate – EUC) issued by the authorised body in the importer’s country. These documents, which are a

\(^{33}\) The Law incorporates EU provisions in the area of technical assistance, represented by Common Position 401/2000, and brokering, represented by Common Position, number 468.

\(^{34}\) The Law incorporates the EU provisions in the area of dual-use goods and technologies, represented by Regulation 1334/2000 and Common Position 401/2000.

\(^{35}\) 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>, accessed February 2004.


\(^{37}\) This includes: authorizations 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.

\(^{38}\) Including on-site controls of any company undertaking transactions with strategic items at any stage of the authorisation, licensing and delivery process.

\(^{39}\) Including Romania’s representation at international non-proliferation and export control regimes meetings.
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 Romanian authorities. Factors taken into account in the assessment of export licence
applications include:  

- The resolutions of the UN Security Council, OSCE decisions, Joint actions and
  common positions of the EU;  
- The political, economic and security interests of Romania;  
- The export criteria set forth in the EU Code of Conduct on arms exports;  
- The guidelines of the relevant international non-proliferation and export control
  regimes; and,  
- The conduct of the exporter, importer, transporter and end-user.

ANCEX submits the licence to the Inter-ministerial Council for Export Control. The
Council’s advice allows the ANCEX President, who chairs the Council, to approve or reject
the licence application. 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 also approved by decisions of
the President of ANCEX.

Two types of licences are set out in the export and import control regime – individual and
general. 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. Law 595 from 2004 extended the validity of
licenses for the import / export of military goods from six months to one year.

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 verification 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. Further, additional

40 Report on Arms Export Control 2000-2001, National Agency for the Control of Strategic Exports and the Prohibition of
Chemical Weapons, p 14 and 21. See also 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, Romanian Government, June 2003.
41 The Non-proliferation and Arms Control Division (DNCA) within the Ministry of Foreign Affairs inform ANCEX on a regular
basis of all the changes occurring in the sanctions and/or embargoes regimes adopted by UNSC, the OSCE and the EU. 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.
42 The Interministerial Council is comprised of representatives from ANCEX, the Ministry of Foreign Affairs, Ministry of Economy
and Trade, Ministry of Defence, Ministry of the Interior, General Customs Directorate, Ministry of Industry and Resources,
Romanian Intelligence Service and the Foreign Intelligence Service. The Council meets on a weekly basis and its decisions
are reached by consensus. 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. See also, Report on Arms Export Control 2000 - 2001,
p 18.
43 Ibid.
44 Interview with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest
04 February 2004.
45 Ibid.
conditions to the licensing of imports and exports of military goods are provided by Law 595/2004. Firstly, the broker/exporter must declare to ANCEX the destination of the military goods together with the beneficiary and final user. The exporter is also obliged to obtain from its external partner, prior to obtaining its license, an international certificate for import. In this document, endorsed by the relevant authority in that country, the exporter pledges his obligation to respect the stated final usage and destination of the military goods and not to re-export these goods.

Significantly, Romanian legislation contains provisions to control arms brokering. Any Romanian citizen, wherever located, and any company incorporated in Romania that engages in brokering activities involving military goods must first register with the Romanian National Agency on Export Control (ANCEX). All transactions, including those arranged through third-countries without the weapons touching Romanian soil, require a licence. Arms transfers facilitated by brokers registered in Romania are therefore dependent on the same conditions outlined above.

The Ministry of Economy and Trade in cooperation with the Romanian Association for Standardisation has issued National Standard No SR 13475 on SALW marking. This regulation complies with the recommendations contained in the OSCE Document on SALW. It is a requirement that all SALW manufactured in and exported by Romania are properly marked with a serial number which enables the identification of the manufacturer and the tracing of each weapon.

The possession of firearms and ammunition is regulated by the following legislation:

- Law no. 295/2004 regarding the regime of arms and ammunition
- Government Decision (GD) no. 679/1997 approving the Firearms and Munitions Regulation; and,

Civilian possession of firearms is regulated through licensing, and the possession of military-style weapons is forbidden. The legislation prohibits certain categories of persons from owning firearms. The new Law no. 295/2004 has brought national Romanian legislation

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50 Interview with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest, 04 February 2004.
51 Art. 1 and Art. 3 Government Ordinance (GO) no. 158/1999 on imports and exports control of exports, imports and other trade operations with military goods, approved with amendments by Law no.595/2004.
52 Ibid.
53 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.
54 Ibid.
55 Ibid.
56 The Convention was adopted in Strasbourg on 28 June 1978.
57 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, Romania Country Report, SAFER-Net, Ryerson University, Toronto, Canada. <http://www.research.ryerson.ca/SAFER-Net/>
in line with EU and international standards and includes a new definition of firearms as well as the provisions of the UN Firearms Protocol. Accordingly, firearms will be registered individually to their owners (either private citizens or private security companies) and will not be leased from the Police as was previously the case. Concerns have been raised by civil society and some Police representatives that this law could have a negative outcome in terms of an increase in the level of crimes associated with SALW and whether sufficient provisions will be in place to control and assess the training of citizens to own and manage weapons.

Although Romania does not have a National SALW Commission, the Office for Non-Proliferation and Arms Control and Combatting Terrorism within the MFA acts as the national point of contact for implementation of the UN PoA. Law 9/2004 designated ANCEX as the national focal point for the UN Firearms Protocol.

Table 2: Features of Romania’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>ROMANIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>National Co-ordinating Agency on SALW</td>
<td>No</td>
</tr>
<tr>
<td>National Point of Contact on SALW</td>
<td>Yes⁶¹</td>
</tr>
<tr>
<td><strong>LAWS &amp; PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT</strong></td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes</td>
</tr>
<tr>
<td>Production</td>
<td>Yes</td>
</tr>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL SYSTEM OF EXPORT &amp; IMPORT LICENSING OR AUTHORISATION</strong></td>
<td></td>
</tr>
<tr>
<td>Diversion risk</td>
<td>Yes</td>
</tr>
<tr>
<td>End User Certificate</td>
<td>Yes, a mandatory condition for the approval of export licence applications</td>
</tr>
<tr>
<td>Re-transfers</td>
<td>Yes⁶²</td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>Yes, pre and post-delivery⁶³</td>
</tr>
<tr>
<td>Brokering Controls</td>
<td>Yes, including extra-territorial provisions</td>
</tr>
</tbody>
</table>

⁵⁸ EU Council Directive no. 91/L0/477/EC. The new classification includes three main categories: forbidden weapons (including military-style weapons); those, which can be authorised for possession (including firearms, such as pistols and ammunition); and those that can be possessed dependent upon a declaration (including firearms which fire gas or rubber bullets).

⁵⁹ Correspondence with staff at the EURISC Foundation, May 2005.


⁶¹ The Non-proliferation and Arms Control and Combating Terrorism Office within the Ministry of Foreign Affairs.

⁶² All re-export operations are subject to the provisions of Law 595/2004.

### FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK

<table>
<thead>
<tr>
<th>DOMESTIC POSSESSION, STOCKPILING AND TRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANUFACTURE</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>MARKING AND TRACING</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>POSSESSION</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>STOCKPILING</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>TRADE</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

#### 3.2 SALW transfers

The majority of Romanian arms sales take place through Romtehnica, a specialist state-owned arms exporting company. SALW continue to make up a significant part of the country’s arms exports, and available records for 2000 – 2003 show that the majority of Romania’s arms exports during this period were small arms, light weapons and ammunition. The Romanian Government’s submissions in 2002 and 2004 as part of the OSCE information exchange on SALW show Romanian exports to the following destinations:

#### Table 3: SALW Exports to OSCE countries in 2001 and 2003

<table>
<thead>
<tr>
<th>EXPORT DESTINATION</th>
<th>NUMBER OF ITEMS 2001</th>
<th>NUMBER OF ITEMS 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>111,072 small arms</td>
<td>82,661 small arms/ 3,257 light weapons</td>
</tr>
<tr>
<td>Austria</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Slovak Republic</td>
<td>28</td>
<td>-</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>France</td>
<td>30</td>
<td>11</td>
</tr>
</tbody>
</table>

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64 A new National Register of Firearms was introduced in 2004. *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.*

65 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.

66 The General Directorate of Intelligence and Internal Protection, and the General Directorate for Countering Organised Crime within the Ministry of the Interior keep and maintain, *inter alia*, records of individuals who are suspected of, or involved, in illicit firearms possession, production, or delivery. *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.*

67 *Small Arms and Light Weapons Production in Eastern, Central, and Southeast Europe,* p 19.


69 *Disposal of surplus small arms – a survey of policies and practices in OSCE countries*, BICC/ BASIC/ Saferworld & Small Arms Survey, January 2004

70 Extracts from Romanian Government’s 2003 submission to the OSCE Secretariat in accordance with the OSCE Document on SALW, 2001.

71 Weapons exported in 2001 included: 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); Sub-machine-guns, of calibre 7.62 mm; Light machine-guns, of calibre 7.92 mm. No information on weapon types was available for 2003.
The information available on the subject points to few imports of SALW into Romania in recent years. According to the Romanian Government’s submission to the OSCE, Romania imported 590 small arms (out of which eight pieces took the form of a temporary import for tests) from Austria and 80 small arms from Switzerland in 2003.72

Throughout the 1990s, Romania was criticised for authorising shipments of SALW to conflict zones in Africa. According to Amnesty International, in 1997 the Rwandan army received 80 tonnes of armaments from Romania, including machine-guns and ammunition.73 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.74 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.75 More recently, in 2001 it was reported that 20,000 AK-47s were shipped from Romania to Uganda in May 2001, from where they allegedly reached rebel forces in the Democratic Republic of Congo.76

Since this time, Romania’s arms export practices appear to have improved considerably. For example, in keeping with its endeavours towards implementing a responsible arms export policy, Romania denied a licence for the export of military goods, including small arms and ammunition, to Eritrea in 2002, even though the UN arms embargo against that country had been lifted.77 In apparent recognition of its restraint over arms exports, Romania has since benifitted from contracts to supply lucrative new markets, eg a deal to supply the new government of Iraq with US$10 million worth of armaments and ammunition for the Iraqi Army.78

According to Romanian experts, illicit SALW trafficking in Romania is minimal and often involves only cases of smuggling individual weapons into the country.79 There were several incidents of illicit SALW being intercepted by Romanian security services in 2004. For example, the Ministry of Interior and Administration reported that police recovered 32

72 Extracts from Romanian Government’s 2003 submission to the OSCE Secretariat in accordance with the OSCE Document on SALW, 2001.
73 RWANDA – The hidden violence: “disappearances” and killings continue, Amnesty International, 23 June 1998, p 10; however, the Romanian authorities state that such shipments did not contravene Security Council Resolution 1011/1995
75 Arms Production, exports and decision-making in Central and Eastern Europe, p 152. Romanian officials have previously emphasised that they should not be held responsible for the diversion to unauthorised recipients of arms ostensibly destined to Togo and Burkina Faso. Arms Trade, Human Rights, and European Union Enlargement – The Record of Candidate Countries, Human Rights Watch, 8 October 2002, p 4. Foreign middlemen played a crucial role in brokering these deals. 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.
78 These are to be produced by the Cugir and Sadu factories. ‘Weapons factory work to address Iraqi army contract,’ BBC (reported in News Summary for Eastern Balkans, CIS and the Caucasus), 21 October 2004.
79 Interview with Florin Trosca, Head of Firearms Explosives and Toxic Substances Division, General Inspectorate of the Romanian Police, Bucharest 03 February 2004.
small arms, 25 grenades and 38,581 pieces of ammunition in a seizure at the border in 2004. The media has also reported that Romanian customs officers and border police discovered an illegal transport of 35,000 9mm live cartridges destined for Turkey at Giurgiu on the Bulgarian border on 12 July 2004. The Romanian Government has not provided comprehensive figures for SALW seizures in the past year.

Supervision and control over the illegal trade in arms and ammunition on the border has been strengthened through new legislative measures and national capacity building. 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. 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 cooperation protocol with the General Inspectorate of Border Police covering joint actions to combat smuggling. In January 2004 the Inter-Ministerial Group on Border Management met at the highest level for the first time since its inception in 2001. An updated National Strategy for the Integrated State Border Management of Romania 2004-2006 was subsequently approved by a Government Decision in April 2004 with a further Government Decision passed in July 2004 to secure an external loan for €650 million to implement the Strategy.

As reported by the European Commission, cooperation between the Customs Administration and the other enforcement bodies continues to improve. The EU has also invested €23 million from the PHARE Justice and Home Affairs fund for the strengthening of border management among other things. This has been executed through projects aimed at ensuring compliance with the acquis on police cooperation, the fight against organised crime and further strengthening of the institutional capacity to fight against corruption. 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 (including mobile surveillance vehicles with thermal imagers) and the number of professional Border Police Agents has risen from 4,000 to 5,800 during October 2003 – October 2004.

According to the European Commission, Romania has made substantial legal progress in the field of international police cooperation and the fight against organised crime and corruption. These successes are, however, hampered by still inadequate judicial and administrative capacity. In particular, Romania’s law enforcement capacity remains weak
with staff shortages of 4,500 in the Border Police and the continued use of 5,400 ‘military under contract’ – ‘a total of 10,000 individuals, [that] all need to be trained as professional agents in accordance with the Police Status Law.’\(^{88}\) The level of cooperation with police services in neighbouring countries is also still low, although ‘the network of police liaison officers has been expanded and strengthened’ since the 2003 Regular Report on Romania’s progress towards accession.\(^{89}\) In addition, cooperation with neighbouring states on border control ‘remains uneven.’\(^{90}\) In particular, Romania does not work closely enough with Ukraine and Moldova regarding Romania’s northern and eastern borders.

3.3 SALW collection programmes and capacities

Although no research has been carried out on the subject, it is widely believed that there are few SALW in circulation within Romanian society. There has consequently been no urgency in developing and launching SALW collection programmes and no collection activities took place in 2004.

3.4 SALW destruction programmes and capacities

At the invitation of the Romanian Government, a US-Norwegian team of experts 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 MFA presented a National Programme for the destruction of surplus SALW and sought financial assistance for its implementation.\(^{91}\) The national company Romarm was appointed by the MoD as the contractor in charge of carrying out the destruction programme.\(^{92}\) A total number of 195,540 SALW, including pistols, sub-machine guns, machine guns, grenade launchers and mortars and 36,692,747 pieces of ammunition were destroyed in 2003 with the financial support of the US and Norway.\(^{93}\)

Further SALW destruction programmes will depend upon MoD and MoI decisions on the amount of surplus stocks to be destroyed following military and police reform (see below).

Table 4: Summary of SALW Destruction in Romania 2000 - 2004\(^{94}\)

<table>
<thead>
<tr>
<th>DESTRUCTION ACTIVITY</th>
<th>SALW</th>
<th>AMMUNITION (TONNES)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>195,510</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

88 Ibid. p 127.
89 Ibid. p 128.
90 Ibid. p 127.
91 Interview with HE Leif Arne Ulland, Ambassador, Royal Norwegian Embassy, Bucharest, 03 February 2004.
92 Ibid.
93 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.
94 Extracts from Romanian Government’s 2003 submission to the OSCE Secretariat in accordance with the OSCE Document on SALW, 2001.
3.5  **SALW stockpile management programmes and capacities**

The MoD and the MoI are responsible for defining and accounting for surplus SALW and ammunition. Romanian laws and regulations have established procedures relating to the management and security of SALW stockpiles. These cover technical and security requirements for stockpile locations, physical security measures, access control, inventory management, accounting control procedures, personnel training and security of transport. The General Staff within the MoD is responsible for identifying surplus SALW. According to Romanian officials, regular reviews are undertaken to assess surpluses and verify the state of stored ammunition. The Romanian Government’s June 2004 submission to the OSCE, stated that in 2003 there were 1,243,879 excess SALW held in government stores. During the US-Norwegian fact-finding visit in February 2002, the Romanian Ministry of Defence highlighted that its main concern with regard to stockpile management was with ammunition, especially that which is aged and may create risks for the population and the environment. The MoD and the MoI have not provided information on the amount of ammunition and SALW stockpiled in 2004 or the number of Government stockpiles located in the country. Further, there is no available data concerning any losses or thefts from government controlled arms stocks for 2004.

As a result of Romania’s roadmap to NATO membership, the armed forces have been progressively downsized over the last decade. Under the new force structure – ‘Objective Force’ – an authorised peacetime strength of 90,000 personnel (75,000 military and 15,000 civilians) is planned for the end of 2007. The process of reforming and restructuring the Romanian armed forces will generate further surplus equipment, including SALW. The reorganisation process within the Ministry of the Interior has also generated surplus stocks of SALW. In particular, technological changes and the restructuring programmes of the Police, Border Police and Gendarmerie have created surpluses, which will apparently either be distributed amongst other public institutions or destroyed.

3.6  **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).

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95 Within the Ministry of Defence, 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; and Order of the Minister of Defence M75/2000 for reporting of losses and thefts.

96 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.

97 Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 04 February 2004.

98 Extracts from Romanian Government’s 2003 submission to the OSCE Secretariat in accordance with the OSCE Document on SALW, 2001.


100 Interview with Gen Ion-Eftimie Sandu, Deputy Chief of Armaments Department, Ministry of National Defence, Bucharest, 4 February 2004; Disposal of surplus small arms – a survey of policies and practices in OSCE countries, p 87.

101 The MoI identified 12,839 SALW as surplus in 2001. Disposal of surplus small arms – a survey of policies and practices in OSCE countries, p 90.

102 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.
The Government has not organised any public education or awareness raising activities in the last year.

### Table 5: SALW Awareness activities

<table>
<thead>
<tr>
<th>CAMPAIGN AND IMPLEMENTER</th>
<th>DURATION</th>
<th>OBJECTIVE (TARGET GROUP)</th>
<th>METHODS</th>
<th>INDICATORS OF SUCCESS</th>
<th>DONOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>EURISC Foundation</td>
<td>1999 - ongoing</td>
<td>University students</td>
<td>Lectures</td>
<td>About 900 students have been reached by the campaign, but no evaluation has been undertaken.</td>
<td>Project has been undertaken by Eurisc without external support</td>
</tr>
</tbody>
</table>

#### 3.7 SALW survey activities

No surveys have been conducted on SALW or their impact in Romania.

#### 3.8 Civil Society involvement in SALW interventions

There has been some involvement by 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). These events have included a EURISC/Saferworld seminar in Bucharest to discuss campaigning and advocacy priorities to influence the July 2001 UN Conference on the Illicit Trafficking in SALW in All Its Aspects (April 2001), a EURISC/Saferworld seminar in Bucharest on strengthening cooperation between European states and relevant international organisations to combat illicit arms trafficking and other forms of organised crime (June 2001) and lectures by staff from EURISC at universities in which SALW issues feature.

#### 3.9 Cross-border SALW control initiatives

Romania has concluded bilateral agreements with other European states aimed at enhancing cooperation in countering organised crime, illicit trafficking and terrorism. Romania has concluded such agreements with: Hungary (Budapest, 19 February 1997); Trilateral Romania-Bulgaria-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).

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103 The seminar entitled ‘Improving European Law Enforcement Co-operation to Tackle Corruption and Illicit Firearms Trafficking’, was co-hosted by EURISC, Saferworld, the Romanian Ministry of Foreign Affairs and the SECI Regional Centre for Combating Transborder Crime

104 Romania has concluded such agreements with: Hungary (Budapest, 19 February 1997); Trilateral Romania-Bulgaria-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).

105 Statement by HE Mrs Nineta Barbulescu, State Secretary, Ministry of Foreign Affairs, Romania, 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.

In 2002 Romanian government officials reported that efforts were being made to join projects with neighbouring countries in order to reinforce border security and customs operations along the future external border of NATO and EU. Proposals have included joint training programmes on organised crime at the Romanian Police Academy (Bucharest) for law enforcement officers from Albania, BiH, Hungary, Romania, Moldova, Serbia and Montenegro, Macedonia; requests for technical assistance in drafting legislation and in establishing communication systems for intra- and inter-agency cooperation and exchange of information; and joint border and customs control operations between Romania, Ukraine and Moldova (at Galati in south-eastern Romania). However, no information was available on progress with these proposals at the time of writing.

Romania participates in various regional initiatives dealing with issues of cross-border illicit trafficking and organised crime. These initiatives include INTERPOL, EUROPOL, the Stability Pact for South-Eastern Europe, the Black Sea Economic Cooperation Organisation (BSEC), and the Central European Initiative (CEI). Regarding SALW, crossborder cooperation takes place within the framework of the SECI Centre’s Task Force on SALW, of which Romania is an active member. The US Federal Bureau of Investigation (FBI) has also opened an office in Romania in August 2000 to cooperate with Romanian authorities in fighting cross border crime. The Romanian MFA also co-hosted an international conference - ‘Strategic planning of a regional border security drill’ – between 12-15 July 2004 in Bucharest, in which the participants ‘would try to find ...the best solutions for cooperation between national and multinational institutions to harmonize procedures in the field for a better exchange of information and inter-agency cooperation.’

### 3.10 SALW management information and exchange systems and protocols

Romania participates in various international and regional mechanisms that involve exchanges of information on SALW, including the OSCE, INTERPOL and the Wassenaar Arrangement. As noted above, Romania has submitted reports to the OSCE on its actions under the 2000 OSCE Document on SALW in past years, including 2004. Within the Wassenaar Arrangement, Romania has participated in the information exchange system, and 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.’ However, only one report has as yet been filed with UNDDA on implementation of the UNPoA (see below). A project to establish a Romanian EUROPOL...
unit and align Romanian legislation with European norms was announced on 3 September 2004. The yearlong project, jointly funded by both the EU (€600,000) and the Romanian Government (€50,000), is also aimed at strengthening cooperation between EU states and Romania in combating cross-border crime. Further, in October 2003, Romania was party to a Protocol on the establishment of an international coordination and information centre on the Black Sea.

Domestically, the Romanian Government has tried to promote better understanding of, and compliance with, the new arms control norms amongst producers, users and exporters of SALW. An outreach programme with the arms industry, ‘Transparency, Cooperation and Communication’, is ongoing. As part of this programme it has been made compulsory for companies that trade in military goods to possess a strategic goods export control guide which contains primary and secondary legislation, as well as samples of the documentation required during the licensing process. ANCEX also holds conferences, thematic seminars and workshops to inform and educate licensed companies on arms export control issues and the implementation of the law and has a website - www.ancex.ro - which provides data and information relevant to arms control.

In September 2002 ANCEX presented the first Romanian annual report on arms export controls. The report set out the regional and international arms control regimes of which Romania is a party, the legislation governing arms exports, licensing principles, guidelines and procedures, and included figures for licenses and authorisations granted and arms deliveries undertaken during 2000 - 2001. A subsequent edition has since been published. The production of this report was a step towards greater transparency within Romania’s export control regime, bringing the country into line with mainstream EU practices and setting an important precedent for the South East European region. However, since the current report format gives no details on the types and quantities of weapons licensed or transferred, or on the end-users, there is some room for improvement.

Government officials do however cite a lack of financial and human resources as hindering their ability to produce timely and detailed annual reports.

In September 2004, ANCEX published it’s report on Arms Export Controls covering 2002. More recently, at a 10-11 March 2005 conference ANCEX provided preliminary facts and


114 2004 Regular Report on Romania’s progress towards accession.

115 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.’ 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.

116 Interviews with Paul Pasnicu, Director, Conventional Arms Division, National Agency for Export Control (ANCEX), Bucharest, 4 February 2004 and 23 March 2005.


figures on arms transfers for 2003 and 2004 with a breakdown by destination state; however, this report was shared with the US Department of Commerce and was not made public.

Table 6: Information and Exchange Progress

<table>
<thead>
<tr>
<th>INFORMATION AND EXCHANGE SYSTEMS AND PROTOCOLS</th>
<th>ROMANIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action (PoA)</td>
<td>Yes(^120)</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (eg Wassenaar)</td>
<td>Yes</td>
</tr>
<tr>
<td>INTERPOL/EUROPOL</td>
<td>Yes / Membership negotiations</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to the EU (if relevant)</td>
<td>-</td>
</tr>
<tr>
<td>SECI Regional Centre intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>Yes, but it needs improvement</td>
</tr>
<tr>
<td>Publication of national reports on arms / SALW transfers</td>
<td>Yes</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>No</td>
</tr>
</tbody>
</table>

\(^{119}\) Interview with Paul Pasnicu, Director Conventional Arms Division, ANCEX, 23 March 2005.

\(^{120}\) In June 2003, Romania presented a detailed report on the implementation of the UN PoA to the UN Department for Disarmament Affairs (UNDDA).
Serbia and Montenegro
(including the internationally-administered entity of Kosovo\(^1\))

1 Small Arms problem

Republic of Serbia

Serbia\(^2\) has a high level of SALW ownership for a variety of historical reasons, including the existence of a strong military-industrial infrastructure, a large standing army, a spate of armed conflicts and wars in the 1990s and a subsequent breakdown in law and order.

According to the 2005 SALW Survey of the Republic of Serbia, there are estimated to be approximately 2,898,416 SALW in the republic.\(^3\) This figure includes over one million firearms registered to private citizens, suggesting an estimated 40 percent of households in Serbia have at least one registered firearm. In addition, it is estimated that there are more than 900,000 unlicensed firearms in Serbia held by citizens and a variety of non-state actors.\(^4\) Private security companies, the number of which has increased in recent years\(^5\), also possess significant numbers of SALW. The near absence of the legislation needed to govern this growing sector poses concerns for the long-term provision of law and order in the republic.

Although the Ministry of Defence has not disclosed figures for its SALW holdings or surplus, these are believed to be significant due to the high level of militarisation in the republic throughout the 1990s. In early 2005 there were an estimated 677,500 SALW

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\(^1\) The internationally administered entity of Kosovo is included as part of the Serbia-Montenegro chapter because legally speaking it remains part of that state, while final status talks continue. The republics of Serbia and Montenegro are treated separately within this chapter for the reason that much of the control of SALW is executed at the republic level. There are areas of SALW control executed at the State Union level and, where relevant, these are dealt with jointly.

\(^2\) Throughout the rest of the document ‘Serbia’ refers to the Republic of Serbia.

\(^3\) Living with the Legacy – SALW Survey Republic of Serbia, Saferworld/UNDP, 2005, p 1. The number of Serbia and Montenegro Armed Forces (SMAF) present in the Republic of Montenegro was not known at the time of printing. The above figure consequently represents the overall total of SALW in the possession of the armed forces in Serbia and Montenegro and SALW in non-military possession (including the various police forces) in Serbia.

\(^4\) Ibid, p 1.

under the control of the Serbia and Montenegro Armed Forces (SMAF), amongst which some 477,514 were estimated to be surplus to operational requirements.\textsuperscript{6} If the figure of 40,000 estimated by Small Arms Survey for SMAF holdings in the territory of Montenegro\textsuperscript{7} is subtracted from the overall SMAF holdings in the Union, the total estimated number of the SALW held by Serbian security forces can be estimated at around 637,500. It is also estimated that Ministry of Interior (MuP) personnel control over 50,000 formation firearms\textsuperscript{8} as well as some 9,000 as yet undestroyed firearms collected during the 2003 weapons amnesty associated with Operation Sabre.\textsuperscript{9}

Although the incidence of both armed violence and armed homicide has been falling in Serbia since the mid 1990s,\textsuperscript{10} the proportion of armed robberies and homicides in which weapons are used has been on the increase.\textsuperscript{11} This means that in 2002 just under half the homicides in Serbia were committed using firearms. The use of SALW by organised criminal networks represents an additional problem in Serbia where their power remains strong. Having developed highly lucrative illegal business interests over the past decade and a half, many criminal groups are prepared to use armed violence to protect their assets, including action against the state (the assassination of Prime Minister Djindjic in 2003 was a dramatic example of this tendency). Assassinations and attempted assassinations of organised crime bosses continued in 2004,\textsuperscript{12} although the frequency of such instances slowed significantly as police authority became better entrenched. The scale of organised crime in Serbia and the cost it imposes on social and economic development is hard to measure, but it is by all accounts a serious problem.\textsuperscript{13} The widespread availability of SALW has also made acts of politically motivated armed violence and intimidation possible during periods of tension.\textsuperscript{14}

Often unseen to the vast majority of the public is the trafficking of, amongst other items, SALW. An insight into the scale of this trade can be gained from figures provided by the Security Intelligence Service (BIA), which showed that in the first four months of 2004 €300,000 worth of ‘weapons, army equipment and crude oil derivatives were seized.’\textsuperscript{15}

While border control has improved greatly over the past year, particularly following the

\textsuperscript{6} Ibid.

\textsuperscript{7} A House isn’t a Home without a Gun - Republic of Montenegro SALW Survey, SEESAC/ Small Arms Survey, pre-publication draft 12 January 2004 (hereafter ‘Montenegro SALW Survey, SAS, 2004’).

\textsuperscript{8} Living with the Legacy, p 10. ‘Formation firearms’ refers to the firearms in operational use.

\textsuperscript{9} Operation Sabre was the name given to the State of Emergency police measures brought in to combat organised crime following the assassination of Prime Minister Zoran Djindjic; as quoted in Living with the Legacy, p 66.

\textsuperscript{10} Living with the Legacy, p 39.

\textsuperscript{11} The proportion of armed robbery versus overall incidents of crime rose from 1.9% in 2001 to 4.2% in 2003. In 2002, Serbia had a rate of 2.44 homicides per 100,000, and a rate of 1.14 homicides committed with firearms per 100,000. Unpublished data, Institute of Public Health, Belgrade. Provided by SMMRI.

\textsuperscript{12} As in the attempted assassination of Andrjia Draskovic on the Belgrade-Novisad highway.

\textsuperscript{13} Estimates of the value of the black and grey economy range from 9% of GDP to upwards of 40%. Further, a recent survey by the Serbian Statistical Office has indicated that the grey economy accounts for approximately 9% of GDP, although when illegal activities such as prostitution, drug trafficking and piracy are included, the true figure could be between 20–25%.

\textsuperscript{14} One such incident occurred in September 2004; ‘In Aftermath of Sandzak Shooting,’ Fonet Agency, 16 September 2004. Following the elections, the SPD led coalition, who won the election from the SDA, were prevented from assuming their responsibilities by armed guards that had been posted around the municipal building and the offices of state enterprises. Serbia’s Sandzak: Still Forgotten, ICG Europe Report No. 162, 08 April 2005, p 21.

transfer of responsibility from the MoD to the MUP, there remain vulnerabilities related to a lack of resources, difficult terrain to police and ongoing challenges within the border police organisation.

Lastly, SALW issues have traditionally been surrounded by some secrecy in Serbia. This is beginning to change slowly, as with the 2004 development that a Parliamentary oversight committee now oversees the decisions of the licensing authorities. Despite such instances of progress, overall levels of transparency between the government and the public remain low.

Republic of Montenegro

Montenegro managed to survive the dissolution of Federal Republic of Yugoslavia (FRY) without armed conflict despite its ethnically mixed population. The presence of large amounts of SALW, corruption and organised crime still, however, present significant challenges to public safety. The republic’s problems with organised crime and SALW trafficking are difficult to control given its weak and distrusted law enforcement agencies, widespread corruption and the challenges posed by its mountainous terrain.

Research carried out in 2004 suggested that ‘the widespread availability and misuse of small arms continues to threaten the safety and stability of Montenegro.’ According to this research, the common estimate of one weapon per household is ‘a realistic upper threshold’ for small arms possession, and Montenegro appears to be ‘one of the most heavily armed territories in the region.’

Distinguishing between SALW controlled by the Government and weapons in civilian hands is apparently problematic, primarily because during a period in the 1990s state-controlled firearms were distributed to members of the public. As many as 10–12,000 of these weapons are likely to be connected with the Defence Reserve Force (DRF), whose numbers grew by thousands with recruitment in the late 1990s as a response to growing tensions with the former Yugoslav Army. While some officials claim that former DRF 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.

The 2004 National SALW Survey of Montenegro concluded that the total number of SALW in the republic is between 168,000 and 246,000. This figure comprises MoI holdings of between 15,000 and 17,000 and SMAF holdings on Montenegrin territory of between 27,000 and 54,000.

16 Montenegro SALW Survey, SAS, p 30.
19 Ibid, p 3 and 8.
20 Montenegro SALW Survey, SAS 2004. 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, BICC, p 137.
21 Ibid, p 9, 10 and 11 and Executive Summary.
According to data from the Ministry of Interior, the total number of registered weapons in Montenegro is 101,889,\(^{22}\) of which 86,000 are civilian-held weapons. This figure indicates that Montenegro has one of the highest rates of registered firearms per capita in the region. Although data on illegally held SALW is sparse, it has been estimated that there are between 40,000 and 89,000 unregistered firearms in civilian possession.\(^{23}\) In addition to the police, military forces and civilians, the rapidly growing private security sector represents an important category of SALW owners operating in the republic.\(^{24}\)

Armed crime levels are relatively high in Montenegro compared to the rest of the region, particularly in smaller towns where handguns are the most common weapons used in assaults.\(^{25}\) As in Serbia, incidents of armed violence and armed homicide have decreased since the mid 1990s, though the level of armed homicide in Montenegro remains high by international standards.\(^{26}\) Montenegro, like Serbia, has seen a fall in politically motivated assassinations perpetrated with firearms in comparison to earlier years although there have been several high-profile cases, such as the May 2004 murder of newspaper editor Dusko Jovanovic in Podgorica. As in the case of Serbia, the level of transparency between the Montenegrin government and the public is unsatisfactory.

### Kosovo

Research conducted by the Small Arms Survey in 2002/2003 calculated that there were between 350,000 and 480,000 small arms in Kosovo, excluding those held by international forces.\(^{27}\) Although it was estimated that the vast majority of small arms were in civilian possession, at the beginning of 2005 only 28,890 Weapons Registration Cards and 179 Weapons Authorisation Cards had been issued.\(^{28}\) The most common weapons in circulation are pistols and assault rifles although rifles and shotguns are also present in the entity, as well as 'to a much lesser extent, rocket launchers, sub-machine guns, sniper rifles, and grenades.'\(^{29}\)

The Small Arms Survey estimates that, in addition to civilian SALW possession, the Kosovo Police Service (KPS) hold 5,200 weapons, the Kosovo Serb militia between 240 and 400

\(^{22}\) Preamble and explanation of the ‘Law on Arms’, State Gazette of the Republic of Montenegro 49/04, p 32.

\(^{23}\) Ibid, p 32. The MFA, while accepting this figure as a basis for future SALW activities and co-operation with international organisations, believes the figure to be lower. Interview with Branko Bulatovic, Spokesperson, MUP, Podgorica, 25 January 2005.


\(^{25}\) ‘Handguns, and more specifically pistols, appear to be the primary weapon used in assaults. This weapon type was involved in at least 35% of assaults that 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, p 18–19. ‘An estimated 85 per cent of homicides reported in 2003 were committed with small arms.’ Ibid’ p 19. Between January and November 2003, 88 people were injured by SALW, of which 45 were injured and 14 dead. During the same period 15 people were injured and three killed by stray bullets or from mishandling small arms. Small Arms Control in Montenegro, UNDP, Podgorica, <www.undp.org.yu/montenegro>, accessed 03 May 2005.


\(^{28}\) Interview with Carlos Meireles, Chief of the Weapons Authorisation Section, Pristina, 16 February 2005.

and the Kosovo Albanian militia between 11,800 and 15,800 weapons. The Kosovo Protection Corps (KPC) is an unarmed ‘emergency response service’ formed following the demilitarisation of the Kosovo Liberation Army (KLA) in 1999 in which thousands of firearms were surrendered to NATO. The KPC does, however, have 2,000 firearms ‘held in trust’ by KFOR, of which 200 are available for guarding installations and for security when units are deployed.

While many international and domestic actors consider the security situation in Kosovo to have improved substantially in the period following the violent unrest in March 2004, acts of violence are still commonplace. During the first few months of 2005 alone there have been a number of high profile cases, including the attempted assassination of the President, Ibrahim Rugova, the assassination of Enver Haradinaj (brother of the former Prime Minister) and an explosion in the offices of ORA, an opposition political party.

The number of murders in Kosovo as a whole is increasing and according to media reports armed robberies are becoming more widespread although no official statistics are available to substantiate this. Between 2000 and 2003 five KPS officers were killed in the line of duty; during June 2003 and June 2004 a further five KPS officers were killed with illegal firearms. The ongoing violence in Kosovo can be attributed to a number of factors, including political and ethnic rivalries stemming from the conflict in the 1990s, organised crime, and revenge attacks connected with blood feuds. These tendencies occur against a background of a weak economy, political uncertainty regarding Kosovo’s final status, a police force that is under-resourced and works alongside an inefficient legal system. The large number of illicit weapons in circulation in Kosovo further exacerbates and perpetuates this situation as civilians keep firearms in order to maintain their own security. As the Small Arms Survey concluded, 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

30 Ibid, P 12-15
31 The Kosovo Protection Corps Commander Kosovo Force’s Statement of Principles. Available at <http://www.nato.int/kfor/kfor/kpc/stmt_principles.htm>
36 During 2004, 79 cases of murder were registered in the Pristina region. This means that in the Pristina region alone there were 19 more homicides than in the entire territory of Kosovo during 2003. Early Warning Report No 8, UNDP Kosovo.
39 For example, in May 2005 alone there have been a number of incidents of SALW being used in inter-ethnic violence. These included a bomb being thrown at a train containing 50 Serbian passengers, ‘Fifty Serb train passengers escorted to safety after bomb attack in Kosovo,’ SRNA, 08 May 2005; a grenade being rigged to the gate of a Serbian house, ‘Grenade Placed at Serbian House,’ VIP News Service, 09 May 2005; a Serbian house being blown up, ‘Blast Rocks Easter Kosovo,’ RTS, 11 May 2005; and an explosive device being placed in an Orthodox church, ‘Explosive Device in the Vicinity of the Orthodox Church in Kosovska Vitina,’ VIP News Service, 12 May 2005.
indirect effects are more numerous – including social, economic, and human development dimensions.’

Although trafficking of SALW does not occur in Kosovo to the extent that it has in the past,\textsuperscript{40} there is nevertheless evidence that this phenomenon continues and could even be on the increase again.\textsuperscript{41} The administrative border between Serbia and Kosovo has been identified as being particularly porous,\textsuperscript{42} and Albania is a source of relatively inexpensive Chinese manufactured assault rifles.\textsuperscript{43} The main destinations for weapons from Kosovo are Macedonia and Southern Serbia.

2 Small Arms policy and practice

Serbia and Montenegro

The complex constitutional arrangement between the two republics of Serbia and Montenegro was created from the remnants of the former Federal Republic of Yugoslavia (FRY). The State Union (SCG) is the constitutional body responsible under international law for upholding its commitments. The republics of Serbia and Montenegro are responsible under the terms of the Belgrade Agreement for the implementation of SCG’s international obligations as well as the development and enforcement of legislation within their territory. Under this arrangement, the State Union has responsibility over the following areas for an initial period of three years, after which the agreement will be reviewed:

- Foreign affairs;
- Defence policy and control over armed forces;
- International economic relations;
- Internal economic relations; and,
- Minority and human rights.

The remaining functions of government are controlled at the republic level.

\textsuperscript{40} Cenaj A, ‘There are only 179 authorised weapons in Kosovo,’ Zeri, 11 February 2005. (Translated by KFOR Public Information Office).

\textsuperscript{41} ‘Investigation: Kosovo’s wild west’, Balkan Crisis Report No 542, IWPR, 18/02 February /2005; Mustafa Mm, ‘The Black market offers call kinds of light weapons’, Koha Ditore, 06 February 2005 (Translated by the KFOR public information office)

\textsuperscript{42} SEESAC Weekly Media Review, 13 May 2004, SEESAC.

\textsuperscript{43} Mustafa Mm, ‘The Black market offers call kinds of light weapons’, Koha Ditore, 6 February 2005 (Translated by the KFOR public information office).
Table 1: Serbia and Montenegro commitments to arms or SALW Control Agreements

<table>
<thead>
<tr>
<th>Arms or SALW Control Agreement</th>
<th>Romania’s Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stability Pact Regional Implementation Plan on SALW</td>
<td>November 2001</td>
</tr>
<tr>
<td>UN Programme of Action</td>
<td>July 2001</td>
</tr>
<tr>
<td>UN Firearms Protocol</td>
<td></td>
</tr>
<tr>
<td>OSCE Document on Small Arms</td>
<td>November 2000</td>
</tr>
<tr>
<td>OSCE Document on Stockpiles of Conventional Ammunition</td>
<td>December 2003</td>
</tr>
<tr>
<td>EU Code of Conduct</td>
<td></td>
</tr>
<tr>
<td>EU Joint Action on SALW</td>
<td></td>
</tr>
<tr>
<td>Wassenaar Arrangement</td>
<td></td>
</tr>
</tbody>
</table>

According to its 2004 Report on the implementation of the UN Programme of Action (UNPoA), SCG ‘fully supports the UN PoA to prevent, combat and eradicate the illicit trade in small arms and light weapons.”44 The State Union has also shown support for the Stability Pact’s Regional Implementation Plan on Combating the Proliferation of SALW by hosting the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). SEESAC is a component of the RIP and since its launch in May 2002, it has been central to many of the reforms to policy and practice relating to SALW control across South East Europe. SCG also participates in a second Stability Pact initiative, the Regional Arms Control and Verification Implementation Assistance Centre (RACVIAC). Based near Zagreb, RACVIAC brings together military officials from SEE countries to build capacity and assist compliance of SEE countries with the OSCE Code of Conduct on Politico-Military Aspects of Security and other provisions aimed at fostering transparency and cooperation in the region. Although SCG has yet to establish a National Coordination Agency on SALW due to the, ‘complex functioning of government structures,’45 such an agency would greatly abet SCG in further developing its SALW control mechanisms and policies.

Republic of Serbia

Serbia has publicly stated its intention to join the European Union (EU) at the earliest possible moment and, toward this end, an Office of EU Integration was established within the Ministry of International Economic Relations (MIR) on 21 June 2003. Accordingly, the Republic has supported a host of reforms that bring its SALW control structures in line with EU standards. The Republic also cooperates well with a number of international organisations including the OSCE, NATO, UNDP, the EU, although some of this assistance is directed through the State Union structure. The UNDP has been working closely with the Ministries of Interior to establish SALW coordinating agencies at both the republic and the State Union level.

Serbia supports cooperation with a number of bilateral donors – such as the UK, the Dutch and the German governments - on issues ranging from community policing to SALW destruction. Major projects include the OSCE supported Multi Ethnic Policing Entity in

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44 Report of SCG on the Implementation of the UN PoA to prevent, combat and eradicate the illicit trade in SALW in all its aspects (2004), p 1.

45 Ibid.
southern Serbia which has transformed the provision of law and order to citizens living in three south Serbian municipalities. The force, which is comprised of a proportional number of Albanians and Serbs, is due to be amalgamated into the mainstream police service shortly. Other reform processes within the police service include technical assistance, material assistance and measures to enhance levels of police professionalism. The customs authority has also undergone far-ranging changes over the last two years including the introduction of a new law to give powers of arrest to officers countrywide.

**Republic of Montenegro**

An analysis of small arms policy and practice in Montenegro is problematic due to the ongoing uncertainty surrounding Montenegro’s future within the State Union of Serbia and Montenegro. This uncertainty is a source of tension both with Belgrade and the EU, which continues to support the SCG as a loose federation.

The Montenegrin Government does, however, continue to collaborate with a host of international organisations, namely the UNDP, the EU and the OSCE, on issues of weapons control. The EU, USAID/ORT and OSCE are important international actors, particularly with regard to law enforcement support including police reform, border policing and judicial reform to help combat organised crime. The UNDP has been working closely with the Ministry of Interior in Montenegro to establish Republic level and State Union level coordinating agencies on SALW; the preliminary period of this assistance ended in May 2005 and the government are now due to sign an official policy framework to control SALW in Montenegro.

**Kosovo**

The entity of Kosovo has been separately administered by the United Nations Mission in Kosovo (UNMIK) under UN Security Council Resolution 1244 since 1999. Although Kosovo is not governed by SCG law, neither can it independently sign up to international treaties or take on international obligations given its undefined status.

Responsibilities are increasingly being transferred to the Provisional Institutions of Self-Government. All issues concerning security remain, however, within the reserved powers of UNMIK. UNMIK Pillar One (Police and Justice) is therefore charged with providing civilian executive oversight and management of over 10,000 security sector personnel (both international as well as Kosovar), most of them armed. In addition to this, UNMIK designs budgets and determines policy for Kosovo’s justice and security sector, together with the Department of Justice and UNMIK Police, but without the substantive participation of local political actors. Kosovo’s assembly is not permitted any competencies to legislate on security issues, form committees to oversee justice or security providers, call representatives of those providers to appear before it or exert budgetary control over these organizations.
2.1 SALW production

Serbia and Montenegro

While significant quantities of SALW are produced in Serbia, there is no known SALW production in Montenegro or Kosovo.

The Republic of Serbia

Exact statistics on the size of defence production in Serbia are unavailable. Figures provided by the government categorise production broadly\(^48\), including weapons under the wider description of ‘Metal Production’ with no further breakdown available. The defence industry today is greatly reduced compared to the 1980s. There are eleven companies with defence related production, but in only six is this substantial. In total, these companies employ approximately 12,200 people,\(^49\) with a further 20,000 engaged in the broader supply sector, suggesting that the true number of defence dependent jobs is approximately 32,000.\(^50\)

The viability of the defence industry is strongly contested. While economic indicators suggest that its sustainability is questionable, others hail it as ‘one of the few productive industries in the country’\(^51\) with a ‘valuable capital and intellectual stock.’\(^52\) Niche parts of the industry, such as the production of hunting rifles and updated versions of compact side arms, are thought to be profitable. There may be other potential competitive advantages for SALW producers: for instance, whilst their production facilities are generally oriented towards western specifications, they can also produce weapons and ammunition to Warsaw Pact specifications.\(^53\)

At the ‘PARTNER’ Belgrade Arms Fair held in January 2004, Serbian companies displayed a large range of goods including artillery weapons, tank components, aircraft and helicopters, missiles, anti-ballistic equipment shells and explosives, communication equipment and firearms. The table below lists the most significant domestic exhibitors at PARTNER 2004.

Table 2: Principle arms factories in Serbia

<table>
<thead>
<tr>
<th>Factory</th>
<th>Location</th>
<th>Production</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zastava Oruzje</td>
<td>Kragujevac</td>
<td>Pistols, rifles, grenade launchers, ammunition</td>
</tr>
<tr>
<td>Prvi Partizan</td>
<td>Uzice</td>
<td>Hunting rifles, ammunition</td>
</tr>
<tr>
<td>Prva Iskra</td>
<td>Baric</td>
<td>Explosives, gunpowder</td>
</tr>
<tr>
<td>Sloboda</td>
<td>Cacak</td>
<td>Grenade launchers, 30mm grenades</td>
</tr>
<tr>
<td>Milan Blagojevic</td>
<td>Lucani</td>
<td>Explosives, 20–40mm ammunition</td>
</tr>
<tr>
<td>Krusik</td>
<td>Valjevo</td>
<td>Ammunition</td>
</tr>
</tbody>
</table>

\(^{48}\) Statistics provided by the Serbia and Montenegro Embassy London, 2005.


\(^{50}\) Ibid.

\(^{51}\) Living with the Legacy, p 21.

\(^{52}\) Ibid.

\(^{53}\) Op cit Jugoimport SDPR.
Zastava Oruzje in Kragujevac is the largest defence company in the country with 3,600 employees.\textsuperscript{54} It manufactures 22 varieties of handguns and rifles for civilian use\textsuperscript{55} and a large variety of military-specification weapons (including automatic grenade launchers).\textsuperscript{56} The company is presently producing NATO-grade M-21 rifles for the Serbia-Montenegro army as part of €47 million contract with the MoD.\textsuperscript{57} Prvi Partizan in Uzice claims to be the largest ammunition producer in South Eastern Europe.\textsuperscript{58} The factory employs 2,400 workers manufacturing a wide range of civilian and military ammunition and hunting rifles. According to its website,\textsuperscript{59} the factory manufactures a wide range of civilian and military ammunition.

Amongst the bigger producers there is thought to be a great deal of excess capacity (estimated at between 60–70\%).\textsuperscript{60} Despite this, past government statements have indicated a commitment to boost production.\textsuperscript{61} The future sustainability of Serbia’s SALW industry could be underpinned by a recent announcement by the SCG Minister of Defence Prvoslav Davinic that the state will write off the debts of factories in the domestic military industry incurred due to unfulfilled contracts with the SCG Army.\textsuperscript{62}

**Kosovo**

There is no known SALW production in Kosovo.

### 3 Small Arms Control

#### 3.1 Legislative and regulatory framework

**Serbia and Montenegro (SCG)**

In SCG, responsibility for military production, import and export lies with the state union government. Responsibility for civilian possession of arms lies with the respective Ministries of the Interior of the two republics.

Relatively recent cases of arms embargoes being violated by Serbian companies that facilitated arms exports to Liberia and Iraq in 2002 acted as a catalyst for reform, including introduction of new legislation in early 2005.\textsuperscript{63} Following a protracted period of review,
the draft law on ‘Foreign Trade in Weapons, Military Equipment and Dual-Use Goods’ was passed by the State Union Parliament in February 2005 shortly before the parliament was dissolved. This law replaces the 1996 ‘Law on Production and Circulation of Armaments and Military Hardware.’ The new legislation draws on many areas of best practice and is in places harmonised with the provisions of the EU Code of Conduct on Arms Exports. Perhaps the most significant improvement in control measures is the transfer of licensing responsibility from the Ministry of Defence to the Ministry for International Economic Relations, thereby enhancing non-military involvement in the decision making process. The above law also contains much improved provisions on end-user certification and arms brokering, with the aim of reducing the possibility of diversion to unintended end-users.

More effective legislation regulating imports and exports should be a positive development for SCG’s defence industry. Enhanced control over transfers, reducing the likelihood that weapons will be diverted to unintended end-users in violation of SCG’s international commitments, will help to provide a degree of legitimacy to an industry that has been badly damaged by previous scandals.

No National Coordination Agency for SALW control yet exists, although the SCG National Report states that the ‘National Coordination Agency for Serbia and Montenegro has been initiated…. However, it has been delayed due to the adoption of the Constitutional Charter and the establishment of institutions.’ The creation of the Agency would mark a breakthrough for inter-governmental coordination, key stakeholder engagement and, ultimately, enhanced control.

Republic of Serbia

The 1992 ‘Law on Weapons and Ammunition’ regulates civilian possession and is implemented by the MuP through local and regional police stations. It covers a variety of different types of weapons such as those used for personal safety (pistols and revolvers), hunting weapons, sporting weapons, trophy arms, antique weapons and combined arms. The law stipulates that it is forbidden for one to carry or buy weapons without a permit issued by the MuP. It also prohibits the use of weapons in public places or in areas where the safety of others may be endangered. Permits are not issued to minors, persons with a criminal record, those currently under criminal investigation, those guilty of various serious offences, or to those who have not passed the required tests for handling firearms. Permits to possess a firearm cost 1,350 Dinars (€17) and permits to carry a firearm cost 6,750 Dinars (€83). The state raises approximately €9 million annually from licensing. The law stipulates that background checks be conducted for all applications and, in cases where there is a justified suspicion that a person is not mentally capable of handling firearms, applicants must undergo a psycho-medical examination. Unfortunately no independent

64 The new procedures for making licensing decisions had, in fact, been followed since 2002 when SCG’s export laws were breached in the so-called Orao Affair. The formalisation of these procedures was, however, vital.
65 The General Manager of Jugoimport SDPR suggested that the new legislation would improve the licensing process, stating that the new procedures would be ‘stepped up and simplified [when compared to the previous legislation].’ ‘Serbian Director sees domestic military industry emerging from isolation’, Ekspres, 08 July 2004.
66 Recommendations for Enhancing Future Reporting, UNDP, 2004 (In response to SCG report on UNPoA).
information is available to determine how thoroughly these procedures are followed in practice.

**Republic of Montenegro**

The 2004 ‘Law on Arms’ governs civilian arms possession in Montenegro and is the successor to the 1979 ‘Weapons Act’ and 1992 ‘Law on Arms.’ Significantly, the law prohibits citizens from carrying any of the approximately 100,000 registered firearms present in Montenegro in public places. The new law, in contrast to previous legislation regulates any type of firearm, its supply, keeping, carrying, production, repair, remaking and transport. While preserving the previous system for obtaining a gun licence and allowing legal entities and government bodies to possess weapons for the purposes of property protection or sport, the new law stipulates that licences for carrying weapons will be only be issued to authorised official holders performing specific security-related jobs or sporting activities. With the adoption of this new legislation in response to international and local pressure, the Government hopes to discourage citizens from carrying weapons in public through harsher and more up-to-date penalty provisions.

**Kosovo**

In Kosovo, UNMIK has responsibility for SALW control. There is, however, no legislation in place regarding the importation or exportation of SALW from Kosovo. Kosovo is seen as a demilitarised zone and therefore does not allow for import of weapons for civilian use. The import of weapons for international and local law enforcement authorities are strictly regulated according to specific procedures. For example, special authorisation had to be gained for the import of Glock Service Pistols for the KPS and some short-barrelled automatic weapons for elite police teams. Until early 2001 weapons possession in Kosovo was regulated by Yugoslav legislation, which was outdated and ‘offered very limited legal means to combat proliferation.’ This legislation has now been replaced by UNMIK Regulation No 2001/7 on ‘The Authorisation of Possession of Weapons in Kosovo’, which authorises individuals holding a Weapons Authorisation Card (WAC) to possess and carry a firearm (usually sidearm pistols, but also short-barrelled automatic weapons in exceptional circumstances) for self-defence.
purposes. All applicants go through a stringent process before being issued a WAC. The UNMIK Weapons Authorisation Section (WAS) carries out an initial assessment of the level of threat the applicant faces, the level of protection he/she requires and his/her suitability for possession (the possession of a criminal record etc). Once this process has been completed, the Threat Assessment Committee, consisting of three high-ranking UNMIK officials, makes a final decision on approval. WACs are only valid for six months, after which the individual must reapply if still under threat. Currently there are only 179 WAC cards issued in Kosovo, of these 89 are issued to bodyguards rather than the actual individual under threat.\textsuperscript{79} Recipients of WACs are typically politicians’ bodyguards, judges, businessmen, and witnesses for court cases.\textsuperscript{80}

In 2003 legislation was also passed on the regulation of hunting and recreational weapons, which can now be registered to individuals holding a Weapons Registration Card (WRC). These cards are issued for the possession of weapons that include long-barrelled rifles and shotguns - but not automatic rifles - and are valid for a period of two years. In 2004 there were a total of 29,695 applications for a WRC of which 28,890 were approved.\textsuperscript{81} The vast majority of the weapons registered are for hunting although a few sporting guns have also been licensed. Those applicants that are denied either a WAC or WRC subsequently have their weapon/s confiscated by UNMIK who then decide what to do with the weapons.

The sanctions for illegal weapons possession are severe, with a maximum of 10 years imprisonment and fines up to €10,000.\textsuperscript{82} \textsuperscript{83} However, the law regarding hunting weapons is ambiguous. Under paragraph 3.1 of Admin Direction 2003/1, a registered weapon can be used ‘only for hunting during a current hunting season announced by the competent governmental authority.’ At present, however, there is no legal hunting season. In the absence of such an ‘announced’ and ‘current’ hunting season, any use or carrying of registered firearms outside the home, other then for hunting predatory animals that kill livestock, is illegal (except for those with a WAC). Consequently, a WRC effectively only permits possession.\textsuperscript{84}

Table 3: Features of Serbia and Montenegro’s Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>FEATURES OF LEGISLATIVE &amp; REGULATORY FRAMEWORK</th>
<th>Serbia and Montenegro</th>
</tr>
</thead>
<tbody>
<tr>
<td>National coordinating agency</td>
<td>No</td>
</tr>
<tr>
<td>National point of contact</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Laws &amp; Procedures on Production, Export, Import and Transit</strong></td>
<td></td>
</tr>
<tr>
<td>Legislation</td>
<td>Yes</td>
</tr>
<tr>
<td>Production</td>
<td>Yes</td>
</tr>
</tbody>
</table>

\textsuperscript{79} Interview with Carlos Meireles, Chief of Weapons Authorisation Section, Pristina, 16/02 February /2005.

\textsuperscript{80} Ibid.

\textsuperscript{81} Ibid.

\textsuperscript{82} ‘Provisional Penal Code of Kosovo’, Article 328, Paragraphs 1 and 2.

\textsuperscript{83} 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.

\textsuperscript{84} Interview with Piotr Zavgorodni, Senior Legal Officer, Office of the Legal Advisor, UNMIK, Pristina, 16 February 2005.
### FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK

<table>
<thead>
<tr>
<th></th>
<th>Serbia and Montenegro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Export</td>
<td>Yes</td>
</tr>
<tr>
<td>Import</td>
<td>Yes</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### National System of Export & Import Licensing or Authorisation

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Unknown</th>
<th>Yes</th>
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<tr>
<td>Diversion risk</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>End-user certificate</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Re-transfers</td>
<td>No</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Verification (pre/post)</td>
<td>No</td>
<td>Yes</td>
<td>Check new law</td>
</tr>
<tr>
<td>Brokering controls</td>
<td>Yes, but not extra-territorial.</td>
<td></td>
<td></td>
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</tbody>
</table>

#### Domestic Possession, Stockpiling & Trade

<table>
<thead>
<tr>
<th></th>
<th>Montenegro</th>
<th>Serbia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture</td>
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<td>Yes</td>
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<tr>
<td>Marking and tracing</td>
<td>Yes 85</td>
<td></td>
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<td></td>
<td>Serbia</td>
<td>Check this</td>
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<tr>
<td></td>
<td>Kosovo</td>
<td>Yes 86</td>
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<tr>
<td>Possession</td>
<td>Montenegro</td>
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<tr>
<td></td>
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</tr>
</tbody>
</table>

### 3.2 SALW Transfers

#### Republic of Serbia

Neither the Government of Serbia and Montenegro, nor the Norwegian Institute for Small Arms Transfers (NISAT) distinguishes between imports and exports to/ from Serbia and those to/ from Montenegro. Nor does SCG produce an annual report detailing its arms exports, and both the MOD and Ministry of International and Economic Relations were

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85 The ‘Law on Branding Weapons and Ammunition’ is now in force in SCG, UN PoA report (2004).

86 Ibid.
unable to discuss details of export licensing decisions, destinations or other export procedures in any detail. It is therefore impossible to give precise figures for the scale of SALW imports or exports into either republic.

That said, there are, however, good indications that Serbia exports significant quantities of SALW around the world. Although the Serbian arms industry has struggled in recent years to maintain competitiveness in international markets, signs of a re-emergence in arms exports include a recent political delegation visit to Libya. In January 2005 politicians and businessmen including the Serbian President Boris Tadic, the Director of Jugoimport SDPR Stevan Nikcevic and the head of the Defence Material Resources Sector General Ivan Djokic travelled to Tripoli in Libya. Although there are no details of the discussions that took place, Stevan Nikcevic reported to the media that talks had been “extremely significant.”

The presence of representatives from Serbian SALW producers at foreign trade fairs provides another source of information that Serbia is seeking alternative export markets. In 2003 Jugoimport SDPR organised a one-day exhibition in western Serbia, which saw foreign guests – including a representative from Rwanda – attend a functional demonstration of various types of SALW and heavy weapons. During 2003 and 2004 Jugoimport SDPR attended many large arms fairs in developing states, including DSA in Kuala Lumpur (2004), SOFEX in Amman (2004), IDEX in Abu Dhabi (2003) and LAD in Rio de Janeiro (2003). Attendance at fairs within the former Yugoslavia such as PARTNER in Belgrade (2004) and DEFENCE in Skopje (2001) demonstrates that the company is also targeting former domestic markets for future export sales. It has also been widely reported that the Macedonian armed forces have finalised a contract for the M21 rifle, a NATO specification assault rifle currently being produced by the Zastava factory. Jugoimport SDPR has also been attempting to build on Serbia’s already established position as a manufacturer and exporter of hunting rifles. The company’s attendance at the Nuremberg Hunting and Sport Shooting fair in 2004 evidences this.

The extent to which SALW are illegally trafficked to and from Serbia is hard to measure. Figures provided to the SALW Republic of Serbia Survey on weapons seizures by the MUP in 2003 failed to distinguish between weapons seized internally and weapons seized at borders. Alternative figures available from the Security Intelligence Service (BIA) showed that, in the first four months of 2004, €300,000 worth of ‘weapons, army equipment and crude oil derivatives were seized.’ Unfortunately, no detailed breakdown was available. Intelligence sources point to the increasing popularity of smaller forms of transportation, such as cars and vans being used by SALW traffickers. Non-cargo crossings are now relatively more vulnerable to trafficking than in previous years. For many years, border authorities searched every vehicle. However, with increased trade to and from the republic, intercepting trafficking activity is increasingly difficult. Nevertheless, a combination of

87 Official correspondence from MOD to Republic of Serbia SALW research team, Belgrade, January 2005.
89 Living with Legacy, p 24.
91 Living with the Legacy, p 26.
92 Ibid. p 27.
93 Ibid. p 27.
94 Ibid. p 26.
an improvement in the security environment, reduced ethnic conflict, probable market saturation and better law enforcement capacity is thought to have contributed to a decrease in trafficking levels, as witnessed by a decrease in border interceptions.\textsuperscript{95}

In a move to align SCG with EU standards on border control, both Serbian and Montenegrin police have recently assumed control of their respective Republic’s borders from the SCG army. In Serbia the process began on the Hungary-Serbia border in February. A new computerised system of controlling borders and crossings – Integrated Border Management (IBM) – has also been introduced. One of the challenges facing the newly formed Serbian border police will be overcoming problems with corruption and low skill levels previously displayed by the army units along Serbia’s borders.\textsuperscript{96}

Republic of Montenegro

As part of the State Union of Serbia and Montenegro, the Republic of Montenegro is subject to the same import / export restrictions as the Republic of Serbia, as stipulated in the Law on Production and Circulation of Armaments and Military Hardware. Therefore it is impossible to distinguish between imports and exports from / to the Republic of Montenegro and from / to the State Union of Serbia and Montenegro.

Montenegro has, on numerous occasions, been revealed to be a transit point for illegal SALW. The Small Arms Survey notes Montenegro as a transhipment point for ‘weapons smuggled from Serbia to the Middle East, from Russia to Libya, from the Balkans to Western Europe, and also as a regional transit point between Bosnia and Kosovo’.\textsuperscript{97} 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.’\textsuperscript{98} Notably, in the first part of 2004, Montenegrin border guards recorded 43 confiscations of rifles and handguns as compared with 66.5 kg of marijuana, 215 motor vehicles, 36 vessels (mostly smugglers’ boats), nearly 300,000 packs of cigarettes, 63.6 tons of coffee and almost €1 million in cash.\textsuperscript{99} In December 2004, individuals were arrested near Tirana, Albania with MANPADs that were apparently destined for Macedonia. According to numerous sources, the missiles had been brought across the border from Montenegro into Albania.\textsuperscript{100} Since trafficking in items other than weapons, particularly in cigarettes, continues to be a significant problem in Montenegro, there exists a real danger that those illicit trafficking networks could easily be utilised for the purpose of renewed SALW trafficking if the demand should once again increase.

As of 31 December 2004 the responsibility for control of Montenegro’s 840-kilometre land border passed from the SCG army to a state border department within the Montenegro

\textsuperscript{95} Living with the Legacy, p 12.


\textsuperscript{98} Montenegro SALW Survey, SAS 2004, p 3,13 and 14.

\textsuperscript{99} ‘Montenegrin Police Assume Control of State Border,’ Beta News Agency, 03 March 2005.

This department has 1,450 employees - of which 600 are border policemen - and has been furnished with a range of equipment including radar and computers, thermovision cameras and detection equipment.  

Kosovo

Since imports of SALW are not permitted, the only authorised source of weapons is the transfer of ownership of a weapon registered on a WRC or WAC. In many circumstances weapons that are being registered originate from outside Kosovo. Kosovo authorities take the view that it is better that civilians are encouraged to legally register their weapons than to continue illegal possession. Therefore, the WAC or WRC do not inquire about the origin of the weapon during the registration process.

According to KFOR on the basis of evidence gained from joint KFOR and Border Police operations, ‘it can be concluded that weapons smuggling is not a large scale activity; at least it is not the major illegal activity in Kosovo.’ Small Arms Survey research suggests that this is primarily because guns are less profitable than other types of contraband. There is nonetheless some evidence that the black market in SALW is flourishing in certain parts of Kosovo, such as Peja, which borders Montenegro and Albania, and Mitrovica, which borders Serbia. According to a report published by IWPR, Italian KFOR troops have discovered more illegal weapons in the Peja region during the first two months of 2005 than in the whole of 2004. A second article that appeared in the Kosovo daily Koha Ditore describes the thriving market in Mitrovica, where a wide variety of weapons can be bought or specially ordered.

Small arms entering Kosovo tend to come primarily from: Serbia, a source of high-quality Yugoslav-manufactured pistols; Albania, from where relatively low-cost Chinese-manufactured assault rifles are available; and Turkey, a source of counterfeited Yugoslav and Russian firearms as well as hunting rifles. The main destinations for weapons are Macedonia and Southern Serbia. The 2005 Republic of Serbia SALW Survey identified the administrative border between Serbia and Kosovo as particularly porous and one where a relatively high level of illicit SALW activity takes place. This would appear to be confirmed by frequent, though decreasing, seizures of illicit SALW by MUP authorities in Serbia.

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101 The 137 kilometre long marine border is still under the supervision of 14 Serbia-Montenegro naval officers and non-commissioned officers. ‘Montenegrin Police Assume Control of State Borders,’ Beta News Agency, 3 March 2005. Ibid.

102 Most of the Euro 10m start-up costs for the new department was obtained from foreign donations. The US Government provided EURO 4.5 million while the European Agency for Reconstruction (EAD) has provided EURO 450,000. A further EURO 18.5 million will be invested in modern border surveillance equipment, technical modernisation and equipping and developing vessels. Ibid.

103 Interview with Piotr Zavgorodni, Senior Legal Officer, Office of the Legal Advisor, UNMIK, Pristina, 16 February 2005.

104 Cenaj A, ‘There are only 179 authorised weapons in Kosovo,’ Zeri, Pristina, 11 February 2005. (Translated by KFOR Public Information Office).

105 Kosovo and the Gun, SAS p 27.


107 Mustafa Mm, ‘The Black market offers call kinds of light weapons’, Koha Ditore, 06 February 2005 (Translated by the KFOR public information office).

108 Ibid.

109 SEESAC Weekly Media Review, 13 May 2004, SEESAC.
KFOR forces and the personnel of the Serbia and Montenegro border police service jointly guard the administrative line between Kosovo and Serbia and Kosovo and Montenegro. While this trend of increasing cooperation between the Republic of Serbia, the Republic of Montenegro and UNMIK / KFOR in Kosovo is encouraging, there remain problems in the overall provision of border control.\textsuperscript{110}

Since 2002 responsibility for border control has been gradually transferred from KFOR to the UNMIK Border and Boundary Police. Currently, UNMIK controls all border/boundary checkpoints and KFOR secures the stretches in between official crossing points; however it is planned that the Border Police will ultimately take full responsibility for securing Kosovo’s borders. While a timeframe for this to occur has not been laid out, joint border patrols with KFOR have already begun and within the UNMIK Border and Boundary Police itself, numbers of Kosovo Police Service (KPS) have increased from 350 in the middle of 2003 to over 700 in October 2004\textsuperscript{111} to the point where according to UNMIK, 70 per cent of border units are now manned by local staff rather than internationals.\textsuperscript{112} There have already been examples of KPS successes in intercepting illicit SALW transfers. In August 2004, a KPS patrol discovered three pistols and thirty five rounds of ammunition in a car in the Peja region.\textsuperscript{113}

3.3 SALW collection programmes and capacities

Republic of Serbia

Serbia has had three weapons amnesties and collections since 1999 (2001, 2002 and 2003). The first two of these were traditional amnesties that together collected 10,000–15,000 firearms (no exact figures are available).\textsuperscript{114} The third amnesty coincided with the state of emergency following Prime Minister Djindjic’s assassination and included forced confiscations and security service raids conducted during a period of social unrest and increased political instability. According to MUP records, during this period, 2,046 weapons, 33,478 rounds of ammunition and 198.5 kg of explosives were confiscated by law enforcement officers and security services.\textsuperscript{115} Between 24 March and 20 April 2003 resulted in 47,853 weapons and 2,226,765 pieces of ammunition were seized or surrendered to MUP authorities for

\textsuperscript{110} 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.


\textsuperscript{112} ‘UNMIK Official Says 70% of Border Units Manned by Local Staff,’ KosovoLive, 24 June 2004.


\textsuperscript{114} Living with the Legacy, p 65.

There have been no amnesties or official collections in the Republic of Serbia since the end of Operation Sabre in March 2003. State authorities continue to make SALW seizures in line with the course of their regular work; however, exact figures for seizures are not available.

Republic of Montenegro

The Montenegrin authorities organised a two-month ‘Farewell to Arms’ initiative in early 2003, which included an amnesty and collection organised by the Ministry of Interior. 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. Since this time there has been no further state organised collections, although there is an ongoing amnesty for the voluntary surrender of SALW. State authorities continue to make SALW seizures in line with the course of their work. However, exact figures for seizures are not available.

Kosovo

Collection activities of various types have been ongoing since 1999. With a mandate to provide a safe and secure environment in Kosovo, KFOR has been the main actor in terms of collection. As part of this mandate, KFOR troops have conducted regular searches of civilian homes as well as open areas and abandoned houses. While the amount of SALW and ammunition discovered in the course of these searches has declined, at one point small amounts of SALW were confiscated from most houses that were searched. Hidden caches of weapons also continue to be found, although again less frequently than previously. In 2004 KFOR seized 2,071 weapons and 85,000 items of ammunition in 450 successful operations.

Although the UNMIK police are now responsible for the confiscation of weapons once they have been discovered by KFOR, in general they only search for guns in the course of law enforcement operations, such as house searches conducted as part of criminal investigations. No figures on weapons seizures during 2004 were available from the police.

Since 1999 there have also been three separate weapons amnesties. The first two amnesties, organised by KFOR and UNMIK, both lasted a month and were held in 2001 and 2002. During the first amnesty a total of 777 pieces of SALW were collected. 1391 were collected during the second. The third amnesty occurred in September 2003 and netted a total of 155 weapons, despite an incentive of US$225,000 for each of the three municipalities that surrendered the most weapons (a minimum benchmark of 300 weapons was specified).

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116 Ibid.
117 It is thought that the amnesty will end soon, due to the low level of weapons handed in compared to normal police seizures. Interview with Tony Monaghan, UNDP SACISCG Programme Manager, 10 May 2005.
119 Interview with Colonel Yves Kermorvant (FR ARMY), Chief of Public Information Office, KFOR HQ, Pristina, 17 February 2005.
120 Ibid.
3.4 SALW destruction programmes and capacities

Serbia and Montenegro

The State Union is the body responsible for the Serbian and Montenegro Armed Forces (SMAF) and, as such, destruction of MOD SALW property is coordinated at this level. However, as amnesties and collections are coordinated independently by the Serbian and Montenegrin republics, destruction programmes can be analysed at this level.

Republic of Serbia

The large amount of SALW previously destroyed in Serbia demonstrates the state’s well-developed capacity for arms destruction. According to MoD statistics, since 1991 more than 100,000 weapons, over two million rounds of ammunition and around 1,200 Man Portable Air Defence systems (MANPADs) have been destroyed at state-controlled facilities in Cacak, Uzice and Smederevo. Since 2001 international donors such as the NATO Maintenance and Supply Agency (NAMSA), SEESAC and the Dutch and US Embassies have financed the following destructions:

Table 4: Controlled destruction of SALW and ammunition between 2001–2004

<table>
<thead>
<tr>
<th>Implementer</th>
<th>Description</th>
<th>Quantity</th>
<th>Date</th>
<th>Location</th>
<th>Sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCG MoD</td>
<td>Firearms</td>
<td>52,000</td>
<td>2001</td>
<td>Cacak</td>
<td>US Dept. of State</td>
</tr>
<tr>
<td>SCG MoD</td>
<td>Firearms and military-spec equipment</td>
<td>27,723</td>
<td>2003</td>
<td>Cacak</td>
<td>NAMSA</td>
</tr>
<tr>
<td>Serbia MUP</td>
<td>SALW Ammunition</td>
<td>0.8t</td>
<td>2003</td>
<td>Uzice</td>
<td>SEESAC</td>
</tr>
<tr>
<td>Serbia MUP</td>
<td>Amnesty collected firearms</td>
<td>7,335</td>
<td>2003</td>
<td>Smederevo</td>
<td>SEESAC</td>
</tr>
<tr>
<td>Serbia MOI</td>
<td>Confiscated firearms</td>
<td>3,859</td>
<td>2003</td>
<td>Smederevo</td>
<td>SEESAC</td>
</tr>
<tr>
<td>Serbia MOI</td>
<td>Amnesty collected firearms</td>
<td>10,000</td>
<td>2004</td>
<td>Smederevo</td>
<td>US Dept. of State</td>
</tr>
</tbody>
</table>

Despite impressive SALW destruction figures, the pace of destruction slowed in 2004 and 2005 (as Table 4 demonstrates). According to the MUP there remain 20,000 firearms and explosives (principally grenades and landmines) awaiting destruction as a result of a shortfall in resources.

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Republic of Montenegro

The first small arms destruction in Montenegro was carried out on 27 May 2003 and included weapons collected through the aforementioned ‘Farewell to Arms’ initiative.\(^{125}\) 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.\(^{126}\) The 1,600 weapons collected during ‘Farewell to Arms’ 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.’\(^{127}\) It is estimated that there are 5,000 SALW in MOI stocks from both police seizures and surrenders that need to be destroyed.\(^{128}\)

An assortment of over 3,000 hand grenades, mines, approximately 63,777 rounds of small arms ammunition and over two tonnes of assorted ammunition 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. SEESAC technical staff also monitored the destruction operation.\(^{129}\)

The MoI, SEESAC and the UNDP Liaison Office in Podgorica have expressed their support for further arms destruction, particularly as regards the provision of both equipment and training. No destruction has been planned for 2005 but the downsizing of Montenegrin MoI forces by as much as fifty per cent will result in a larger number of surplus SALW, the figures for which will probably be known by the end of 2005.\(^{130}\) While destruction costs are now likely to be lower than US$5 per weapon, destruction capacity for ammunition is limited.\(^{131}\) A capacity-building equip and train activity, sponsored by SEESAC and conducted by the International School of Search and Explosive Engineering (ISSEE), took place from 19 – 30 April 2004.

\(^{125}\) 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 the computer equipment ‘necessary to enhance efficiency and operational capacity in their small arms control initiatives’. The cost per weapon destroyed, including transport and security costs, was US$5. See also Support to the Republic of Montenegro Weapons Destruction, SEESAC Activity Report AR/006, 30 May 2003, <www.seesac.org>, accessed 03 May 2005.


\(^{128}\) Interview with Tony Monaghan, UNDP SACISCG Programme Manager, 10 May 2005.


\(^{130}\) Interview with Branko Bulatovic, Spokesperson of the Ministry of Interior, 25 January 2005.

\(^{131}\) 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.
Kosovo

KFOR conducted its last destruction operation in November 2004. The weapons were disassembled, cut and then the parts were melted down. A total of 772 weapons were destroyed during the last operation. The Metal Holding Company was hired for the destruction at a cost of €1,000 for each ton of weapons. The maximum capacity of the company was three tons per day. The November destruction cost a total of €1,873, all of which was paid for by KFOR. UNMIK police are in the process of requesting permission from the UNMIK Commission to destroy some 300 weapons from police storage. KPS is likewise applying for permission for the destruction of 104 weapons. The destruction is needed to clear the Police Armouries of confiscated illegal weapons that have been accumulated over the past few years.

3.5 SALW stockpile management programmes and capacities

Serbia and Montenegro

As an independent verification of MoD storage facilities has not taken place, it is necessary to look at reports on implementation of the UN Programme of Action (PoA) in order to analyse SCG’s stockpile management programmes and capacities. According to the MoD, all weapons and ammunition possessed by the SMAF are kept in standard stores and facilities that are used exclusively for this purpose. Quantities of weapons and ammunition possessed are accounted for by the unit charged with their storage and three copies of these written records are stored in three separate locations. The same report described storage facilities as generally very good with every facility having a sentry, being sealed and specially secured with padlocks, locks, electric light, and wire. Further security measures include fire and lightning protection and anti-explosion systems. Safety procedures include facility risk levels being periodically reviewed and a plan of emergency measures and procedures in place at every facility. There is no information in the public domain to suggest that there are thefts from SMAF barracks.

Table 5: Summary of SALW destruction in Montenegro 2003

<table>
<thead>
<tr>
<th>DESTRUCTION ACTIVITY</th>
<th>SALW</th>
<th>AMMUNITION (TONNES)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montenegrin MoI-implemented, 27 May 2003</td>
<td>5,028</td>
<td>2.0 + 133</td>
<td>Financial assistance and verification functions provided by SEESAC.</td>
</tr>
<tr>
<td>SEENCA network-implemented, 12-19 November 2004</td>
<td>500</td>
<td></td>
<td>Confiscated weapons supplied by the Mol</td>
</tr>
<tr>
<td>Total</td>
<td>5,528</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

133 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>, accessed 04 May 2005.
134 Interview with Colonel Yves Kermorvant, Chief of Public Information Office, KFOR HQ, Pristina, 17 February 2005.
135 Interview with Carlos Meireles, Chief of Weapons Authorisation Section, UNMIK, Pristina, 16 February 2005.
136 UN Programme of Action Report, Submitted 11 August, 2004
137 Ibid.
Republic of Serbia

MUP stockpiles are classified according to different categories in order to distinguish between SALW confiscated at borders, seizures from criminal groups and individuals and un-destroyed stocks remaining from the weapons amnesty in 2003. The police keep the weapons that have been confiscated or surrendered in police stations or more secure MUP facilities after checking the weapons’ markings. According to the 2003 report on implementation of the UNPoA, these sites are ‘customised facilities’ where the standards and responsibilities for safe storage are ‘very high’. The MUP has strict rules for servicing, storage and use of its own firearms but is limited by resource scarcity. Surpluses of SALW are expected to increase with the adoption of a Defence Strategy in November 2004, which as well as ‘enhancing democratic control of the army, in line with NATO standards,’ would lead to a significant reduction in the number of professional soldiers in SCG.

Republic of Montenegro

The ongoing restructuring of both the Montenegrin MoI and SMAF means the size of SALW stockpiles in Montenegro is difficult to assess. However, the 2004 National SALW Survey of Montenegro concluded that there were ‘42,000 to 72,000 small arms in the hands of the MUP and SMAF in Montenegro.’ 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.

Kosovo

The NATO KFOR troops and international police officers in Kosovo are armed, although 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, which presumably correspond to NATO 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.’ The increasing sophistication of purpose-built concealment in homes is said to be ‘a direct response to KFOR search operations’ and ‘more and more weapons are stored outside homes, buried in gardens, or cached further a field. Consequently, there are fewer weapons in apartment blocks in the cities than in individual

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138 *Living with the Legacy*, p 58.
139 *Op cit Hirst and Mariaini.*
140 *Living with the Legacy*, p 58.
141 *Serbia-Montenegro’s draft Defence Strategy Finalised, Tanjug, 13 May 2004.*
142 The SCG Defence Minister Pvoislav Davinic stated that although the exact size of the future Serbian component of the SCG army was still undecided, the Supreme Defence Council had decided that the number of professional soldiers in Montenegro would be around 3,400. *‘SCG Defence Minister Calls Decisions on Army Reform “Historic”’,* _Ekpres Beograd_, 09 November 2004.
homes in the countryside.\textsuperscript{145} 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.\textsuperscript{146}

### 3.6 SALW awareness activities

**Serbia and Montenegro**

NGOs in Serbia and Montenegro tend to restrict their activities to one of the two republics, and, as such, State Union awareness raising activities do not generally take place. That said, a number of international organisations such as the UNDP support complimentary awareness raising work across both republics.

**Republic of Serbia**

Several NGOs are involved in awareness raising work related to small arms control in Serbia. In 2004 in Zrenjanin, the European Movement in Serbia completed an awareness raising campaign that culminated in widespread leaflet distribution and television and radio clips. In Belgrade the Balkan Youth Union, as part of the Global Control Arms Campaign, organised an event in which posters were printed and petitions signed. The event – ‘Small arms are weapons of mass destruction’ – collected faces for the global Million Faces petition and received national media coverage. The same NGO organised an awareness raising campaign – ‘Celebrate without weapons’ – for Orthodox New Year. This high profile campaign saw billboards around the capital branded with the campaign message. 500,000 leaflets with a similar branding were distributed around Serbia.

The media plays an important but complex role in reporting SALW crime and control initiatives. Much of the present reporting, particularly in tabloids, continues to be sensationalist and sometimes inaccurate. This means that in Serbia there remains reluctance amongst the government to engage with the media on SALW issues. The number of journalists able and willing to report SALW issues in a sophisticated and balanced manner is, however, increasing. Further, media trainings of the sort supported by SEESAC in 2004 would provide the media with additional resources and know-how to contribute to more representative journalism.\textsuperscript{147}

**Republic of Montenegro**

Most of the awareness raising work conducted by Montenegrin NGOs has taken place in conjunction with SALW interventions and in association with the Montenegrin government and UNDP. Examples of this include the work of the NGO network ‘Akcija’ in which an awareness-raising initiative followed on the ‘Farewell to Arms’ campaign in 2003. In November 2004 the MUP donated 500 confiscated weapons for the construction of a ‘Bird of Peace’ as part of the Arms into Art Week in Montenegro. Artists and NGOs from Serbia, Montenegro, Macedonia, Bosnia & Herzegovina, Croatia and Kosovo took part in the

\textsuperscript{145} Kosovo and the Gun, SAS, 2003, p 20.

\textsuperscript{146} As noted above, SAS estimate that Kosovo Serb militia hold between 240 and 400 SALW, and Kosovo Albanian militia, including the NLA, between 11,800 and 15,800 weapons. Kosovo and the Gun, SAS, 2003, p 11.

event, designed as an attempt to raise awareness of sustainable disarmament efforts and strengthen the regional SEENCA network.\textsuperscript{148} A month-long awareness-raising campaign took place between December 2004 and January 2005. The campaign - ‘Respect the Law – Don’t Carry Arms’ - coincided with the Christmas and New Year holiday period and was directed at raising awareness of the provision within the new Law on Arms which forbids the carrying of weapons in public. The campaign coincided with the confiscation of 803 firearms by state authorities.

**Kosovo**

NGO activities on SALW in Kosovo were originally linked to youth work funded by the UNDP through the ‘Support to Human Security in Kosovo’ programme, which commenced in 2001. A grant was awarded to awareness raising projects developed by member organisations of the Kosovo Youth Network, which had initially identified SALW, and insecurity in general, as a major concern of Kosovar youth. Also receiving a grant, the US Balkan Sunflowers NGO, 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.\textsuperscript{149}

Apart from the small-scale awareness raising activity conducted by local NGOs, the campaign supporting the September 2003 amnesty and collection represents the main awareness raising activity on SALW undertaken in Kosovo. The campaign was conducted by the UNDP’s ISAC 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, while local NGOs distributed leaflets and the 200,000 fact sheets. Over 30 different TV and radio public announcements were broadcast during the initiative, as well as press conferences and debates involving key public figures. The print media in Kosovo carried over 130 feature articles on SALW and the amnesty initiative between mid-August and 30 September 2003.\textsuperscript{150} Other activities included roundtables and discussions at the municipal level, sporting and recreational events in rural areas and a concert in support of the initiative held on the first day of the amnesty.\textsuperscript{151} 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 1 September 2003.\textsuperscript{152} Since the end of the ISAC project in 2003, no further funding has been available for SALW awareness projects and therefore during 2004 no new activities occurred within Kosovo. In September 2004, however, four Kosovar NGOs attended a training session in Tirana on awareness raising, organised by SEESAC.\textsuperscript{153}

\begin{footnotes}
\item[149] Information provided by Charlotte Phillips, then Programme Manager for the Youth Post-Conflict Participation Programme at the International Rescue Committee, Kosovo.
\item[150] Correspondence with UNDP ISAC staff, 16 February 2004.
\item[151] Ibid.
\item[152] Telephone conversation with Mike Dixon, ISAC Programme Co-ordinator, 12 February 2004.
\end{footnotes}
3.7 SALW survey activities

Republic of Serbia

Three SALW and security surveys have recently been conducted in the Republic of Serbia. The first two focused on specific areas – youth in Belgrade; and public perceptions of small arms and security in southern Serbia. The third, a comprehensive survey of the entire republic, was researched in late 2004 and published in April 2005 in Belgrade. The SALW Survey of the Republic of Serbia was researched by the UK-based NGO Saferworld in partnership with Belgrade-based marketing firm SMMRI and was published by the UNDP’s Small Arms Control in Serbia and Montenegro (SACISC) programme.

Republic of Montenegro

The Small Arms Survey conducted a SALW survey in Montenegro in late 2003. Published in 2004 by SEESAC, was the first survey undertaken in the region in accordance with the UNDP-SEESAC SALW Survey Protocols and ‘Regional Micro-Disarmament Standards.’

Kosovo

The main piece of research into SALW in Kosovo is the survey conducted by the Small Arms Survey in 2003. ‘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.

3.8 Civil Society Involvement in SALW Interventions

Serbia and Montenegro

Civil society interventions in cooperation with the State Union have not taken place owing to the to devolved competencies of the republics within the State Union. That said, the 2004 UN PoA report stipulates, “Growing awareness of SALW should be closely coordinated in cooperation with the governmental and non-governmental sectors”. During the course of 2004 there were encouraging signs that governmental officials were increasingly willing to cooperate with international organisations and domestic NGOs and, as the 2004 UNPoA report stipulates: ‘common actions [between government and non-government actors] to improve awareness...should be realised.’ While NGOs continue to focus their attentions...
at the local or national level there are increasing instances of NGOs acting at the region-wide level.\textsuperscript{159}

**Republic of Serbia**

While there are no plans for another firearms amnesty anytime soon, BYU and the Red Cross of Serbia and Montenegro were both involved in awareness raising activity in conjunction with the 2003 Amnesty. During 2004 civil society groups in Serbia enhanced their capacity to provide the government with a future partner for possible forthcoming interventions. Such steps demonstrate an increased awareness of the seriousness of the problem. There remain significant ways that more systematic civil society engagement could be achieved, e.g. through participation in a national SALW commission which would provide a critical partnership with government stakeholders. In October 2004 the ‘Peace Policy Network’ of Serbia was established. This NGO forum brings together fifteen organisations working on human security issues to coordinate campaigns, pool resources, advocate for enhanced SALW control and lobby for more transparency in regards SALW and security issues.\textsuperscript{160} Network members plan, through a single point of contact, to engage with the government through the National SALW Commission process.

**Republic of Montenegro**

The new Law on Arms has provided Montenegrin NGOs with a good opportunity for more sustained awareness raising work linked directly to an enhancement of legislation. The Law on Arms, as well as the campaign that accompanied it, was designed with two objectives in mind: firstly, to highlight the fact that it is now a criminal offence to carry firearms in public places; and secondly to enable illegally possessed weapons to be registered and for all prohibited weapons to be turned in.\textsuperscript{161} As with an earlier 2003 campaign, perceptions of the campaign’s success were mixed. Incidences of celebratory shooting during the Christmas and New Year period fell significantly, most likely as a result of the campaign and of police warnings that violations would be punished severely. An opinion poll conducted in January 2005 found that fifty per cent of respondents believed the campaign model had been ‘very effective.’\textsuperscript{162} However, NGOs involved with the campaign expressed their disappointment at the small numbers of weapons withdrawn from circulation.\textsuperscript{163}

**Kosovo**

The UNDP ISAC project and September 2003 amnesty in Kosovo provided an opportunity for increased civil society action on SALW. The NGOs War Child and Lipjan Youth Centre organised a parade and poetry and drawing competition for children. 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 to youth and organised a concert to launch the amnesty. The Kosovo Action for Civic Initiatives (KACI) organised public discussions in town halls and four

\textsuperscript{159} For example, the SEENCA network, a collection of NGOs working on small arms control issues.

\textsuperscript{160} Vladimir Djumic of Balkan Youth Union is the chair of this Network; <www.vladimir.bum.org.yu>, accessed 11 May 2005.

\textsuperscript{161} Interview with Ministry of Interior, Podgorica, 25 January 2005.

\textsuperscript{162} Interview with USAID/ORT, Podgorica, 24 January 2005.

\textsuperscript{163} Interview with Human Rights Centre, Podgorica, 20 January 2005.
TV debates on SALW. The Gender Research and Training Centre organised roundtables in rural areas, while the magazine Srpsko Slovo undertook small-scale research and carried feature articles on SALW.\textsuperscript{164}

3.9 Cross-border SALW control initiatives

\textbf{Serbia and Montenegro}

There is increasing involvement by SCG state agencies in cross border SALW control initiatives, particularly in regards frontier control and anti-trafficking activities. In line with European norms, Ministry of Interior personnel from the Republics of both Serbia and Montenegro now execute border control in SCG, whereas before 2005 the Army was responsible. SCG has worked with the OSCE and the international community in creating the new police border services and ensuring that they follow European and International norms for border management.\textsuperscript{165}

Opportunities for coordinating border control at the regional level exist through membership in a number of fora and agreements. SCG is a member of Interpol and through this membership engages in ‘appropriate cooperation and information exchange with a view to suppressing illicit trafficking in SALW.’\textsuperscript{166} At the time of writing, SCG was in negotiations for a cooperation agreement with EUROPOL.

SCG’s UN PoA report for 2003 cited “intense cooperation...with border services in neighbouring and other countries... cooperation with foreign liaison officers is especially significant for exchange of information”. The report also stated that the Border Police were taking various actions on trafficking, including forming a special police team, participating in training courses and appointing a national anti-trafficking coordinator.\textsuperscript{167} A new department within the MoI has been established in Montenegro, and a border security project for the republic has been developed.\textsuperscript{168} International cooperation is also increasing, with links to the law enforcement agencies of countries such as the US and Australia deepening in the last year.\textsuperscript{169}

SCG is a member of the Council of Europe Convention on the Fight Against Organised Crime, which lays out joint common commitments to tackle organised crime and trafficking. At the operational level, the South-eastern Europe Cooperative Initiative (SECI) Regional Centre for Combating Transborder Crime in Bucharest provides member states with an intelligence sharing facility. This centre has a dedicated SALW Task Force designed to interrupt the supply of SALW across southeastern Europe. Each member state seconds a law enforcement officer to SECI’s headquarters in Bucharest where they exchange information with other regional law enforcement officers. While this forum suffers logistical

\textsuperscript{164} Correspondence with UNDP ISAC staff, 16 February 2004.
\textsuperscript{166} SCG UN PoA report, 2003.
\textsuperscript{168} Ibid.
\textsuperscript{169} For example, in October 2003, the Australian Federal Police Bureau opened a regional headquarters in Belgrade, with the aim of increasing co-operation in the fight against organised crime. SEESAC Weekly Media Review, 06 – 13 October 2003, <www.seesac.org>, accessed 03 May 2005.
problems, there have been modest successes involving interceptions of SALW traffic.\textsuperscript{170} SECI’s operational capacity has been improved due to a number of operations designed to enhance information exchange, the most recent of which is ‘Operation Safe Place’. This operation has benefited from wide ranging support from a variety of actors including SEESAC, EUROPOL, the FBI and the UK’s National Criminal Intelligence Service (NCIS).

Other fora exist to facilitate cross border control such as the Southeast Europe Police Chiefs Association and an OSCE sponsored initiative that brings together law enforcement officers from various southeast European states to build trust and develop points of contact for future cooperation. Finally, there are bilateral agreements between SCG and neighbouring states to combat organised crime, such as the September 2003 agreement between the Republic of Serbia and Bulgaria.\textsuperscript{171}

**Montenegro**

International assistance to the Montenegrin government has focused on combating trafficking, although this assistance has mainly focused on human trafficking. The US has provided equipment for border control including a customs boat for Skadar lake on the Montenegro / Albania border and jeeps for border police.\textsuperscript{172} The European Union, through the European Agency for Reconstruction has provided training for border officials at the Police School in Danilovgrad. Training workshops also took place in Herceg Novi for Montenegrin Border Police personnel. EU funds have also been used for the purchase of a Police Information System to link Montenegro’s border crossings and nationwide police stations through a single database system.\textsuperscript{173}

**Kosovo**

In order to support border management, a PISCES computerised database system was installed in Pristina airport in 2003 and this has enhanced the capacity to regulate movements and combat organised crime. This system was further expanded to Vrbnica and General Jankovic border crossing points during the summer of 2004 and it is planned that it will eventually be installed at all crossing points.\textsuperscript{174} In 2004 the European Agency for Reconstruction (EAR) launched a programme that will bring Kosovo’s border management strategy in line with the objectives developed during the ‘Ohrid Regional Conference on Border Security and Management’ in May 2003. This will include providing equipment for border police stations, constructing or renovating stations, logistical and infrastructure support and the training of staff.\textsuperscript{175}

Cross border cooperation with Kosovo’s neighbours on border control issues is frequent. UNMIK has negotiated Police Cooperation Agreements with all its neighbours. These agreements ensure liaison on border control and security issues through subcommittees.

\textsuperscript{170} As in the February 2003 case of the arrested Croatian national trafficking between Serbia and Hungary.


\textsuperscript{172} Interview with Alan Carlson, Political and Economic Officer, US Consulate, Podgorica, 26 January 2005.


\textsuperscript{175} Ibid.

\textsuperscript{176} Ibid.

\textsuperscript{177} Ibid.
that meet on a regular basis. The Border Police Command Centre, established in Pristina in May 2003, is able to provide and receive information on border/boundary issues 24 hours a day and also increases the capacity for cooperation. In addition to the Police Cooperation Agreements, Kosovo has observer status at the Ohrid Conference and it participates in various Stability Pact initiatives and the European Commission CARDS Project.¹⁷⁸

3.10 SALW management information and exchange systems
and protocols

Serbia and Montenegro

Given the State Union’s competencies, it is at this level that key diplomatic functions such as reporting to the UN and OSCE takes place. SCG has apparently complied with OSCE obligations and submitted reports to the secretariat in Vienna on its implementation of the OSCE Document on SALW and has also provided reports to the UNDDA on the implementation of the United Nations Programme of Action (UNPoA) in 2003 and 2004.¹⁷⁹

International commitments aside, little public 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 Montenegro, and the lack of transparency is an issue that hinders progress on the issue.’¹⁸⁰ A similar situation exists in Serbia, although there has been a positive level of transparency and discussion on destruction events and the 2003 amnesty. 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 cooperation is huge.’¹⁸¹

In a further boost to transparency, at the end of 2004 the Serbian Parliament passed a law on access to information which obliges the relevant authorities to respond within 15 days to a request for information that is in ‘the public interest,’ or within 48 hours if the information is relevant to the ‘vital interests’ of an individual or the population.¹⁸² It remains to be seen how effectively the new law can be implemented.

Kosovo

Transparency regarding SALW issues in Kosovo is extremely limited. As discussed previously, the fact that UNMIK retains sole responsibility for the security sector means that there is no accountable civilian oversight. The present security architecture in Kosovo is marked by the near or total absence of the features that would enable effective oversight. These include an established practice of governmental reporting to parliament; freedom of information regarding policy-making, planning and budgeting; the existence of a settled public security policy/strategy, against which actual practice can be assessed; sufficient skills and capacities among those civilians who should provide oversight (e.g.

¹⁷⁸ Ibid.
¹⁷⁹ The 2003 report also stated that, in addition to OSCE submissions, SCG also exchanges information on SALW ‘with the countries of the region and beyond’. SCG UN PoA report, 2003.
¹⁸⁰ Research undertaken by Thomas Jackson (Saferworld UK), Podgorica, 2005.
a parliamentary research unit); and an intelligent civil society that debates and critiques security policy and practice.

Table 6: Information and exchange progress

<table>
<thead>
<tr>
<th>Information and Exchange Systems and Protocols</th>
<th>Serbia and Montenegro</th>
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<tr>
<td><strong>INTERNATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Reporting to the UN DDA on the Programme of Action</td>
<td>Yes(^{183})</td>
</tr>
<tr>
<td>Reporting to the UN Register of Conventional Arms</td>
<td>Yes</td>
</tr>
<tr>
<td>Reporting to other international regimes, if appropriate (e.g. Wassenaar Arrangement)</td>
<td>-</td>
</tr>
<tr>
<td>INTERPOL/EUROPOL</td>
<td>Yes / Negotiating Agreement(^{184})</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Information exchange with OSCE</td>
<td>Yes</td>
</tr>
<tr>
<td>Annual reporting to EU (if relevant)</td>
<td>-</td>
</tr>
<tr>
<td>SECI Regional Center intelligence exchange</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>NATIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>Transparency – on SALW imports, exports and decision-making</td>
<td>No</td>
</tr>
<tr>
<td>Publication of national reports on arms/SALW transfers</td>
<td>No</td>
</tr>
<tr>
<td>Publication of SALW national strategy</td>
<td>No</td>
</tr>
</tbody>
</table>

\(^{183}\) SCG submitted a report to the Biennial Meeting of States on the UN PoA in 2003 and 2004. In 2003 however the report was not detailed.

\(^{184}\) SCG is a member of INTERPOL and, as noted above, it is also negotiating a co-operation agreement with EUROPOL. UNMIK has also signed a MoU with INTERPOL.
3 – SALW Project Funding in SEE

The tables below give an overview of SALW project funding according to area and country of activity, indicating projects undertaken, project implementers and donors. In some areas, particularly ‘SALW exports and trafficking and cross-border SALW control initiatives’ and ‘SALW management information and exchange systems and protocols’, it is hard to identify project funding as such.

Legislative and regulatory issues

<table>
<thead>
<tr>
<th>Project</th>
<th>Implementer</th>
<th>Donor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tri-partite CA/UK/US Export Control Advisory Team</td>
<td>CA/UK/US</td>
<td>CA/UK/US</td>
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<tr>
<td>SEESAC Arms Law Process</td>
<td>SEESAC</td>
<td>SEESAC</td>
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<tr>
<td>1st Regional Arms Law Roundtable, 29th November 2002.</td>
<td>SEESAC</td>
<td>-</td>
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<tr>
<td><strong>MACEDONIA</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support to Government on legislative reform</td>
<td>SACIM Project, UNDP Macedonia</td>
<td>General project funds</td>
</tr>
<tr>
<td><strong>MOLDOVA</strong></td>
<td></td>
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<tr>
<td>Support to government on legislative reform</td>
<td>US Department of Commerce</td>
<td>US</td>
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<td><strong>SERBIA AND MONTENEGRO</strong></td>
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<tr>
<td>WAC(^1) Registration Project</td>
<td>UNMIK, UNDP ISAC</td>
<td>General UNDP, UNMIK project funds</td>
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<tr>
<td>Support to Government on legislative reform</td>
<td>SEESAC/UNDP Liaison Office Podgorica</td>
<td>SEESAC</td>
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</tbody>
</table>

SALW exports and trafficking and Cross-border SALW control initiatives

<table>
<thead>
<tr>
<th>Project</th>
<th>Implementer</th>
<th>Donor</th>
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<tbody>
<tr>
<td><strong>REGIONAL</strong></td>
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<tr>
<td>SECI SALW Task Force 2002 Ongoing</td>
<td>SECI Centre, Albanian Government</td>
<td>SECI(^2)</td>
</tr>
<tr>
<td>SALW Weapons Intelligence training event, September 2003</td>
<td>SEESAC, UK NCIS, US FBI, SECI Centre</td>
<td>SEESAC</td>
</tr>
</tbody>
</table>

\(^1\) The Weapons Authorisation Card (WAC) system governs civilian firearms possession in Kosovo.

\(^2\) Saferworld also supported the work of the SECI Centre’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, and Operation Safe Place through the funding of a planning and co-ordination meeting of the Task Force in Tirana in December 2004.
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<tr>
<td>Gramsh Pilot Project 1998-1999</td>
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<tr>
<td>SALWC Project, 2002-2003</td>
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<td>UNDP</td>
<td>Finland, Ireland, UNDP, BCPR</td>
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<tr>
<td>Operation Harvest, 1998 to date</td>
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<td>SFOR EUFOR</td>
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<td><strong>CROATIA</strong></td>
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<tr>
<td>Farewell to Arms amnesty / collection project, 1996-2002</td>
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<tr>
<td>Operation Essential Harvest collection September 2001</td>
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<td>KFOR, UNMIK</td>
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# SALW destruction programmes

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<tr>
<td>Albanian Military 2000-2003</td>
<td>Albanian Government</td>
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</tr>
<tr>
<td>UNDP WED SALW destruction 2000-2002</td>
<td>Albanian Government</td>
<td>UNDP WED</td>
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<tr>
<td>Germany/Norway/USA SALW destruction 2001-2002</td>
<td>German Military Team / EOD Solutions Limited</td>
<td>Germany, Norway, US</td>
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<tr>
<td>NATO PIP APM Destruction 2001-2002</td>
<td>NAMSA</td>
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<tr>
<td>Ammunition destruction 2003</td>
<td>Albanian National Demilitarization Center</td>
<td>US</td>
</tr>
<tr>
<td>Ammunition destruction 2003</td>
<td>EOD Solutions Limited</td>
<td>US</td>
</tr>
<tr>
<td>SALW destruction 2003-2004</td>
<td>EOD Solutions Limited</td>
<td>UK</td>
</tr>
<tr>
<td>Ammunition destruction 2004 - ongoing</td>
<td>EOD Solutions Limited</td>
<td>UK</td>
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<tr>
<td>NATO SEEI ammunition destruction 2004 – ongoing</td>
<td>NAMSA / Albanian Government</td>
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<td><strong>BULGARIA</strong></td>
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<tr>
<td>SALW and ammunition destruction 2002-2003</td>
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<tr>
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<td>Bulgarian MoD/TEREM</td>
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<td><strong>CROATIA</strong></td>
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<tr>
<td>SALW destruction - unconfirmed</td>
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<td><strong>MACEDONIA</strong></td>
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<td>Operation Essential Harvest SALW destruction 2001.</td>
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<td>NATO</td>
</tr>
<tr>
<td>SALW and ammunition 2003 - ongoing</td>
<td>Macedonian Government / UNDP SACIM</td>
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<tr>
<td><strong>MOLDOVA</strong></td>
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<td>SALW destruction 2002</td>
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<tr>
<td>Ammunition destruction 2003</td>
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# SALW awareness activities

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<tr>
<td>Government public information activities</td>
<td>Albanian Government</td>
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<td>GPP AR campaign 1998-1999</td>
<td>UNDP</td>
<td>General project funds</td>
</tr>
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<td>WED AR campaign 2000-2002</td>
<td>UNDP</td>
<td>General project funds</td>
</tr>
<tr>
<td>SALWC campaign 2002-2003</td>
<td>UNDP</td>
<td>General project funds</td>
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<tr>
<td>SSSR AR activities 2003 ongoing</td>
<td>UNDP</td>
<td>General project funds, SEESAC</td>
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<td>UNIFEM conference and associated activities 2000</td>
<td>UNIFEM</td>
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<td>Women SALW training events 2003</td>
<td>Albanian Women journalists forum</td>
<td>Saferworld</td>
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<td>Peace and SALW education activities 2003</td>
<td>Albanian Centre for Peace and Disarmament Education NGO</td>
<td>UNDDA, Hague Appeal for Peace</td>
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<td><strong>BOSNIA AND HERZEGOVINA</strong></td>
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<tr>
<td>Operation Harvest AR campaign, 1998 to date</td>
<td>SFOR/NATO</td>
<td>SFOR</td>
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<tr>
<td></td>
<td>EUFOR</td>
<td>EUFOR</td>
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<td>'Farewell to Arms’ amnesty AR campaign</td>
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<td>‘For Life – Without Weapons’ campaign September 2001-March 2002</td>
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<td>Amnesty &amp; collection AR campaign August-September 2003</td>
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<td>SALW awareness campaign, municipality of Zrenjanin, North East Serbia June – November 2004</td>
<td>SEESAC, European Movement Zrenjanin – field test for SEESAC SALW Awareness Support Pack (SASP)</td>
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SALW stockpile management programmes

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SALW survey activities

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<td>‘Socio-economic Analysis and Impact Assessment of UNDP Albania SALWC Project’ Sept 2002</td>
<td>Centre for Rural Studies and Sustainable Development</td>
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<td><strong>BOSNIA AND HERZEGOVINA</strong></td>
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<td>‘SALW and light Weapons (SALW) Survey Bosnia and Herzegovina’ July 2004</td>
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<td>‘Weapons Under Scrutiny’ April 2004</td>
<td>Saferworld, CSD</td>
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<td>‘Taming the Arsenal – Small Arms and Light Weapons in Bulgaria’ March 2005</td>
<td>Saferworld, CSD</td>
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<td>‘SALW Survey in Macedonia’ 2003</td>
<td>SAS, UNDP</td>
<td>UNDP BCPR SSEESAC</td>
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<td>‘Respect Life Return the Weapons’ April 2003</td>
<td>CEDEM</td>
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<td>‘Kosovo and the Gun: A Baseline Assessment of SALW in Kosovo’ June 2003</td>
<td>SAS, UNDP</td>
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<td>‘Public Perceptions of Small Arms and Security in South Serbia’ Sept 2003</td>
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<td>‘Republic of Montenegro SALW Survey’ June 2004</td>
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<td>SEESAC</td>
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<td>‘SALW Survey of Serbia’ April 2005</td>
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### Civil Society involvement in SALW interventions

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<td>Regional NGO seminar Szeged November 2002</td>
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<td>Regional Media SALW training December 2002</td>
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<td>Sub-regional Media SALW training seminar Skopje September 2003</td>
<td>Saferworld, IWPR, SEESAC</td>
<td>Saferworld, SEESAC</td>
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<td>Sub-regional Media SALW training seminar Sarajevo September 2003</td>
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<td>Regional NGO Network seminar Sarajevo September 2003</td>
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<td>Regional NGO Network workshop Skopje December 2003</td>
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<td>SALW Awareness Support Pack Outreach Workshop, Zagreb Croatia, July 2004</td>
<td>RACVIAC, SEESAC, UNDP</td>
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<td>SALW Awareness Support Pack Outreach Workshop, Skopje, Macedonia; Chisinau, Moldova; Tirana, Albania (late 2004)</td>
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<td>Regional Seminar on renewing the UN Programme of Action on SALW and progress towards EU Accession March 2005</td>
<td>SEESAC, RACVIAC</td>
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<td>GPP AR NGO activities 1998-1999</td>
<td>UNDP</td>
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<td>WED AR NGO activities 2000-2002</td>
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<td>SALWC AR NGO activities 2002-2003</td>
<td>UNDP</td>
<td>General project funds</td>
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<td>SSSR AR/education NGO activities 2003</td>
<td>UNDP</td>
<td>General project funds, SEESAC</td>
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<td>Women SALW training events 2003</td>
<td>Albanian Women Journalists Forum</td>
<td>Saferworld</td>
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<td>Peace and SALW education activities 2003</td>
<td>Albanian Centre for Peace and Disarmament Education NGO</td>
<td>UNDDA, Hague Appeal for Peace</td>
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<td>Community-policing support for SSSR 2003-2004</td>
<td>Saferworld, UNDP SSSR, SEESAC</td>
<td>UNDP, SEESAC</td>
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<td><strong>BOSNIA AND HERZEGOVINA</strong></td>
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<td>SALW Needs Assessment</td>
<td>Centre for Security Studies</td>
<td>UNDP</td>
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<td>SALW safety and non-violence AR activities 2001-2002</td>
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<td>National Assessment on arms export controls, 2003-2004</td>
<td>Centre for the Study of Democracy, Saferworld</td>
<td>Saferworld</td>
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## South Eastern Europe Small Arms and Light Weapons Monitor

### CROATIA

<table>
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<tr>
<th>Firearms safety education 2003</th>
<th>DELTA Practical Shooting Club</th>
<th>Individual donations</th>
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### MACEDONIA

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<tr>
<th>Amnesty &amp; collection AR campaign and various supporting activities 2003</th>
<th>A number of local NGOs joined efforts to support the campaign, including CIVIL, JCWE, and ADI.</th>
<th>UNDP BCPR, Pax Christi, IANSA, Saferworld</th>
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<td>NGO SALW training event June 2003</td>
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### 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

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<td>Report on Arms Export Controls 2000-2001</td>
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<td>Annual Report on Arms Exports</td>
<td>Bosnia and Herzegovina government</td>
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4 – Annexes

Annex 4.1  Terms and Definitions
Annex 4.2  Stability Pact Regional Implementation Plan ‘Combating the Proliferation of Small Arms and Light Weapons’
Annex 4.3  Legislative and Regulatory Framework
Anex 4.1
Terms and Definitions

Ammunition
See Munition

Explosives
A substance or mixture of substances, which, under external influences, is capable of rapidly releasing energy in the form of gases and heat. [APP-6]

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.

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.

National authority
The government department(s), organisation(s) or institution(s) in a country charged with the regulation, management and co-ordination of SALW activities.

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.

Small Arms Capacity Survey (SACS)
The component of SALW survey that collects data on the indigenous resources available to respond to the SALW problem.

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.

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 of the country or region.
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.

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.

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.

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.

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 by the legal government, an international organisation or NGO.

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.

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 4.2
Stability Pact Regional Implementation Plan
‘Combating the Proliferation of Small Arms and Light Weapons’

‘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 fulfilment.

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 is 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; and,

• 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:

- National regulations on SALW, including controls over manufacturing, marking and record-keeping;
- Monitoring and regulation of international trade in SALW, including brokering regulation, common export criteria and transfer controls and information exchange; and,
- 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 fulfils 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; and,

- 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; and,

- 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 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;

- 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; and,

• 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; and,
- 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); and,

• Monitoring and reporting progress on addressing small arms, including meeting 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; and,

• 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, work plans 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 work plans, 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 fulfilment 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 4.3
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.2 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).3

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; and,

• 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).
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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’.

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).

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).

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).

Section V: Final Provisions, OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00, 24 November 2000 (OSCE SA Doc).

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).

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).

“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.

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.

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 1.3 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/CFSPE) (EU JA).

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.

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.

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.

(i), Section I, OSCE SA Doc.

Article 5, UN FP.
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.


Article 3 (b), EU JA.

(A) Common Export Criteria, Section III, OSCE SA Doc.

The EU Joint Action outlines a commitment by countries to import small arms only for legitimate national security needs, Article 3 (a), EU JA.

Criterion 6, EU Code.

2. (b) (vii) and (iii), (A) Common Export Criteria, Section III, OSCE SA Doc.

Sub-section 11, Section II, UN PoA.

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.

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.

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.

Sub-section 12, Section II, UN PoA.

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.

2. (b) (vii), (A) Common Export Criteria, and 5. (B) Import, export and transit procedures, Section III, OSCE SA Doc.

Sub-section 13, Section II, UN PoA.

6. (B) Import, export and transit procedures, Section III, OSCE SA Doc.

Recipient state to inform exporting state of receipt of shipment on request. 4., Article 11, UN FP.

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.

(D) Control over international arms-brokering, Section III, OSCE SA Doc.

Article 18, UN FP.

Sub-section 14, Section II, UN PoA.

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.

3 (i) and (iii), Section I, and (A) 1., Section II, OSCE SA Doc.

Sub-section 3, Section II, UN PoA.

“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.

The WA ‘Best Practice Guidelines for Exports of SALW’ requires participating states to support provisions concerning small arms marking, Section II, WA SALW Guidelines.

3 (i), Section I, and (B), (C) and (D), Section II, OSCE SA Doc.

Articles 8, 9 and 14, UN FP.
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.

“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.

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.

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.