



South Eastern Europe 2nd Regional Arms Laws Roundtable

In association with the Stockholm International Peace Research Institute Peace (SIPRI)

Belgrade, 25 - 26 May 2004

CONCLUSIONS AND RECOMMENDATIONS

Representatives of the states of the South Eastern Europe region, (Albania, Bosnia-Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Romania and Serbia and Montenegro) met in Belgrade to discuss the status and further strengthening of arms laws in the region. Discussion covered both export controls and domestic issues.

1. Export Controls

States agreed that effective export control systems are an essential tool in combating the transfer of small arms and light weapons and other military equipment where it might be used for terrorism, contribute to raising regional tensions, be used in internal conflicts or in the abuse of human rights.

Representatives recalled that at the First Arms Law Roundtable in November 2002, they had been unanimous in their support of adoption of legislation as outlined in documents such as the EU Code of Conduct on Arms Exports and the OSCE Document on Small Arms and Light Weapons. Since that time, considerable progress has been made in the region towards the adoption of such legislation in all countries. Such progress was important for the integration of the states in the region into Euro-Atlantic structures.

States recognized that, after the adoption of export control legislation, it is necessary to focus on the enforcement of this legislation. They welcomed the guidance on the operation of an export control system contained in the SEESAC Regional Micro-Disarmament Standards and Guidelines (RMDS/G) and the OSCE Handbook on Small Arms and Light Weapons, in particular the chapters on export controls, transfers and brokering.

States discussed a number of the practical issues related to the introduction of export control systems, which would command the confidence of regional partners, the international community and the public. Amongst these issues, they considered in particular:

- The importance of having an authenticated end-user certificate or other form of official documentation in support of transfers of military equipment. States recalled the Statement on Harmonisation of End-Use/End-User Certificates (EUCs) adopted at the meeting of the Stability Pact Working Table III in Sofia in December 1999, which sets minimum requirements for this documentation. They also stressed, however, the crucial importance of verifying the authenticity of the information provided, including by checking the bona fides of the official who has validated the EUC. They agreed to exchange information on the officials and institutions authorized to validate EUCs in their countries, and copies of the official documentation they produce. States welcomed the forthcoming adoption of an OSCE Decision on Standard Elements of End-User Certificates and Verification Procedures.



- ❑ The importance of transparency in arms exports, as a means of increasing confidence and ensuring that progress in implementing international and regional export control standards can be assessed. States in the region noted that they already contribute to the United Nations Conventional Arms Register and the OSCE Information Exchange on Small Arms and Light Weapons. These are important mechanisms. However, it would be appropriate to extend the information provided to the public to all the items covered by the European Union Common Military List, which covers, inter alia, spare parts, components and ammunition, whether from surplus or new production. States noted that the EU Annual Report on Arms Exports, which is publicly available, gives, for each Member State's arms exports:
 - ❑ The number of export licences issued to each destination country;
 - ❑ The total value of the licences granted, and/or the total value of the actual exports to each destination country; and
 - ❑ The number of licences refused, and the Criteria of the EU Code of Conduct on Arms Exports on which those refusals were based.

They considered that this represents a level of transparency that they would work to achieve on a national level.

The importance of combating the proliferation of Man-Portable Air Defence Systems (MANPADS), in view of the threat they pose to civil aviation in the hands of terrorist groups and individual terrorists. States noted that they would exercise extreme caution when assessing any applications to export MANPADS or permit the transit or trans-shipment of these weapons across their territories. They fully supported the future adoption in the OSCE of a Decision on the Principles of Export Controls on MANPADS, based on standards already existing in the Wassenaar Arrangement.

States emphasized the need for additional resources to further enhance the effectiveness of their export control systems, including their transparency, and in this regard would welcome assistance of all kinds, including technical and financial assistance, in reaching this objective. They also agreed to increase the information they exchange between themselves on their export control legislation and systems, and underlined their determination to further strengthen their co-operation in this important area in the future.

2. Arms Possession

The following recommendations are aimed at promoting the improvement of national legislation on arms possession and enhancing its effective implementation.

Improvement of National Legislation

Decisions to authorize citizens to carry SALW should first and foremost be based on the principle of legitimate justification. An extensive use of the self-protection motive may lead to excessive proliferation of SALW within civilian population. States of South Eastern Europe seek to ensure the appropriate protection of their citizens through their national and local public authorities.

Authorities in charge of delivering arms permits should ensure that applicants meet the necessary conditions of age, mental health, training and regarding their judicial record.



States of South Eastern Europe share the aim to harmonize their national legislation on the individual possession of arms with the overall existing European norms and standards.

National legislations should cover in a balanced manner all types of existing SALW.

Legislation should be specific enough to cover different possible situations relating to holding, carrying, transporting and using SALW. Specific use in the context of sport shooting and hunting should also be appropriately covered by national legislation.

National legislation, when appropriate in different texts of law, should cover all situations in which individuals are authorized to carry weapons, in particular regarding the use of SALW in professional context by authorized state agencies, private firms and by the armed forces.

National amnesty laws are an essential tool to reduce the number illegally held SALW amongst civilians.

In the development or amendment of legislation, lawmakers should as standard practice, consult with and be advised by those involved with implementation in order to increase the chances of producing a successful and effective legislative tool. In addition, consultation with neighbouring countries will also bring the benefits of increased harmonisation.

Implementation Issues

The question of the timeliness and appropriate time framing of amnesty laws, and the effective interaction of these laws with standard possession legislation, is a core element of their success. In order to achieve their goal, amnesty laws must provide sufficient flexibility for citizens to turn in their undeclared weapons without fear of prosecution and as the local confidence in the public authorities capacity to ensure security in post conflict areas is gradually restored. While the value of maintaining the possibility for surrender of weapons in 'good faith' is key, authorities should ensure that criminal sanctions can be effectively implemented and that individuals are not given the opportunity to indefinitely hold undeclared / unlicensed / illegal weapons.

There is a need to ensure that both the public and the implementers (law enforcement agencies) are fully aware of rights and obligations under possession legislation. Public information campaigns may be required on the introduction of new or amended legislation, as will capacity building for implementing agencies.

The constitution of effective and comprehensive national databases of SALW (including weapons licensed for civilian possession, state-held, produced/manufactured, exported, and involved in criminal investigations) is also, among other assets, an essential tool for national police forces in the appropriate implementation of national legislation. Financial and technical assistance will also be important in the establishment of such databases, and in the provision of assistance the donor community should endeavour to be as harmonized and co-ordinated in its approach as possible.

Penalties for law offenders should be strong enough to deter individuals from breaching the law and yet not lead law enforcement authorities to renounce implementation of national legislation for practical and equity purposes.



3. Areas of linkage to combating SALW trafficking and illegal exports

The following areas of linkage between the issue of Small Arms possession and laws to counter cross border trafficking and illegal exports of SALW have been identified.

- ❑ The effectiveness of amnesty laws also bears consequences on cross-border trafficking, as their aim is to eventually to reduce global demand for SALW.
- ❑ States in South Eastern Europe seek to ensure that the difference between existing penalties for illegal exports and illegal possession of SALW should be fair and appropriately balanced.
- ❑ The fight against organized crime and terrorism at a national level require appropriate development and implementation of national legislation regarding possession of arms, trafficking and exports. The co-ordination of public action in these different areas is essential to the success of overall policies.

A handwritten signature in black ink, appearing to read 'Adrian Wilkinson', is located below the list of points. The signature is written in a cursive style with a long horizontal stroke at the end.

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