

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”

With reference to note DDA/3-2003/TSA of 13 January 2003 and further to our reply in 2002 to operative paragraph 12 of UNGA resolution 56/24 V, we have the honour to inform you hereby of the following additional and most recent activities concerning the implementation by the Republic of Bulgaria of the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*:

Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

Implementation at the national level

Several amendments were introduced to the laws which are part of the basic legal framework on SALW in Bulgaria:

- Amendments in 2002 to the Penal code of the Republic of Bulgaria ¹ ;
- Amendments to the Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies (SG No 102/1995, as amended in SG 75/2002) and the adoption of an entirely new Regulation on its implementation (SG No 115/10.12.2002);

¹ Promulgated in State Gazette No. 26/02.04.1968, latest amendment in SG No 92/27.09.2002

Main articles concerning arms:

Article 337 (As amended - SG, Nos. 41/1985, 50/1995, 92/2002)

(1) A person who manufactures, processes, repairs, develops, keeps stockpiles, trades in, transports or exports explosives, firearms, chemical, biological or nuclear weapons or ammunition, without having the right to do so by law, or without licence from the respective government body, or does so not in compliance with the licence given to him, shall be punished by deprivation of liberty from one to six years.

(2) The punishment shall be deprivation of liberty from two to eight years where the act has been committed:

1. by an official who has availed himself of his official position;

2. for a second time, in cases other than minor.

(3) Where the object of the crime has been of large amount, the punishment shall be deprivation of liberty from three to ten years.

(4) Where the object of the crime has been of particularly large amount and the case has been particularly grave, the punishment shall be deprivation of liberty from five to fifteen years.

Article 338

(1) (As amended - SG, No. 10/1993) A person who, while keeping, transporting, sending or working with explosives, firearms or ammunition, fails to take the necessary safety measures and in particular the measures provided by the respective rules and regulations, orders or instructions, shall be punished by deprivation of liberty for up to two years or by a fine of up to ten thousand Bulgarian Leva.

(2) If from the above an explosion has followed, and medium or severe bodily injury or death have been caused to one or more persons, or considerable property damages, the punishment shall be deprivation of liberty from two to eight years, and in particularly grave cases, the punishment shall be deprivation of liberty from five to fifteen years.

Article 339

(As amended - SG, Nos. 41/1985, 50/1995, 92/2002)

(1) A person who by any means whatsoever acquires, holds or gives to another explosives, firearms, chemical, biological or nuclear weapons or ammunition, without due permit therefor, shall be punished by deprivation of liberty for up to six years.

(2) Where the explosives, firearms, chemical, biological or nuclear weapons or ammunition referred to have been in large quantities, the punishment shall be deprivation of liberty from three to eight years.

(3) A person who appropriates or gives explosives or firearms, chemical, biological or nuclear weapons to a person who has no permit for their acquisition, shall be punished by deprivation of liberty for up to six years.

(4) The punishment under the preceding paragraph shall also be imposed on persons who sell or give to other ammunition, where the latter do not have permit to carry the respective weapon.

(5) (New - SG, Nos. 62/1997, 92/2002) The punishment under paragraph (1) shall also be imposed on a person who retains without permission explosives, firearms, chemical, biological or nuclear weapons or ammunition that he may have found.

- Law on the Control of Explosive Substances, Firearms and Ammunition (SG No 133/1998 as amended in SG 85/2000) and the Regulation on its implementation (SG 78/1999; as amended in SG 58/2001, 1/2002);
- Amendment to the Decree No 91 of 9 April 2001 on the approval of a list of countries and organizations with regard to which the Republic of Bulgaria, in accordance with resolutions of the United Nations Security Council and with decisions of the European Union and the Organization for Security and Co-operation in Europe, applies prohibition or restrictions on the sale and supply of arms and related materiel (SG 37/2001, 70/2002, 22/2003);
- A number of procedural regulations and internal standards issued by the competent authorities.

On 15 February 2002 Bulgaria signed the **Protocol against Illicit Production and Trafficking of Firearms, Their Parts and Components** to the UN Convention on Trans-National Organized Crime. The Protocol was ratified by the National Assembly on 19 June 2002 and the instrument of ratification was deposited on 6 August 2002.

On 7 March 2002 the Council of Ministers adopted a **Decision for the approval of the United Nations Programme of Action**. It tasks the different governmental institutions with the implementation of the principles, norms and the requirements contained in the PoA. All involved institutions have designated an authorised point of contact, thus creating an effective mechanism for its implementation. The established network involves experts competent on different aspects of SALW – export control, customs control, stockpile management and destruction of surplus, control over the manufacture and record keeping etc. The NATO and International Security Directorate of the Ministry of Foreign Affairs has been designated as a **national point of contact**.

The **Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies** was amended and strengthened in August 2002. Bulgaria's exports control regime, which includes a two-tier licensing and control mechanism consisting of two governmental inter-agency bodies, was substantially enhanced. According to the Law, **the Interministerial Council** grants the right to companies to perform foreign trade activity in arms and dual-use goods and technologies.² The Council is chaired by the Deputy Prime Minister and Minister of Economy and its standing members are the Deputy Ministers of Economy, of Foreign Affairs, of Defence, of Finance, of the Interior, of Transport and Communications, of Regional Development and Public Works, the head of the National Intelligence Service and the Deputy Chief of General Staff of the Bulgarian Army. The Secretary of the Council is designated by the Prime Minister and is responsible for controlling the implementation of the decisions of the Council. The requests by licensed companies for permits to export, import, re-export, transit or change the end-user on the territory of the country are considered on case-by-case basis by the **Interdepartmental Commission for Exports Control and Non-proliferation of Weapons of Mass Destruction**. The Deputy Prime Minister and Minister of Economy chairs the Commission and its members are representatives of the

² See the appended chart on Dual-Use and Arms Licensing System in the Republic of Bulgaria

ministries of Economy, of Foreign Affairs, of the Interior, and of Defence. All the decisions of the Commission are taken by consensus.

The **system for export control** provides for:

- a. general or partial licensing of companies, including brokers, which meet the criteria for foreign trade in arms and/or dual-use goods and technologies for a period of up to 12 months;
- b. consideration on a case-by-case basis and issuing, where appropriate, of a permit for each individual transaction;
- c. enhanced sanctions against possible violators, including through the adopted in 2002 amendments to the Penal Code;
- d. improved control over brokering activities. The amended Bulgarian legislation included provisions for a licensing regime for brokers. Licenses could be granted only to reliable and economically stable physical or legal persons. Bulgarian control authorities keep a register of licensed brokers that will be revised periodically.
- e. post-shipment verification (Delivery Verification Certificate – DVC).

Bulgarian contribution at the regional and global levels

A Bulgarian representative – the Director of NATO and International Security Directorate at the Ministry of Foreign Affairs, the national point of contact on the issues of SALW – participated in the meetings in 2002 and 2003 of the Group of Governmental Experts to assist the Secretary-General in examining a study on the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

Bulgaria organized and hosted a number of international events with wide participation of representatives of countries from South-Eastern Europe, the European Union and acceding and associated countries.

- In March 2002 Sofia hosted an international Seminar on issues of SALW - "Controlling Small Arms Proliferation: The View From Bulgaria", organised by Saferworld (London) and the Bulgarian Red Cross in close collaboration with the Bulgarian Ministry of Foreign Affairs and the Atlantic Club of Bulgaria;
- In April 2002 Bulgaria hosted the Third Experts Meeting of EU Member States and Associated Countries on Conventional Arms Export Policies and Controls;
- On 11-12 November 2002 Sofia hosted the First Preparatory Seminar of the 11th OSCE Economic Forum about the national and international economic impact of small arms and light weapons trafficking (in appendix 1 find the welcoming

address of the Minister of Foreign Affairs of the Republic of Bulgaria at the opening of the Seminar).

Bulgarian representatives took part in a number of regional events where they shared the Bulgarian experience in implementing the Programme of Action, notably in strengthening the export control mechanism and destruction of surplus SALW:

- Regional seminar on the implementation of the OSCE Document on SALW and the UN Programme of Action on the Illicit Trade in SALW in All Its Aspects (Bucarest, 24-26 February 2003);
- Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South-Eastern Europe (Brdo pro Kranju, Slovenia, 11-12 March 2003). Dr. Nikola Mihaylov of the Bulgarian Ministry of Defense presented a report about "Stockpile Management and Security of SALW" (see appendix 2) at this Conference, which played the role of a sub-regional preparatory event for the First Biennial Meeting of States on the Implementation of the Programme of Action;
- Regional Steering Group for the Control of Small Arms and Light Weapons in South-Eastern Europe (Tirana, 11 April 2003);
- Conference on "International cooperation in preventing, combating and eradicating illicit brokering in SALW" (Oslo, 22-24 April 2003).

WELCOMING ADDRESS
by H.E. Dr. Solomon Passy
Minister of Foreign Affairs of the Republic of Bulgaria
at the opening of the First Preparatory Seminar of the 11th OSCE Economic Forum
Sofia, 11-12 November 2002

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

It is an honor and a pleasure for me to welcome you today to the First Preparatory Seminar of the 11th OSCE Economic Forum about the national and international economic impact of small arms and light weapons trafficking.

Undoubtedly together with the UN and EU, the OSCE is among the organizations, which have contributed the most to the control of small arms and light weapons traffic. The Participating States gave an inspiring example for enhancing the responsibility and transparency in small arms transfers by adopting the OSCE Document on Small Arms and Light Weapons.

In the presence of the Portuguese OSCE Chairmanship, I would like to express my satisfaction with the fruitful cooperation with the OSCE Secretariat and the Netherlands during the organization of this seminar. This sets an excellent course of interaction and is an example of continuity between the 2003 Chairmanship-in-Office and Bulgaria, a candidate for the Chairmanship in 2004.

The tragic humanitarian consequences of the traffic, destabilizing accumulation and use of small arms and light weapons are self-evident. This type of weapons was among the most widely used in all armed conflicts in the last decade causing death and suffering to hundreds of thousands of innocent victims. At the same time, the economic consequences have not been subject to a detailed discussion. It is noteworthy that the OSCE is the first to undertake the task of formulating a multi-faceted approach to addressing this issue. This demonstrates its potential to be among the main international organizations responding adequately to new challenges.

The national and international aspects of the trafficking these weapons have different dimensions and wide socio-economic consequences. These consequences could transform into serious impediments to the development of affected countries and even of whole regions.

Without being exhaustive, I would like to point out some of the main consequences of this problem:

- Firstly, the trafficking of small arms and light weapons fuels armed conflicts. These conflicts inflict suffering and affect a significant part of human resources and consequently the economy. A serious aspect of the problem is big refugee flows, which require

considerable resources from the hosting, in most cases neighboring, countries, placing additional financial burden on them.

-- The destabilizing accumulation of small arms due to illicit trafficking has a negative effect on the investment climate on a national and regional scale. The perception of a given region or country as unstable is detrimental to the credit rating of the latter. It is not surprising that the credit rating of Bulgaria has been constantly rising lately. This is proof, *inter alia*, of the enhanced stability in Bulgaria and of the very fact that my country has been an exporter of stability.

-- Illicit trafficking is a basic form of organized crime, which affects the normal functioning of the society and state. It diverts significant resources of legal financial turnover as well as creates negative phenomena such as corruption and money laundering. This can lead to the criminalization of the economies of certain countries. The trans-border span of traffic channels turns national problems into regional and international ones. In most cases the illicit trafficking of arms, drugs and human beings are interrelated. This determines the scale of their negative socio-economic consequences.

-- The collection, safe storage and destruction of considerable quantities of small arms and light weapons requires substantial financial and technological resources, which could, otherwise, be channeled to other activities with a positive economic and social effect.

-- In the short-term, the increasing public pressure for limiting the production and trade in small arms has a significant effect on companies manufacturing such items and poses the question of restructuring of their activities.

-- And last but not least, the link between trafficking in small arms and terrorism is so self-evident that it hardly needs to be analyzed.

Bulgaria pays special attention to the issue of trafficking in small arms and light weapons. I take this opportunity to reiterate that the Bulgarian government is strongly committed to a consistent and responsible policy of export controls. The amendments to the Law on Control on Foreign Trade Activity in Arms and Dual-Use Goods and Technologies which entered into force in September this year is a proof of this. Strengthened control on brokers' activity and severe administrative penalties for violators are among the most important amendments.

The first preparatory seminar in Sofia is the stepping-stone for the 11th OSCE Economic Forum. As a part of the series of preparatory seminars on the different forms of trafficking – in small arms, drugs and human beings – the Sofia event will contribute to the clarification of their interrelatedness. The ultimate objective is the development of a comprehensive policy of the OSCE for addressing such negative phenomena, and you, dear participants, are entitled to contribute to reaching this objective.

**UNITED NATIONS SUB-REGIONAL CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND
LIGHT WEAPONS IN SOUTH-EAST EUROPE**

10 – 12 March 2003

**REPUBLIC OF BULGARIA
MINISTRY OF DEFENCE**

**STOCKPILE MANAGEMENT AND SECURITY
OF SMALL ARMS AND LIGHT WEAPONS**

**A. Management of information gathering and location of
stockpiles**

According to the national standards, every unit of Small Arms and Light Weapons (SALW) is marked in a unique pattern, so it becomes easily recognizable. The pattern gives information about the serial number, the year of production, the lot number (if any) and the number of the producing plant (indicates the country of origin as well). In case of import/export, the country of origin is also stated in the technical documentation of the weapon.

SALW are registered according to their type, serial number, quantity and category (degree of technical condition/serviceability). There is a special document regarding the quantitative and the qualitative account in the Armed Forces. The quantitative account is being kept in special books at the first (Company) and the second (Brigade/Battalion) level. The serial number and the category are entered as well. Whenever there is an incoming or an outgoing item, the change is registered in the books, based on the filling in and signing of special form. The more detailed qualitative account is being kept in the individual technical documentation (form, passport) of each item.

The second level (Brigade/ Battalion) controls the transfer of items between the sub-units and keeps record of the overall quantities within the unit (both in the sub-units and the unit's storage facility).

The third level (Army level) controls the transfer of items between separate military units and keeps record of the overall quantities within the Armed Forces (both in the units and in the central storage facilities).

Any transfer of SALW can be initiated only by a special document, issued by the third level. One copy goes to the unit (or storage facility) supplier, another copy goes to the recipient, the third copy stays with the initiator and a fourth copy goes to the data-base (if necessary).

Any surpluses go to a special central storage facility, which is located next to the plant, holding the technology to destroy SALW.

All confiscated or collected unauthorized small arms or inadequately marked weapons are to be destroyed as soon as possible (subject to certain legal procedures associated with the criminal prosecution).

In war-torn or conflict-prone regions, vast quantities of SALW lost from official stores through theft, corruption or neglect appear to be a serious problem. Fortunately in Bulgaria, we are not facing such problems. But we have some lessons learned from our UN military observers and we could contribute to further discussions.

The inventory management system is controlled by means of:

- Physical checks of the availability by the responsible persons;
- Inventory control during the hand over/take over from one responsible person to another;
- Annual inventories (stock-taking) within the units, made by authorized groups of specialists, ending up with Inventory Acts, which are put together at the higher level and compared with the overall database;
- Inspections by the higher-level inspection bodies and sudden inspections by authorized officers.

The location of stockpiles is fixed. There are no temporary stockpiles. Some quantities of SALW stay with the operational units and depend on the operational needs. Most of the quantities were stored in the Central Storage Facilities. The Central Storage Base (CSB) was built years ago, but constant measures are being taken so that it corresponds to the requirements of the relevant documents. In brief, the main principles of choosing a stockpile location are:

- Away from the national boundaries;
- Accessible by road and at the same time difficult to be approached by unauthorized persons;
- Minimum risk of natural catastrophes;
- Far enough from towns/villages/great industrial facilities;
- Environmental protection.

B. Construction features

The maintenance of secure arms depots requires specially designed facilities, substantial resources and well-trained personnel.

The storage facilities are mostly aboveground structures built by reinforced concrete or prefabricated concrete elements. The doors are metal and are locked with combination locks, backed up with padlocks. This applies to all Central Storage Facilities. In the operational units wooden doors backed up with a metal grid are acceptable. Windows are normally small and located close to the ceiling, so that they are inaccessible. In all the other cases, windows are blocked with metal grids. Lightning protection is an obligatory measure, which has to be checked every spring.

Brushes along the sides of the building must be cleaned carefully for the purposes of fire protection. Fire-fighting equipment is located by each structure.

Piles of ground are normally erected along the sides of the structures. This especially applies to the facilities, where ammunition and explosives are stored.

There is a special (anti-spark) type of lighting. The switches are located outside of the facilities. Measuring devices for the temperature and humidity are installed inside the facility.

There is no heating system in SALW storage facilities.

C. Guarding

All the SALW storage facilities are subject to 24 hrs guarding. At some places electronic guarding is implemented to back up human guarding.

The General Staff has developed a Concept for building and installing integrated alarm systems in weapons and sensitive item storage areas. The first Integrated Alarm System (IAS) was developed in 1997-1998 and was implemented at the SALW Central Storage Facility. Two more IAS are already in use. There is a plan to equip with such systems all warehouses and storage locations by 2007.

Normally, several guard-posts with 3-4 guards at each post secure a given storage location. The guards are currently conscripts. The MOD is considering replacing the conscript guards with private security companies, which would offer the advantage of well-trained, long-term guard force.

An Integrated Alarm System has a central monitoring station and several subsystems:

- Perimeter subsystem;
- Violation registration subsystem;
- Sub-system for signalization of safety within the structures;
- Video-monitoring sub-system;
- Access control sub-system;
- Fire alarm and fire-fighting sub-system.

Each SALW storage structure has entrance and internal movement sensors. If an unauthorized entry is noted, the supervisor and a response force if necessary are dispatched to check the situation. There is a back-up response force available at the central station to reinforce the three guard posts. There were no attempts so far to breach the system.

IAS are operational at all Land Forces SALW storage facilities. IAS installation at Airforce and Naval SALW storage facilities is planned for 2003-2004, but the quantities of SALW being kept there are negligible. When the installation of all the planned local Integrated Alarm Systems is completed, modem links to the General Staff (Logistic Command) will ensure the real-time monitoring of all facilities.

D. Destruction of surpluses

Under the Conventional Armed Forces in Europe Treaty (CFE), the 137th Central Base for Storage and Technical Maintenance and Repair (CSMRB) in the town of Veliko Tarnovo was designated as a destruction location. The 137th CSMRB is under the General Staff Logistic Command. Since receiving its designation, by November 2000, 352 artillery systems over 100-mm calibre had been destroyed at this location. Weapons confiscated by law enforcement agencies are normally retained by the agencies. At some point the confiscated

weapons are sent to 137th CSMRB for destruction, but the quantity is negligible. The number of illegal weapons in Bulgaria is apparently small.

Military style weapons in Bulgaria are either in units or are stored at the 137th CSMRB. The General Staff controls storage, accountability and movements.

The Ministry of Defence is in a process of defining surpluses for SALW. The first goal is to identify the requirements of the Armed Forces. The Parliament has determined the size of the military - 45 000 by 2004. The Logistic Command is working on determining the requirements for SALW. The surplus weapons will be concentrated at the 137th CSMRB awaiting destruction.

The State Department of the United States provides financial support for the implementation of a project for destruction of SALW and munitions. After the completion of the first phase, 77 000 units of SALW and 512 tons of munitions were destroyed by the end of February 2002. A new agreement with the State Department for destruction of SALW during 2003 was concluded and destruction of SALW and munitions has started.

Procedures have been developed for twenty-seven types of SALW systems. The process is based on crashing some SALW components (plastic deformation) and oxy-fuel or saw cutting others. The design of the individual components mandates the process (i.e., small components are crashed and large or heavy components are cut). Detail process steps have been developed for each weapon, including initial steps such as ensuring the chamber is empty, serial number identification and degreasing.

Principles that guide the development of technology are:

- The technology must reliably destroy the weapon so it becomes totally unserviceable;
- Strict accountability must be maintained throughout the process.

Scrap generated by the process will be disposed of using an environmentally acceptable manner. For instance, a steel producer will melt metal parts for reuse of the steel.

In conclusion, we could summarize that the Republic of Bulgaria is committed to promoting and ensuring security of SALW stocks by the means of:

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