

Albania



1 SALW problem

Given the dramatic looting of state-owned arms depots that took place in Albania from March - June 1997 as a result of the then economic and political chaos, a varying priority has been placed on the collection of those looted weapons still in the hands of civilians. Good progress has been made in this area in recent years, and around 223,000 weapons have been recovered during sequential weapons collection programmes since 1998. This however leaves a minimum of 209,000 illicit weapons still in the hands of civilians,¹ which in combination with registered weapons (around 60,000), means that *per capita* ownership of SALW is still extremely high in Albania.

The 2006 National SALW Survey of Albania, '*Turning the Page*',² researched by Saferworld with the active collaboration of Albanian Government officials, provides a comprehensive overview both of progress made to date in addressing SALW proliferation, and of remaining challenges. Key findings include the fact that ongoing attempts to improve law enforcement in Albania are made more problematic by the ready availability of SALW, particularly in rural areas where, in combination with a low police presence, the rule of law is poor. In fact, the failure of Albania's law enforcement institutions to consistently enforce the laws on firearms possession, due either to a lack of capacity or lack of political will, remains a serious concern. Although plans are underway to improve the situation, Albania's legislative framework for the domestic control of SALW does not, in the opinion of police officials previously charged with the task of weapons collection, provide an adequate means to deal with remaining weapons in civilian hands.³

The current legislative and regulatory framework for the control of international arms transfers is also problematic, falling well short of EU norms. Key weaknesses in the present control system include the fact that the legal basis for arms and dual use goods transfers is provided by a number of governmental decrees rather than parliamentary legislation. Other weaknesses include inadequate institutional arrangements for considering and issuing arms transfer licences on a case-by-case basis (only limited consultation occurs at present between the Ministry of Defence (MOD) and the Ministry of Foreign Affairs (MFA)) and assessing the risk associated with transfers in line with the EU Code of Conduct. Further,

¹ Saferworld-CPDE, *Turning the Page: Small Arms and Light Weapons in Albania*, 2005, pp. 39, 48, 114.

² *Ibid*, Section 6.3.

³ Interview, Ministry of Interior official, 08 - 09 March 2006.

there is also no legal basis for regulating the brokerage or shipping of arms transfers; no established mechanisms for end-use monitoring or verification and no legal basis for application of the EU Code of Conduct on Arms Exports⁴ or military and dual use goods list. Finally, with no legal requirements for dissemination of information on arms transfers to parliament or the public, or for parliamentary scrutiny of the licensing process, transparency within the system is greatly lacking. Although many governmental institutions and officials show great willingness to co-operate on these issues, reaching EU standards in this area will therefore require considerable adjustments, beginning with the introduction of the primary legislation that is lacking in this area. This has already been acknowledged by the MFA and MOD, who have collaborated to draft appropriate legislation now planned for introduction in 2006.

Albania also faces problems with the storage and disposal of huge surpluses of ageing weapons and ammunition stocks, a high proportion of which pose a significant risk to public health.⁵ Although security, storage conditions and record-keeping at military depots has improved markedly in recent years, many depots are overstocked and most rely only on barbed wire, padlocks for wooden doors, barred windows and some exterior lighting as the main security measures against theft.⁶ Unfortunately, serious capacity gaps limit the ability of the Albanian Armed Forces to destroy the surplus items contained in depots within the near future.

A final key concern is the apparent lack of direction displayed at the highest political levels in Albania with respect to SALW control. Despite the good progress made in previous years, particularly in the area of weapons collection, co-ordination between the various government ministries and agencies that should collectively work to solve the above problems has recently been poor. At the present time no strategy or structure (e.g. a national SALW commission) exists to facilitate co-operation between government agencies in addressing Albania's remaining SALW control problems. Unfortunately, weak engagement by civil society on this issue, ranging from NGOs to academics and journalists means that there is no significant driver for this type of initiative from within Albania itself. It is however hoped that recent support provided by the EC/UNDP/SEESAC partnership to work with the Albanian Government to facilitate the creation of a co-ordination body and related strategy (see below) will soon bear fruit.

2 SALW policy and practice

Although Albania's main policy focus in previous years has been to initiate and support amnesty and collection efforts and to fight illicit SALW trafficking, commitments have been made over the last decade to regional and international initiatives for SALW control such as the Stability Pact Regional Implementation Plan, the UN Programme of Action on

⁴ Albania has declared its intention to comply with the EU Code – see below.

⁵ On 06 May 2006, one soldier was killed and four injured in a series of blasts at six military depots in southern Albania, according to regional media reports, 'One dead, four injured after reported blasts at military depots in Albania', *South East European Times*, 07 May 2006. At the time of writing the cause of the blasts was under investigation.

⁶ Source: *Report 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*, 2004. Available at <http://disarmament.un.org/cab/nationalreports/2003/Albania.pdf>, accessed 26 May 2006. Data collected during visit to Mirak ammunition depot, 27 July 2005.

SALW, the OSCE Documents on SALW and Conventional Ammunition, as well as a voluntary declaration of alignment to the EU Code of Conduct on Arms Exports.

Newer initiatives on SALW include a failed attempt during 2003/2004 to prepare a national strategy for SALW control, which was never passed by the National Parliament. However, following the parliamentary elections of mid-2005, the Democratic Party that had previously led Albania during the crisis years of the 1990s was re-elected, foreshadowing renewed interest in the question of SALW control by key officials within the administration. In January 2006, at the launch of the first National SALW Survey of Albania, and in response to requests from a number of international organisations, both the MOD and Ministry of Interior (MOI) made declaratory statements supporting the development of a new National SALW Strategy, and in the case of the MOD, the establishment of an inter-agency commission to oversee its implementation.⁷ Finally, in the run-up to the Review Conference on the UN Programme of Action on SALW, the Albanian MFA submitted a proposal for the elaboration of existing sections of the PoA text relating to arms transfer controls to the chair of the Review Conference for consideration at the meeting.⁸

ARMS OR SALW CONTROL AGREEMENT	ALBANIA'S COMMITMENTS
EU Code of Conduct on Arms Exports	August 2003
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	2003
OSCE Decision on End User Certificates	2004
OSCE Decision on Brokering	2004
Stability Pact Regional Implementation Plan	November 2001
UN Firearms Protocol	No
UN Programme of Action on SALW	2001

Table 1: Albania's commitments to conventional arms or SALW control agreements

⁷ Launch of the National SALW Survey - *Turning the Page*, 10 January 2006.

⁸ According to the MFA, the statement called for all states, 'to exercise the highest degree of responsibility in the import, export, transfer and re-transfer of small arms and light weapons, according to the State's existing responsibilities under relevant international law and including the use of authenticated end-user certificates, and to apply global guidelines for national controls governing transfers of SALW'. Correspondence, Sajmir Repishti, National Focal Point for SALW Control, MFA Albania, 04 May 2006.

3 SALW progress 2005–2006

3.1 Legislative and Regulatory Issues

Transfer controls

Recognising the considerable gaps that exist in the transfer control system, Albanian officials are currently preparing a new import-export Law for arms and military goods for submission to the National Assembly.⁹ The Albanian MOD has solicited advice from a number of actors in drafting the new legislation, including the UK and US Governments, the University of Georgia (USA) and Saferworld and it is consequently hoped that the new Law, (if successfully passed by parliament), will address many of the gaps left by the piecemeal collection of governmental Decisions currently used to regulate this area. That said, the introduction of more comprehensive legislation will surely pose new challenges with respect to implementation and enforcement, particularly given Albania's long-standing struggle with rule of law and corruption issues.

Domestic possession and use

No amendments to the regulatory framework for the domestic use, production or possession of SALW are known to have occurred in this reporting period. It should, however, be noted that since the 2005 parliamentary elections, there is no legal basis for weapons surrender or voluntary collection. As such, the present situation is unsatisfactory both for law enforcement officials, (who are faced with a draconian law on weapons possession they cannot, or dare not enforce), and the populace. With this in mind the National SALW Survey of Albania and related submissions by Saferworld to the Government have recommended revisions to the legal framework in this area.¹⁰

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	ALBANIA
NATIONAL	
National Co-ordinating Agency	No
National Point of Contact	Yes
LAWS AND PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT	
Primary legislation	No, governmental and ministerial Orders, Decisions and Regulations only
Production	No
Export	Yes
Import	Yes ¹¹

⁹ 'Law On State Control of International Transfers of Goods Designated For Military Purposes and Dual-Use Goods'. Interview with Head of MOD Legal Directorate, Ndue Marko, 07 March 2006.

¹⁰ Saferworld, *SALW Survey of Albania – Recommendations to the Government of Albania*, November 2005.

¹¹ 'The Ministry of Defence does not export and import SALW from countries that are under UN embargo and involved in regional conflicts.' 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, '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'', 06 August 1993.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	ALBANIA
Transit	Apparently governed only by a Law on military administration ¹²
NATIONAL SYSTEM OF EXPORT AND IMPORT LICENSING OR AUTHORISATION	
Diversion risk	Yes (though not a legal requirement)
End User Certificate	Yes ¹³
Re-transfers	Yes (regulated by ministerial decree)
Verification (pre/post)	No (but parliamentary committee may undertake questioning of officials)
Brokering Controls	No
DOMESTIC POSSESSION, MANUFACTURE, STOCKPILING AND TRADE	
Manufacture	NA (see 'production' above)
Marking and Tracing	NA, in terms of production/manufacture ¹⁴
Possession	Yes ¹⁵
Stockpiling	No ¹⁶
Trade	Yes ¹⁷

Table 2: Features of Albania's legislative and regulatory framework

3.2 SALW Collection programmes and capacities

As noted in previous reports, Albania has witnessed a series of weapons collection initiatives since the mass looting of 1997, resulting in the collection of over 230,000 weapons and 18 million rounds of ammunition.¹⁸ In addition, routine police work results in periodic seizures of unregistered SALW. MOI officials state that with the end of the previous amnesty law in

¹² Transferring of weapons within the country is performed according to the 'Law for the administration and commanding authorities of strategic plans of the Armed Forces', No. 8671, 26 October 2000.

¹³ End-user requirements are covered by Regulation No. 9603, 'For the compilation and documentation of the military equipments import-export activity', 18 September 2003.

¹⁴ 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.

¹⁵ Albanian law governs possession and use of firearms by state (including police and military) officials and private individuals; 'Law on Firearms', with Appendices, Decision No. 7591 (29 April 1991); 'Law on Usage of Firearms', Decision No. 8290 (24 February 1998); 'Law for SALW Collection' No. 8388, (05 August 1998); Council of Ministers' Decision No. 275 'On Regulations of Management and Control of the Firearms for Physical and Legal Persons' (25 June 1992).

¹⁶ There does not seem to be any legislation specifically governing stockpiles, although this is probably covered by military regulations.

¹⁷ 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, *Op Cit*.

¹⁸ *Turning the Page*, p. 114.

mid-2005, weapons seizures rates are running at several hundred weapons per month, many dumped by ordinary civilians and a minority taken from 'true' criminals.¹⁹

3.3 SALW Destruction programmes and capacities

Significant surpluses of weapons and ammunition under the control of the Albanian Armed Forces remain to be destroyed. Destruction has been ongoing since 2000, following agreements with donors such as UNDP, NATO (NAMSA), and the Governments of the US, UK, Norway, and Germany. Current destruction capacities include an ammunition destruction facility at ULP Mjekes project managed by NAMSA,²⁰ reverse-engineering capabilities at the Gramsch, Mjekes and Polican facilities, and the combined EOD capacities of the Albanian Armed Forces, the non-governmental organisation NDC (National Demilitarisation Centre) and a UK-based contractor Explosive Ordnance Demilitarization Solutions Limited. The table below contains the most recent estimates available on weapons and ammunition destruction in Albania for the reporting period.

EXECUTING AGENCY	SALW	AMMUNITION (TONNES)	REMARKS
EOD Solutions	-	2,100	UK/US funded.
Albanian Armed Forces ²¹	-	11,390	Assorted types of surplus and seized SALW ammunition.
NAMSA ²²	-	1,200	NATO PfP Trust Fund Project (ongoing).
NDC ²³	3,300	-	Canadian/US funded.
NDC ²⁴	-	1,800	Loose ammunition.
NDC	3	-	Ceremonial event (launch of National SALW Survey).
TOTAL	3,303	16,490	

Table 3: Summary of SALW Destruction in Albania during 2005/2006

Unfortunately, these combined capacities are not equal to the scale of the task. Despite the above activities, at the current rate of progress Albania will still have at least 60,000

¹⁹ Interview, Ministry of Interior official, 08 - 09 March 2006.

²⁰ Correspondence, NAMSA official, 21 March 2006. The NAMSA-managed Explosive Waste Incinerator uses an armoured rotary kiln and went live in September 2005 after initial delays. It is capable of destroying ammunition up to and including 20 mm calibre rounds, as well as some explosive components and bulk explosives. The installation has a pollution abatement system, which is currently of the highest standard across the region. SEESAC, *Clearing Guns*, December 2005. Available at: http://www.seesac.org/Newsletter_December_2005.pdf, accessed 11 May 2006.

²¹ Correspondence, Lt Col. S Neziri, MOD, 17 May 2006. In addition, 3,300 rounds of seized small arms ammunition have been destroyed during early 2006.

²² SEESAC, *Clearing Guns*, April 2006. Available at: http://www.seesac.org/Newsletter_April_2006.pdf, accessed 11 May 2006. Also, correspondence with Arben Kotobelli, NAMSA Project Supervisor, 06 May 2006.

²³ *Ibid.*

²⁴ *Ibid.*

Tonnes of surplus ammunition to destroy after current projects end in 2006.²⁵ Considerable technical challenges also remain, particularly since destruction efforts to date have often disposed of less problematic items, leaving larger calibre or more difficult to destroy stocks such as sea mines for a later date. Unfortunately, in Spring 2006 the technical procedures used by the Albanian Armed Forces were also put into question by an unplanned detonation at a depot in the Tepelena region of the country which led to one fatality, five injuries and the evacuation of a nearby village.²⁶ Meanwhile, Albania continues to depend on further donor support and expertise in order to fully demilitarize remaining surplus weapons and ammunition.²⁷

3.4 SALW Stockpile Management programmes and capacities

As previously noted, the Albanian Armed Forces continue to struggle in the face of overstocked depots containing outdated ammunition. No upgrades to stockpile management capacities or amendments to storage procedures are known to have taken place during this reporting period. Overall, Albania is working to acquire NATO-compatible stockpile management standards but it seems clear that much additional support from the international community is still required.

3.5 SALW Awareness activities

At the present time there are no long-running SALW Awareness initiatives underway in Albania. Two short-term initiatives have taken place during this reporting period however. Firstly, as part of a regional campaign against celebratory fire over the 2005/6 New Year, SEESAC funded radio and TV transmissions from 15 December 2005 until 15 January 2006 highlighting the danger of using weapons during celebrations. In addition, 2,500 posters were given to the Albanian State Police authorities in the regional directorates and police commissariats for distribution.²⁸ Secondly, the occasion of the launch of the National SALW Survey 'Turning the Page' on 10 January 2006 was used by the organisers Saferworld and the Center for Peace, Democracy and Education (CPDE) to bring the topic of SALW control into the media spotlight once again. A ceremonial destruction of surplus Albanian Armed Forces weapons carried out by NDC, together with speeches by government Ministers, secured heavy media coverage for the launch event.

3.6 SALW Survey activities

Although a number of short research reports have been prepared on different aspects of SALW control in Albania in previous years, Saferworld and CPDE conducted the first comprehensive National SALW Survey of Albania in 2005.²⁹ Backing from both the Governments of the Socialist party (pre-July 2005) and the Democratic Party (post-

²⁵ *Turning the Page*, p. 76. However, SEESAC consider that this is an underestimate, and hold that the true figure could be in the region of 100,000 Tonnes.

²⁶ 'One dead, four injured after reported blasts at military depots in Albania', *South East European Times*, 07 May 2006. At the time of writing the cause of the blasts was under investigation.

²⁷ Correspondence, NAMSA official, 21 March 2006.

²⁸ *Clearing Guns*, April 2006.

²⁹ *Turning the Page*, *Op Cit*.

July 2005) was received for this work and funding provided by the UK's Global Conflict Prevention Pool.

In keeping with previous studies conducted in the region, the SALW Survey examined the human impact of SALW proliferation in Albania, the societal distribution of weapons and public perceptions on the issue, as well as the capacities of state agencies for SALW control. Given that successive governments in Albania had professed a desire to design and implement a national strategy for SALW control, it was envisaged that the Survey would inform the wider process of strategy development. The public launch of the report in January 2006 secured high-level support from the Albanian Government, with the Ministers of Defence and Interior and the then Chief of Police attending (statements supporting the importance of renewed SALW control measures were made by both Ministers, with backing also coming from the EU Justice and Home Affairs Coordinator). Accordingly, the final text of the SALW Survey, and the related recommendations submitted to the Government by the research team at an inter-ministerial roundtable in October 2005 provides key data to assist the Government in re-working its draft National SALW Strategy on SALW Control and establishing a national commission structure to implement it.

3.7 Civil society involvement in SALW interventions

Although in previous years Albanian NGOs were active in supporting the efforts of both central Government and UNDP during weapons collections, interest and funding has declined significantly with the end of these projects. NGO groups have therefore found it difficult to sustain their activities and during this reporting period, only two NGOs are known to have been active in this area. CPDE, previously involved in awareness-raising within schools,³⁰ cooperated with Saferworld on the research and outreach for the 2006 National SALW Survey. CPDE is also the only NGO from Albania currently active within the regional NGO network on SALW, the South Eastern Europe Network on Control of Arms (SEENCA). As a network member, the organisation has taken part in regional advocacy work, submitting letters and briefing notes to the Albanian Government throughout 2005 in connection both with the UN PoA review process and the international campaign for an Arms Transfer Treaty. A submission was also made following the publication of the 2005 South Eastern Europe SALW Monitor report. A second 'NGO', the National Demilitarization Centre (NDC) utilises retired Albanian military personnel to provide services relating to demilitarization, including training and EOD. NDC was established in January 2003, and acts primarily as a limited EOD support contractor (particularly for NAMSA), although its close linkages to, and support from, the MoD have led to questions about its NGO status. Details of destruction work undertaken by NDC are provided above.

3.8 Cross-border SALW control initiatives

Reform of Albania's border management systems has been ongoing for some time with agencies such as the Border Police cooperating with several international organisations, including UNHCR, EUMM, IOM, ICITAP and PAMECA.³¹ The Border Police also cooperate with their equivalent structures in neighbouring countries under a number of different protocols,

³⁰ Interview, NGO representative, 08 February 2005.

³¹ See *Turning the Page*, pp. 99–105 for further details. See also Albanian Government website, <http://www.mpo.gov.al>, accessed 03 February 2006.

memoranda and agreements,³² and in recent years there have also been a number of inter-ministerial and inter-agency MoUs signed in relation to co-operation on anti-trafficking and border management.³³ The most prominent and far-reaching example of these is the Strategy on Border Control and its Integrated Management, which was approved by the Council of Ministers in February 2003 and is to be implemented between 2003 and 2006.

In 2002/3 and 2004/5 respectively, Albania acted as the proposing country for two SALW-specific Task Forces established by the SECI Regional Centre for Combating Trans-border Crime: 'Operation Ploughshares' and 'Operation Safe Place'. At least three successful interceptions of cross-border SALW trafficking shipments were accomplished as a result.

3.9 SALW Management Information and exchange systems and protocols

Albania has made commitments to various international and regional information exchange systems, such as the UN Programme of Action, OSCE and INTERPOL mechanisms. Accordingly, Albania has submitted information exchange material to the OSCE and reports to the UN Register of Conventional Arms as well as on the implementation of the UN PoA to UNDDA, in 2005 and previous years, albeit with varying frequency. In April 2006, a representative from the MFA was appointed to the position of overall 'National Focal Point for SALW', replacing the previous MOD contact in a move that is likely to prove conducive for regional and international information exchange on this issue.³⁴

³² *Ibid.* Albania and Macedonia signed a bilateral agreement on fighting organised crime and terrorism in June 2004, 'Albania and Macedonia Step-up Joint Border Controls', RFE, 17 August 2004.

³³ MoUs have been signed between the General Directorate of Customs the MOD, MOI, National Intelligence Service, agriculture, business agencies, and other organisations that need to deal with Customs. Source: interview, Customs official, 04 May 2005.

³⁴ Correspondence, Sajmir Repishti, *Op Cit.*

INFORMATION EXCHANGE AND PROTOCOLS	ALBANIA
INTERNATIONAL	
Reporting to the UN DDA on the Programme of Action (PoA)	2004
Reporting to the UN Register of Conventional Arms	2005 (submitted in 2006)
Reporting to the Wassenaar Arrangement	NA
INTERPOL/EUROPOL	Yes
REGIONAL	
Information exchange with OSCE	Yes
Information exchange with EU	Yes, regarding SAA
SECI Regional Centre intelligence exchange	Yes (though involvement limited in 2005/6)
NATIONAL	
Transparency on SALW imports, exports and decision-making	Yes, but limited
Publication of national reports on arms/SALW transfers	Yes, but very limited circulation
Publication of SALW national strategy	Under consideration

Table 4: Information exchange and protocols

3.10 Additional SALW related activities

In February 2006 an EUSAC Chief Technical Adviser (CTA) was appointed by UNDP to work with the Albanian Government in the field of SALW Control under the EU's 'Western Balkans SALW Control Support Plan'. The position forms the key component of the EU Small Arms Control (EUSAC) Albania project. The primary focus of the project's work in the coming months will be to assist the Government in re-working its draft national strategy for SALW control in the light of the recent National SALW Survey of Albania, and support for this is currently being sought from the Office of the Prime Minister. Furthermore, in order to encourage and monitor progress in this area, the delegation of the European Commission to Albania has included the topic of SALW into its political dialogue mechanism with the Albanian Government within the framework of Albania's Stabilisation and Association Agreement with the European Union. Finally, a draft import-export law on strategic goods and military equipment is currently being developed by the Albanian MOD in collaboration with international experts.