

**Report of the Republic of Macedonia**  
**on the implementation of**  
**the United Nations Programme of Action to Prevent,**  
**Combat and Eradicate the Illicit Trade in Small Arms and**  
**Light Weapons in All Its Aspects**

**Skopje May 2003**

## **Introduction**

The Republic of Macedonia actively participated in the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all Its Aspects and endorsed the Programme of Action adopted therein. The Ministry of Interior, in cooperation with the Ministry of Defense and the Ministry of Foreign Affairs, has been given the principal responsibility in coordinating and developing a national policy on small arms, research and monitoring the efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects. The Ministry of Foreign Affairs has the general task of liaising with other States on various matters related to the implementation of the UN Programme of Action, as well of participating in international negotiations *fora* on small arms instruments.

### **I.**

#### **National practice and procedures for trading in weapons**

The Republic of Macedonia does not manufacture SALW. The only factory for ammunition production "Suvenir" repairs and remodels a limited quantity of weapons, which are correspondingly marked according to the marking criteria.

Every weapon being imported is marked according to the marking criteria of the manufacturing country since only the registered weapon can be licensed under the law. A marked weapon has to contain following data: country of manufacture, manufacturer, serial number, and year of manufacture. An unmarked weapon is considered illegal and will be seized immediately.

This equally applies to the governmental agencies (authorized to carry arms) as well as for weapons for commercial purposes.

The export/import licenses can be issued to the enterprises registered to deal with weapons subject to fulfillment of the following criteria:

- the enterprise is registered in the court register following the approval issued by the Ministry of Interior;
- the Ministry of Interior issues import/export license; and
- the actual import/export of the weapons needs certification of approval for crossing the state border issued from the Ministry of Interior, upon previously obtained opinion on the political credibility of the country exporter from the Ministry of Defense and Ministry of Foreign Affairs.

For every particular import, specification list needs to be made for the brand, type, caliber, serial number, quantity, country of manufacture, manufacturer, broker for each case concerned, etc. The import is strictly controlled by the competent authorities: Ministry of Interior and the Customs Office, making sure the imported weapon shipments reach their final destination safely and are stored appropriately.

The importer has to keep precise register for the imported weapons.

All the relevant documentation and data are kept in the Ministry of Interior permanently, although there is no centralized computerized registering system in place.

The licenses for the trade companies are limited to a six months time period, but they are not limited in quantity.

If there are violations, the resident Companies shall be banned to deal with weapon permanently or temporarily.

## II.

### Illegal trafficking in arms

Illegal trafficking in arms, as one of the most grievous forms of crime in the Republic of Macedonia increases rapidly. This is confirmed by various analysis of the Ministry of Interior, indicating an increased number of criminal acts in this area and increased confiscated quantities of fire arms, ammunition and explosive materials illegally owned by individuals in the country. A general view is that the current situation is a reflection of a variety of unfavourable economic, political and security conditions in the Balkans, especially after the disintegration of former Yugoslavia, the wars in Bosnia and Herzegovina and Croatia, the armed conflicts in Serbia and Montenegro – Kosovo and Southern Serbia, the civil unrests in Albania, the security crisis in the Republic of Macedonia during 2001, the present transition and economic processes in the country etc. The geographical location of the Republic of Macedonia, being at the crossroad of the so-called Balkan route, caused that large part of the criminal activities in the region go through its territory, including trafficking in arms. Although there are no official figures, estimates are that in the Republic of Macedonia a considerable amount of arms, ammunition and explosive materials are in illegal possession.

After the security crisis in Macedonia in 2001 which, in our view, is a consequence of and a cause for a major outbreak in proliferation and illicit trafficking in small arms in the country and wider in the region, a NATO led mission “Essential Harvest” aimed at voluntary handover/collection and destruction of small arms in possession of the belligerents was carried out. Although it did result in collection of certain amount of arms in illegal possession (over 3500 peaces of weapons) it was not meant and it did not address the problem in a comprehensive manner and the vast majority of arms remained in illegal possession.

During the 1998-2003 period the increase of illegal trade in fire arms is evident. In that period, there were 883 criminal charges registered under article 396 from the Criminal Code “Illegal possession of weapon and explosive materials”, filed against 1228 offenders, and 9.876 pieces of weapons were seized out of which 3.119 military weapons, 571 hunting weapons, 279 sport weapons, 5.915 rest, as well as 477.984 patrons, 11 tons explosives.

During the year 2002 only, 153 criminal acts were registered with 215 offenders. In that year, a total of 713 pieces of weapons were seized, as follows:

1. Military weapon	381
/pistols	278
/automatic and semiautomatic rifles	48
/revolvers	26
/rifles	25
/light weapon	4
2. Hunting weapon	89

3. Sport weapon	19
4. Rest	242
/bombs	91
/gas pistols	24

Along with the weapons, there were 9.520 pieces of ammunition and 174 gr. of explosives seized.

Criminal charges against 340 offenders were filed in accordance with the Law on Procurement, Possession and Carrying of Arms.

According to the data available in the Ministry of Interior, the seized quantity of weapons was illegally transferred to the Republic of Macedonia during the previous years from Kosovo and the Republic of Albania.

Pursuant to Article 396 of the Criminal Code entitled "Illegal possession of weapon and explosive materials", offenders shall be fined or imprisoned for this crime ranging from 1 to 3 years.

For a larger quantity of weapons in illegal possession, penalties vary from 1 to 10 years imprisonment.

For the offenses according to Articles 31, 32, 33 of the Law for Procurement, Possession, and Carrying of Weapons, offenders shall be subject to prosecution, their weapons seized and fined ranging from 50 to 100 salaries for legal persons, and ranging 5 to 15 salaries for natural persons.

#### Registered weapons and issued licenses by the Ministry of Interior

According to the available data from the Ministry of Interior as of 31<sup>st</sup> of March 2003, there are 155.992 pieces of weapons registered in the Republic of Macedonia as shown in the table below:

<b>Types of Weapons</b>	<b>Natural persons</b>	<b>Legal entities</b>	<b>Shooting associations</b>
Hunting rifles	70574	439	
Combined hunting rifles	391	0	0
Semiautomatic Hunting rifles	148	0	0
Hunting carbines	10982	1885	19
Carbines	2140	2700	207
Small caliber rifles	4508	664	607
Small caliber Pistols	475	145	52
Pistols and revolvers	48128	5890	14
Air arms	2428	745	1343
Air guns	69	6	94
Semiautomatic		1323	

carbines			
Carbines	1		6
Flobers	9		
Total	139857	13797	2342

Explanations:

1. Licenses for possession of weapon, as shown in the table under the columns “legal entities” and “shooting associations” are given according to the types of weapons.

2. The situation in the table as shown under the column “natural persons” includes both licenses for possession and carrying of weapon and licenses for possession.

**III.**

**Current national legislation related to weapons**

1. The existing **Law on Procurement, Possession and Carrying of Weapons** (“Official Gazette of SRM” no. 25/77, 30/72, 18/76, 25/76, 15/83, 51/88 and “Official Gazette of the Republic of Macedonia” no. 26/93) sets out legal conditions for procurement, possession and carrying of weapons and weapon parts, as well as for nullification of issued licenses for weapons, ammunition, selling of weapons and ammunition, and repairing and remodeling of weapons. The law applies to all citizens, enterprises or other legal entities or state authorities, except for the military personnel, employed personnel in the Ministry of Interior and security guards in the correctional institutions who are entitled to possess or carry arms according to special regulations and weapons and ammunition which is procured for the needs of the territorial protection units and civil protection units.

The law stipulates that, subject to approval issued by the Ministry of Interior, the following items may be procured: military rifles, hunting carbines, pistols, revolvers, small caliber rifles, small caliber pistols (weapons with smooth bore barrel), hunting guns, air arms (weapons with rifled barrel) and weapons parts.

The law forbids procurement, possession and carrying of firearms with special accessories (silencer, blinding lights), disguised weapons, any objects which eject a bullet, shell, or buckshot under the pressure of powder gas, explosives or gas arms especially made for assaults and side arms.

Approval for procurement of weapons, according to this law, cannot be issued to: underage persons, persons with mental disorders or mental disabilities, or persons with limited working abilities, persons indicted or convicted for a crime that makes him unfit to possess or carry a weapon, or if there is indication that weapons may be misused, or during an ongoing criminal procedure. Procurement of weapons with rifled barrel shall be denied to persons who have no justified reason to possess and carry arms, or if this is to preserve public peace and order. Enterprises or other legal entities or state authorities shall not be issued approvals for procurement of weapons in cases where, in performing of their business activities, there is no need to protect property, while military rifles and pistols can be obtained only if there is an organized service for property protection.

Enterprises or other legal entities and state bodies can be issued licences for possession of weapons. Citizens can be issued licences for possession and carrying of weapons, or only licences for possession of weapons (licence for weapon). A licence for weapon is issued for an indefinite period of time. Trophy weapons (fire arms and cold weapons which are kept in memory of appraisals and wars for liberation) are issued licences for possession of weapons, while old weapons (fire arms or cold weapons with historical or artistic value, or used for sports or manifestation purposes, or as a segment of traditional clothes and no longer in use) can be obtained without approval and possessed without a licence, provided that it is registered with the Ministry of Interior for the purpose of evidence. It is forbidden to carry and use trophy and old weapons and to obtain ammunition.

There is an understanding that accepted classification of weapons as set forth in the Law on Obtaining, Possession and Carrying of Weapons, and the established control regime for the obtaining, possession and sale of weapons and ammunition do not correspond with the international standards and experiences in this area. Also, vague definitions contained in the Law create problems to the implementing state bodies in the fight against illegal trafficking in weapons and ammunition, and in prevention and suppression of crime.

Furthermore, since the country is in the process of association to the European Union, there is also a need for full harmonization of the national legislation with the corpus of international instruments in this field (especially with the European Convention for Control of Obtaining and Possession of Fire Weapons by Individuals of the Council of Europe of 28.06.1991 and the Recommendation R (84)23 for harmonization of the national legislation which relates to the fire weapons from 07.12.1984) as well as with the legislation of certain European countries on the issue of control of weapons (obtaining, possession, carrying, manufacture, import and transport of weapons and ammunition). All these led to the need to prepare a **new Law on Weapons** aimed to incorporate and would implement international standards and comparative experiences in this area. In the preparation of this law, various solutions provided by laws dealing with issues of weapons in several states: UK, Italy, Germany, Switzerland, the Czech Republic, Slovenia, Croatia and some others were used as references, adjusted to the specifics of our legal and political system. The draft-Law on weapons is in its advanced phase of preparation, and the programme of work of the Government of the Republic of Macedonia for 2003, envisages that passing of this law be revisited soon, first reading by September and second by November of this year.

2. 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 the 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** ("Official Gazette of the Republic of Macedonia", No. 54/2002). By the terms of this Law, the 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 (engineering and other electro-technical means, means for radiological-biological-chemical and personal protection, logistic technical means, means for managing and remount, package for transport and storage of technical and exploitation documentation etc.), 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.

According to the **Law on Arming and Military Equipment**, 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:

- export/import of arming and military equipment and manufacturing equipment, semi-products, parts, reproductive materials, raw materials and other technical means,
- business technical cooperation, manufacture cooperation, supply and transfer of property rights on the basis of technology in areas of manufacture of arming and military equipment,
- design, construction and equipment of manufacturing capacities abroad; and
- representation of foreign enterprises, brokering, overhaul and other services in foreign trade.

Regarding the issue of trade in, according to the Law on Manufacture and Trade in Weapons and Military Equipment, trade with AME in the country and abroad can be performed by the manufacturers of arming and military equipment and other trade association registered for trade in, subject to previously obtained approval from the Ministry of Economy, provided that they fulfil specific conditions set out in the Law.

3. Finally, in accordance with the **Law on External Trade** ("Official Gazette of the Republic of Macedonia" No. 45/2002) the export/import licence of armament and military equipment is issued by the Ministry of Defence, or the Ministry of Interior.

#### **IV.**

#### **Current activities for collection of illegally possessed weapons and action taken on national, regional and international levels**

In implementing the UN Programme of Action, the Republic of Macedonia has undertaken various activities on national, regional and international levels aimed at addressing the seriousness of the problem of small arms and light weapons proliferation in the country and wider in the region of South-eastern Europe and

globally, with the view of alleviating the consequences and identifying best practices to cope with root causes of this problem.

*On national level*, having in mind that the current state of unauthorized possession of significant amounts of fire arms, ammunition and explosive materials in the Republic of Macedonia affects security and stabilization of the country and of the region as a whole on one hand, and efforts and activities undertaken to maintain peace, stability and security of the countries in the South-eastern Europe and to secure their economic development and prosperity on the other hand – there is an imperative need to undertake organized action within a legal procedure for collection of arms, ammunition and explosive materials possessed without authorisation, thus enabling a comprehensive overview and coordination of the undertakings in this field in the region as a whole.

Organized collection of arms, ammunition and explosive materials would be aimed at disabling the use of arms against the most vital security interests of the Republic of Macedonia, its peace and stability, and the peace and stability of the countries in the region, by giving guaranties that it will not be used against the citizens themselves.

Reviewing the possible modalities for conducting of the action, having in mind the actual state of affairs, needs and possibilities of the Republic of Macedonia, and estimates for success of the action itself, the Government has opted for a concept that would include voluntary surrender of weapons, meaning that no criminal charges will be taken against individuals surrendering their weapons. Along with these activities, there will be a prospect offered to legalize weapons illegally owned by the citizens by virtue of their additional licensing in accordance with the law, provided that the citizens submit such a request for legalization.

The draft-Law on Voluntarily Surrender of Weapons, Ammunition and Explosive Materials and Legalization of the Weapons is submitted in parliamentary procedure and is expected to be passed soon.

The recently established cooperation by the Ministry of Interior with the UNDP on the issue of small arms control in the Republic of Macedonia would, inter alia, help establishing long term national strategy for small arms control, to be carried out through implementation of several preparatory activities, ending with implementation of the **model<sup>2</sup> Weapons for Development<sup>2</sup>**.

The activities are aimed at reducing accumulation and circulation of weapons, increase of the overall security through cutting the number of accidental killings and injuries resulting from misuse of weapons among the civilians, also supporting the Government in providing security to the citizens.

This process, which is already ongoing, is planned to ultimately result in voluntary surrender of the most of illegally possessed weapons thus contributing to restoring trust among the citizens, and would mean a crucial step forward to ensuring security and stability of the country, thus creating conditions for economic recovery and sustainable development.

This project has built upon several years of UNDP experience in the field of control and suppression of illegal trafficking in small arms in several countries; the equality and neutrality being guiding principles aiming to prevent distorted perceptions that one community could profit at another's account.

Preparatory activities include:

1. Support in the preparation of legal and operative framework of the national programme to increase the overall security through voluntarily surrender of weapons, including operative procedures for weapons collection, registration, safe stockpiling and their destruction.
2. Public awareness raising through building a climate of confidence, involvement of institutions of local self-government, non-governmental sector, media campaign, promoting dialogue among communities, information exchange, raising awareness among young population and involvement of citizens and communities leaders in the process of designing and planning of voluntary surrender of weapons.
3. Development of programme on issues related to cross-border crime and border control strengthening.
4. Cooperation with the OSCE on police work in community, including issues related to small arms.
5. Creation of a long term strategy for reducing the amount of weapons in the Republic of Macedonia, by defining benchmarks and criteria for implementation of the model "Weapons for Development".

In addition, several workshops, seminars and studies have been carried out under the auspices of NATO/EAPC; UNDP and Stability Pact South Eastern Europe Small Arms Clearinghouse (SEESAC); Southeast European Cooperative Initiative Regional Center for Combating Transborder Crime (SECI Center); OSCE etc., all aimed at addressing this problem in the country and wider in the region.

The Republic of Macedonia has expressed its readiness and commitment to fully co-operate particularly *on regional level* on the issue of SALW. The Government places this issue on the top of its Programme's priorities, and strong public awareness is being developed. The country has actively participated in adoption and adhered to various international undertakings and instruments in different regional and international forums. In the UN framework, the country supported, respects and implements all relevant UNGA and UNSC resolutions. The Republic of Macedonia has signed ten UN sectorial conventions against international terrorism, out of which eight are already ratified, and for two conventions (International Convention for the Suppression of Terrorist Bombings and International Convention for Suppression of the Financing of Terrorism) ratification is in procedure. In addition, governmental procedure for signing of the two remaining UN international instruments (Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf) is also initiated recently.

Within the OSCE, Macedonia adhered to and is committed to full implementation of the OSCE Document on SALW. The country has also established co-operation with various NGO's in tackling the problem of SALW proliferation.

In addition, the Government signed in November 2002 Memorandum on police co-operation with United Nations Mission in Kosovo (UNMIK) containing provisions on developing cooperation and information-sharing on SALW related issues, in particular on illegal trafficking.