



Annex 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 document the above definition will be used.*

Small Arms Capacity Survey (SACS)

The component of a SALW Survey that collects data on the indigenous resources available to respond to the SALW problem.

Small Arms Distribution Survey (SADS)

The component of a 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 a 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 a 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/G 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’ (Revised May 2006)

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 part of Europe 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 non-governmental actors with a roadmap for addressing it. The Stability Pact’s (Revised) Regional Implementation Plan aims to take that process a step further by building on the initial plan, providing a specific framework for next steps, supporting the regional mechanisms needed for carrying them out and mentioning the donor resources required for comprehensive implementation. The Plan does not seek to subsume or contradict existing agreements and arrangements but to build upon them in the most practical way possible.

At its core, the revised Regional Implementation Plan seeks to enhance regional co-operation in this critical area, providing both information sharing and local standard setting geared toward direct project formulation and implementation. The Plan envisions continued SEESAC support to South Eastern Europe SALW programmes, and recommends that SEE governments would continue to ensure the relevance, consistency and regional influence of the work of SEESAC through the Regional Steering Group (RSG) consisting of ‘national focal points’ to support these activities, donors will continue to consider the provision of appropriate resources. This plan was approved at the Stability Pact SALW Regional Steering Group meeting in Belgrade on 16 May 2006.

The emphasis of this programme 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.

1. Introduction

The problem of the destabilising accumulation and uncontrolled spread of Small Arms and Light Weapons (SALW) has been firmly established on the international agenda over recent years, as the serious implications of these accumulations become apparent. These specific implications include: new threats from international terrorism; pervasive regional instabilities 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 have been addressed through a wide range of international and national activities aimed at the establishment of a legal and institutional framework to address the problem.

At global level, the United Nations is preparing for the first review of the UN Programme of Action adopted in 2001, acknowledging the success achieved and proposing new sets of recommendations for measures to prevent and reduce small arms proliferation.

National governments and local communities in South East Europe have successfully pursued a range of measures aimed at reducing the existing and potential availability and supply of SALW. Nationally, some states have adopted countrywide measures, such as strengthened export controls on SALW, whilst others have embarked on programmes to collect and destroy illicit and surplus SALW.

The complexity of the issue and the array of individual factors at work in different countries and regions does not allow for quick or easy consensus on measures to take at the international level. Nevertheless, 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 have 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 (2000).

NGOs have been very active in building a regional consensus for action. Initially, an informal dialogue conducted under the auspices of the Szeged Small Arms Process allowed for a wide-ranging dialogue and placed national and international policymakers in contact with academic and technical experts. Currently, a small but vibrant and effective network of NGOs, (SEENCA²), has taken over the task to include the discussion about SALW in the social agenda in South Eastern Europe.

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 a revised implementation plan that can be adopted by the countries of South Eastern Europe and supported by international organizations and bilateral donors. The Stability Pact's goal is to contribute to the implementation of the political will and commitment exhibited in larger regional and global fora.

2. Existing International Frameworks

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

² SEE Network for the Control of Small Arms (www.seenca.org).

fora for substantial dialogue have been established. In addition, donors and beneficiary countries have undertaken a number of specific projects. The countries of South Eastern Europe have agreed to tackle the proliferation of SALW throughout the region under the umbrella of an array of international agreements sponsored by the EU, NATO EAPC, OSCE and the UN.

A. UN Initiatives

The United Nations has provided the main international forum for the development and adoption of common understandings and standards to combat the proliferation and destabilising accumulations of SALW since the mid 1990s.

(i) UN Firearms Protocol³

This protocol, which supplements the 2001 UN Convention against Trans-national Organised Crime, is the first major policy document on SALW adopted at the UN. Measures stipulated in the UN Firearms Protocol include strengthening national legislation and enhanced information exchange among governments on illicit firearms, their traders, sources and trafficking routes. The protocol entered into force on 03 July 2005, and four countries in the region have ratified or are shortly to ratify the protocol.

(ii) UN Programme of Action on SALW⁴

The UN PoA addresses a more comprehensive scope of SALW than the UN Firearms Protocol and also pertains to state-to-state transfers of SALW. It envisions spheres of action against SALW at the international, regional, national and local levels, and calls for close co-operation among states to reach stated goals, including information sharing, assistance and standard setting and highlights the role of regional organisations in fostering this co-operation. The governments have made the commitment to meet every two years to exchange information on their implementation of the PoA. Biennial meetings of states (BMS) took place in New York in 2003 and 2005. They offered governments the occasion to present reports on their national efforts to pursue the aims of the PoA. Future priorities on the UN SALW agenda will be a subject matter of the Review Conference in June/July 2006 during which additions to the UN PoA may be negotiated and adopted.

(iii) Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons (OEWG)

Complementing the UN Firearms Protocol and the UN PoA is a process launched in early 2004 at the UN to negotiate an international instrument to trace, in a timely and reliable manner, illicit SALW. An open-ended working group on tracing illicit SALW was created to negotiate an international tracing instrument. At its

³ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol). (Entered into Force on 03 July 2005).

⁴ United Nations 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). July 2001.

third substantive session in June 2005 the OEWG adopted a draft international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. Such tracing aims to systematically track illicit SALW recovered in the context of armed conflict or crime from their point of manufacture or last known point of legal import through their trade chains and up to the point and people who diverted the weapons from the licit into the illicit sphere.

(iv) Broad-Based Consultations on Arms Brokering Controls

Broad-based consultations began in 2004 on further steps to enhance international co-operation in preventing, combating and eradicating illicit SALW brokering which aim to complement the current UN initiatives on SALW control. Brokering activities include the facilitation of contract negotiations between arms exporters and buyers as well as other assistance in, for example, transportation and financing for arms transfers.

B. OSCE Processes

(i) OSCE Document on SALW⁵

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.

(ii) OSCE Document on Stockpiles of Conventional Ammunition⁶

The OSCE Document on Stockpiles of Conventional Ammunition was adopted in 2003 and complements the OSCE Document on SALW. The agreement encompasses all categories of conventional ammunition, explosive material and detonating devices, including heavy weapons ammunition, all types of mines, missiles and rocket fuel, grenades, fuses. The document provides practical procedures and mechanisms for the destruction of these surplus stockpiles. The

⁵ OSCE Document on Small Arms and Light Weapons. (FSC.JOUR/314). 24 November 2000.

⁶ OSCE Document on Stockpiles of Conventional Ammunition. (FSC.DOC/1/03). 19 November 2003.

final goal is to enable participating states to strengthen their national capacities so they can deal with specific problems on their own, building wherever possible on their own assets.

(iii) OSCE Decision on Man-Portable Air Defence Systems (MANPADS)⁷

The OSCE Decision on MANPADS adopts the principles for increased export controls of MANPADS, which have been drawn from the Wassenaar Arrangement's 'Elements for Export Controls of Man-Portable Air Defence Systems'.

(iv) OSCE Decision on End User Certificates⁸

This decision reaffirms the commitments of the participating States to observe, as one of the key standards underpinning export documentation, that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization issued by the receiving State. The decision decides on the requirements of End User Certificate documentation and mechanisms.

(v) OSCE Decision on Brokering⁹

This decision states the principles agreed by States to control arms brokering in order to avoid circumvention of sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, including the criteria set forth in Section III A of the OSCE Document on SALW; other agreements on SALW, or other arms control and disarmament agreements, to minimize the risk of diversion of SALW into illegal markets, *inter alia*, into the hands of terrorists and other criminal groups, and to reinforce the export control of SALW. In order to achieve these objectives, the participating States will endeavor to ensure that their existing or future national legislation on arms brokering is in conformity with provisions contained within the document.

C. EU Activities

(i) EU Joint Action on SALW¹⁰

The EU through its Joint Action on combating the destabilizing accumulation and spread of small arms, provides financial and technical assistance to countries, groups of countries, international organizations and NGOs which request support. Since 1999, through the Joint Action, the EU has adopted 14 such actions in Eastern Europe, in Latin America and the Caribbean, in Asia and in Africa. Among

⁷ OSCE Decision on Man-Portable Air Defence Systems. (Decision No. 7/03). (FSC.DEC/07/03). 23 July 2003.

⁸ OSCE Decision on End User Certificates and Verification Procedures for SALW Exports. (Decision No. 05/04). (FSC.DEC/5/04). 17 November 2004.

⁹ OSCE Decision on Principles for the Control of Brokering in SALW. (Decision No. 08/04). (FSC.DEC/8/04). 24 November 2004.

¹⁰ EU Council Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP. (2002/589/CFSP). 12 July 2002.

geographic priorities decided by the European Council, specific attention was given to the destruction of existing stockpiles of SALW in Eastern and South-Eastern Europe, and to actions in support of regional moratoria on small arms in Africa.

(ii) EU Code of Conduct on Arms Exports¹¹

The EU Code of Conduct represents a model for the control of conventional military exports, which was introduced by the European Union as a political commitment in 1998. It establishes common criteria for the approval of exports and envisages transparency provisions such as the publication of an Annual Report that provide civil society as well as the official community with the tool to evaluate individual states' performance. The EU Code of Conduct undergoes its first revision aiming at becoming a legally binding Common Position of the EU.

(iii) EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition¹²

On 16 December 2005, the European Council adopted a Strategy to support the Joint Action on SALW of 2002 (2002/589/CFSP). The Strategy has been written in the framework of the European Security Strategy (2003), as with a similar strategy on Weapons of Mass Destruction in 2003. The aim is to develop an *"integrated approach and a comprehensive plan of action to combat the illicit trade in SALW and their ammunition"*.

D. NATO Activities

(i) NATO Partnership for Peace (PfP) Trust Fund

The Trust Fund is part of NATO's Partnership for Peace programme of practical security co-operation between NATO and individual Partner countries. The Trust Fund policy is a mechanism by which NATO Member and Partner Nations work together to identify and implement projects. Under the expanded policy, the Trust Fund has undertaken projects for the destruction of small arms and light weapons, conventional munitions and rocket fuel oxidiser. Countries from South Eastern Europe have successfully cooperated within the framework of the Trust Fund ensuring the reduction of the threat from arms and ammunition proliferation.

3. Goals

The aim of the Stability Pact is to *'strengthen countries in South Eastern 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 revised implementation plan aspires to make a significant contribution towards the aim of the Stability Pact. Its core objective is:

¹¹ EU Code of Conduct for Arms Exports, 08 June 1998.

¹² EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition. Council of the European Union 5319/06 of 13 January 2006. (Adopted 15 - 16 December 2005).

'to continue to develop and support a strong regional framework by which international partners can work closely with countries in South Eastern Europe on joint programmes to implement existing European and international commitments and standards in the fight against the proliferation of SALW'.

This revised plan will continue the development of a comprehensive and coherent approach towards harmonization with EU security policies in the field of SALW, thus preparing South Eastern European countries for EU membership.

Developing capacity for the implementation of the EU SALW strategy will further support the efforts of South Eastern European countries to align themselves with EU policies in preparation for membership negotiations.

The implementation plan is thus aimed at inducing structural change. Such a process requires time and ownership to ensure sustainability. There is now a recognition at both the academic and operational levels that effective SALW control is not a short-term issue. However, it should be possible to achieve further tangible results with a lasting impact by 2008.

A. Overall Strategy

In order to meet the above objectives:

- Governments agree to continue with the development and implementation of national SALW strategies. Such strategies should be based on the established SEE Regional Micro Disarmament Standards and Guidelines (RMDS/G).
- Governments of the region will work together to increase transparency on national SALW policies and share Management Information and best practices to shape a comprehensive regional approach to further reducing SALW proliferation.
- Governments should base their strategies 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 or support 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.
- The Stability Pact will facilitate the process, including through information sharing and regional standard setting, through the spotlighting of ongoing efforts, and through continued support to SEESAC and the Regional Steering Group (RSG).

B. National Undertakings

- (i) The common foreign and security policy (CFSP) and the European security and defence policy (ESDP) are based on legal acts, including legally binding international agreements, and on political documents. The *acquis* consists of political declarations, actions and agreements. Applicant countries are required to progressively align with EU statements, and to apply sanctions and restrictive measures when and where required.

Priorities for SEE should therefore be:

- Adoption and implementation of legislation for external transfers (import, export, transit etc) of weapons and ammunition, in line with the EU Code of Conduct for Arms Exports.
 - Development, adoption or effective implementation of a national SALW control strategy.
 - A functioning national commission or authority to develop, adopt or effectively implement a national SALW control strategy.
 - Adoption of national standards for the movement of ammunition and explosives in accordance with the European Agreement concerning the International Carriage of Dangerous Goods by Road.
- (ii) The countries in South Eastern Europe need to develop capacity for implementation of the EU SALW strategy. The initial step will be to present an effective response to the accumulation and the problems posed by the availability of existing stocks.

Priorities should therefore be:

- Agreement by all countries only to import and retain SALW to meet their legitimate security needs, at a level appropriate for their legitimate needs for self-defence and security, including ensuring their ability to participate in United Nations or other regional peace support operations (PSO).
- Creation and maintaining of national inventories of arms legally held by the national authorities, and the drawing up of restrictive national legislation providing in particular for criminal sanctions and effective administrative control.
- Participate in the efforts to reduce surplus stocks of SALW.
- Promote public education and awareness campaigns to address the impact of SALW and armed violence.

C. Specific Measures

Such policies and strategies should be the basis for integrated projects encompassing one or more of the following categories:

Cross-border Controls

- Strengthening cross-border police and customs co-operation through regional information exchange and joint exercises.
- Promotion and development of local, national and regional programmes for co-operation in preventing illicit weapons trafficking.
- Enhanced institutional capability to detect and interdict illicit flows of arms across regional boundaries and borders.
- Enhanced regional cohesion, joint planning of border control strategies, sharing of technology and intelligence information at both the micro and macro levels and to create an environment conducive to improving law enforcement operations.

SALW Management

- Improved inventory management policies and capacities for weapons and ammunition stockpiles based on international best practices and methodologies.¹³

Transparency and Accountability

- Publishing of Annual Arms Exports Report in accordance with EU best practices.
- Information exchange between governments on holdings and production of SALW.
- Development and implementation of measures to promote transparency in all decisions on small arms at all levels of government.

SALW Awareness and Communications Strategy

- Development of co-operation and co-ordination between all actors involved in SALW issues within South Eastern Europe, thereby ensuring harmonized approaches when disseminating SALW core messages.
- Development and implementation of specific national and community-based public information and awareness campaigns on the issues, especially security, surrounding the uncontrolled proliferation of SALW.

¹³ These include the NATO AASPT 1 and 2, OSCE Best Practice Guides and the SEE RMDS/G.

- Engage the capabilities and resources of local non-governmental organisations (NGO) in the formulation and execution of national and regional implementation processes.

Legislative and Administrative Capacity

- Establishment and maintenance of an effective system of export controls, including re-export, and import licensing or authorisation for the transfer of all categories of SALW.
- Development of an effective system of end-use(r) controls and strengthened controls on trans-shipments of arms in compliance with the EU Code of Conduct on Arms Exports.
- Ability to enforce existing laws and, where appropriate, develop procedures governing civilian possession of SALW.
- Capacity to maintain comprehensive and adequate records on the manufacture, holding and transfer of SALW.
- Enhancement of the capacity of law enforcement authorities, including police, customs and border control, to prevent and combat illicit trafficking, combined with inter-state co-operation in this regard.
- Full criminalization of illegal activities violating manufacturing, distribution, registration, and licensing regimes.
- Develop or enhance national mechanisms for data collection, analysis and dissemination on armed violence.

SALW Collection Programmes

- Provide support to national amnesty initiatives, utilizing the operational techniques advised in the SEE RMDS/G.¹⁴
- Setting up of national programs for the management, accounting, storage and transfer of collected weapons in a secure and effective manner.

SALW Destruction Programmes

- Implementation of programmes of destruction of recovered or surplus weapons, ammunition and explosives in accordance with international best practices, and with consideration of environmental concerns.
- Adoption of national policies for determining surpluses of weapons, ammunition and explosives.

¹⁴ RMDS/G 05.10.

4. Implementation

The primary responsibility for the implementation of this revised plan rests with the countries of the region. It is noted that many of these strategies and related activities are already being implemented by the Governments of the region, both with and without international assistance.

Obviously, not all of the measures proposed above are appropriate to the same extent in 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 comprehensive, integrated policies, institutional structures and capacities as well as legislation to combat and prevent illicit trafficking and destabilizing accumulations of SALW.
- Measures and mechanisms to promote operational co-operation 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 revised plan builds on ongoing initiatives, programmes and activities and existing structures as much as possible. It retains 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:

SEESAC

The South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) was launched in May 2002 in Belgrade under the auspices of the United Nations Development Programme. SEESAC was initially established as an 'information clearinghouse', but has responded in line with changing operational and security dynamics and is now an organization capable of providing project development support, technical support and knowledge generation and management.

The different pace towards EU membership among South Eastern Europe countries and the overall stabilization of the region has had an impact on the donor community, and the EU has effectively taken the lead from UNDP in terms of financial support to SALW interventions within the region. This requires a recognition of the continued role of SEESAC in the process of the implementation of the SP SALW RIP, but at the same time may require defining new areas of engagement in order to utilize SEESAC's capacities, existing donor resources and their policies.

The primary responsibilities of SEESAC should be:

- Collection and dissemination of information on progress towards implementation of the revised Regional Implementation Plan and other international commitments.
- Assist countries in the region, and other appropriate stakeholders, with 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 SALW Awareness, including risk education work, training and capacity building programmes for national security/police officials.
- Facilitating co-ordination on SALW issues amongst governments, NGOs and other stakeholders, as well as contributing to coordination between security and police forces.
- Technical assistance for the development and implementation of SALW control programmes¹⁵ (e.g. weapons collection, legislative harmonisation etc.). This should contribute to the global UNDP knowledge management process.
- Monitoring and reporting progress on addressing the SALW issue, including the identification of ongoing resource mobilisation needs by the region.

Reflecting the achievements of the South Eastern European countries, and other international commitments, SEESAC responsibilities will also include:

- Implementation of the EU Western Balkans Support Plan for SALW during 2006 and 2007.
- Mobilizing and making increased use of technical expertise and financial resources from SEE countries, which have progressed most on SALW programmes, such as Bulgaria and Romania.
- Providing project development, technical advisory, project monitoring and evaluation support to the EU, UNDP, OSCE and other stakeholders within South Eastern and Eastern Europe on request.

¹⁵ Including armed violence prevention initiatives, where appropriate.

- Providing project development and technical advice on heavy weapons disposal and demilitarization to support the Stability Pact Defence Conversion initiative.

Regional Steering Group

The Regional Steering Group (RSG) will have the following functions:

- Monitor progress in the implementation of the revised plan in the form of peer reviews.
- Report progress to SP Working Table III, through the Chair of the RSG or the SEESAC Head.
- Promote operational co-operation between countries.
- Provide strategic advice for the implementation of SEESAC operational activities within SEE.

The Regional Steering Group (RSG) will meet annually and be chaired by the Co-Chair of Working Table III or other appropriate designee. SEESAC will provide secretarial assistance to the Regional Steering Group (RSG).

National Focal Point

The Government of each country will appoint a 'National Focal Point' (NFP). The NFP will stimulate the implementation in their own country of the revised plan, in co-operation with key law enforcement and arms control authorities and agencies.

B. Implementation Process

The implementation of the revised plan is to be initiated through the following steps:

- SEE governments through National Focal Points, in co-operation with all relevant authorities (including key law enforcement and arms control agencies), will be responsible for implementation of the plan within their own countries.
- SEESAC will provide, on request, project development, technical advisory, project monitoring and evaluation support in order to ensure compliance with established international 'best practices' in SALW control interventions.

C. Funding Requirements

Donor funding has emerged as an important tool in support of the implementation of the SP SALW RIP, and the EU has effectively taken the lead from UNDP in terms of financial support to SALW interventions within the region. The revised Regional Implementation Plan aims to encourage the application of donor resources in the most effective manner.

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 Eastern Europe. Tangible progress will require action on multiple fronts.

Task Force to Fight Trafficking in Human Beings – flows of illicit SALW 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 Arms Control, Verification and Information Centre in Zagreb). RACVIAC holds training programmes on the verification of arms control and confidence building regimes in South Eastern Europe.

Security Sector Reform (SSR) – Ongoing international and national efforts to address the challenges of reforming the security sectors of South Eastern 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.

Defence Conversion. Technical support and advice to the Stability Pact Defence Conversion initiative.

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.¹⁶ 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).¹⁷

The following international and regional agreements and documents, all of which have relevance for the South Eastern 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. (Revised 2006).

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).

¹⁶ 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'.

¹⁷ 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).

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	WASSENAAR ARRANGEMENT	EU CODE OF CONDUCT	EU JOINT ACTION	OSCE SALW DOCUMENT	OSCE CA DOCUMENT	UN FIREARMS PROTOCOL	UN POA	SCSP RIP
NATIONAL								
National Co-ordinating Agency							Section 2, SS ¹⁸ , 4	Section III (A)
National Point of Contact				Section VI	Section VII	Articles 15, 18	Section II, SS 5, 24	Section III (B)
LAWS & PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT								
Legislation	Section V ¹⁹	EU CoC ²⁰	EU JA ²¹	Section III		Article 11	Section II, SS 2	Section III (B), (C)
Production			Article 3 (c)	Section I		Article 5	Section II, SS 2	Section III (B), (C)
Export	WA ²²	EU CoC ²³	Article 3 (b)	Section III		Article 11	Section II, SS 2	Section III (B), (C)
Import			Article 3 (a)	Section III		Article 11	Section II, SS 2	Section III (B), (C)
Transit				Section III		Article 11	Section II, SS 2	Section III (B), (C)
NATIONAL SYSTEM OF EXPORT & IMPORT LICENSING OR AUTHORISATION								
Diversion Risk		Criterion 6		Section III (A)			Section II, SS 11	
End User Certificate			Article 3 (b)	Section III (C)		UN FP ²⁴	Section II, SS 12	Section III (B)
Re-transfers				Section III (A), (B)			Section II, SS13	

¹⁸ Sub-section.

¹⁹ 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.

²⁰ 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, 08 June 1998 (EU Code), and the principles contained in the Joint Action of 17 December 1998 (1999/34/CFSP) (EU JA).

²¹ See footnote above.

²² Section 1, WA 'Best Practice Guidelines for Exports of SALW', December 2002.

²³ Criteria and Operative Provisions, EU Code.

²⁴ 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.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	WASSENAAAR ARRANGEMENT	EU CODE OF CONDUCT	EU JOINT ACTION	OSCE SALW DOCUMENT	OSCE CA DOCUMENT	UN FIREARMS PROTOCOL	UN POA	SCSP RIP
Verification (pre/post)				Section 3 (B)		Article 11		
Brokering Controls	WA ²⁵			Section III (D)		Article 18	Section II, SS 14	Section III (B), (C)
DOMESTIC POSSESSION, TRADE & STOCKPILING								
Manufacture			Article 3 (c)	Section I, Section II (A)			Section II, SS 3	Section III (B)
Marking and Tracing	WA ²⁶			Section I, Section 3 (B), (C), (D)		Articles 8, 9, 14	Section II, SS 7, 8	Section III (B)
Possession			Yes				Section III, SS 3	Section III (C)
Stockpiling				Section IV	Sections 1 - IV		Section II, SS 3	Section III (B)
Trade				Section III			Section II, SS 3	Section III (C)



²⁵ 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 strictly control 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.

²⁶ Section II, WA SALW Guidelines.