

FYR Macedonia¹



1 SALW problem

According to the Government ‘the proliferation and widespread illicit use of SALW remains an important security concern in FYR Macedonia despite the continued efforts of the FYR Macedonian Government during the last three years’.² Large quantities of SALW are thought to have entered FYR Macedonia in previous years to arm rebel groups, mainly from Kosovo, but also directly from Albania following the mass looting of government stockpiles there in 1997.³ A National SALW Survey of FYR Macedonia in 2004 estimated that there were between 100,000 and 450,000 illegal SALW in the country.⁴ The easy availability of these weapons has certainly contributed to instability and exacerbated inter-ethnic tensions in recent years, contributing to the outbreak of violent conflict in 2001.⁵ Since the end of the 2001 conflict however, FYR Macedonia has become increasingly stable with official statistics showing a long-term decline in armed crime.⁶ Nonetheless, according to surveys conducted for UNDP in 2005 and early 2006, Macedonians continue to perceive weapons proliferation as the second greatest threat to their personal security.⁷

In an attempt to address the question of societal possession and use of SALW, a new *Law on Weapons* was submitted to the Parliament for the first time in January 2005. Unfortunately the law was subsequently withdrawn, and will not now come into force until January 2007, leaving flawed legislation dating from 1972 in force until that time. The legislative and regulatory framework governing international arms transfers is also problematic in some respects, falling short of European and international norms. At the present time, FYR Macedonia operates two parallel systems for regulating arms transfers, each grounded in

¹ Due to the name dispute between the country under the examination in this chapter and Greece, the UN refers to the country as the ‘Former Yugoslav Republic of Macedonia.’ For the purposes of this report ‘FYR Macedonia’ will be used throughout the text.

² FYR Macedonia UNPoA Report, May 2005. Available at: <http://disarmament.un.org/cab/salw-nationalreports.html>, accessed 30 May 2006.

³ Saferworld-CPDE, *Turning the Page: Small Arms and Light Weapons in Albania*, 2005, pp. 40–41.

⁴ BICC-SEESAC, *A Fragile Peace: Guns and Security in post-conflict Macedonia*, 2004.

⁵ c.f. Saferworld-BICC, *Macedonia: Guns, policing and ethnic division*, 2003, *A Fragile Peace Op Cit.* pp. 13, 23, 29, 32.

⁶ Interview with Alain Lapon, UNDP PCSS, Project Manager, 30 March 2006.

⁷ UNDP *Early Warning Report*, December 2005, p. 45. Available at: <http://www.undp.org.mk/datacenter/publications/documents/EWREngDec05.pdf>, accessed 01 June 2006.

different legislation and controlled by different Ministries without significant inter-agency co-ordination.⁸ Gaps in the transfer controls legislation include the lack of a legally defined standard for end-user certificates; no legal basis for the control of brokering activities; a lack of provision for the control of re-transfers; and the fact that the military and dual-use control lists currently in use are not to EU standard. Given that exports of SALW from FYR Macedonia are currently negligible, underdeveloped transfer control legislation does not raise immediate concerns. However, the fact that FYR Macedonia is committed to abide by the provisions of the EU Code of Conduct on Arms Exports, together with the Government's plans to increase its capacity for arms production, import and export in the future, necessitate the development of legislation and enforcement frameworks in this area.

Aside from arms transfer controls, some problems remain in areas such as government transparency and accountability, border control, stockpile management, and consolidating recent steps towards inter-agency co-operation on SALW control. As transfers of arms and military equipment are designated as 'secret' under the *Law on Public Procurement* and no legal requirements exist for the dissemination of information on arms transfers to the Parliament, transparency within the system is significantly lacking. Ongoing difficulties with border management, particularly in the west and north-west of the country where the smuggling of SALW and other contraband are known to occur with some frequency, are also of concern. The security, management and provision of public information on government stockpiles have all been identified as areas of concern in the past, and appear to some degree to remain so.⁹ Lastly, FYR Macedonia's National SALW Control Commission, although established in 2005, has not yet formally met, highlighting the challenges that the country faces in ensuring effective cross-agency co-operation on this issue.

2 SALW policy and practice

The Government of FYR Macedonia maintains that SALW control is an issue of high priority.¹⁰ Steps taken by the Government during 2005 suggest that this declared commitment is also being translated into action. On 16 June 2005, the Government adopted its first National Strategy on SALW Control. The Strategy is divided into several functional areas: cross-border management; legislative and regulatory measures; Management Information and SALW Survey; SALW Awareness and Communications strategy; SALW Collection (weapons and ammunition); SALW Destruction (weapons and ammunition); stockpile management; and security sector reform.¹¹

The main focus of the Strategy for the current period has been the development and implementation of the national legislative framework, the gathering of Management Information, public awareness-raising and police reform.¹² The Strategy foresees the

⁸ Exports of military equipment are controlled by the Ministry of Defence, in line with the 'Law on Production and Trade in Arms and Military Equipment', while the Ministry of Interior and the Ministry of Economy control commercial exports of weapons in line with the 'Law on Foreign Trade'.

⁹ According to FYR Macedonia's 2005 Report to UNDDA, 'there is no centralized system of monitoring [of stockpiles] in place' currently. *UN PoA Report 2005, Op Cit.*, p. 11. See also *A Fragile Peace, Op Cit.*

¹⁰ For example in the *UN PoA Report, 2005, Op Cit.*

¹¹ UNDP's SACIM website: http://www.safecomunities.org.mk/detail.asp?Article_ID=10&lnk=15, accessed 22 May 2006.

¹² Correspondence, Alain Lapon, UNDP PCSS, Project Manager, 15 March 2006.

establishment of a National Commission on SALW; and ministerial representatives have already been selected, with the Ministry of Interior (Mol) having been appointed to the presidency of the Commission.¹³ At the present moment, the National Commission is still an *ad hoc* body composed of representatives from the Ministries of Interior, Foreign Affairs, Defence, Finance (Customs administration), Justice and Education, who may, where needed, invite representatives from the Ministries of Economy, Local Government and Agriculture to attend meetings. Civil society and international organisations' representatives have been given observer status.¹⁴ While the Commission has not yet formally met, parts of the agreed National SALW Strategy are already being implemented by a working group within the Mol and by specially appointed sub-commissions, each focusing on a different area of the Strategy, such as legislation, export controls, SALW Destruction or dual-use goods.¹⁵

Further developments in this reporting period include public endorsements by the FYR Macedonian Government June 2005 of two EU instruments by which it intends to abide: the EU Joint Action on SALW and the EU Common Position on Brokering. Finally, FYR Macedonia's adoption of the National SALW Control Strategy has been driven, in part, by an overriding policy goal of Euro-Atlantic integration. This in turn also spurred the development of new legislation in 2005 relating to both the possession and use of weapons by civilians (the *Law on Weapons*) and on the transfers of dual-use goods and technologies (see Section 3.1 below).

ARMS OR SALW CONTROL AGREEMENT	FYR MACEDONIA'S COMMITMENTS
EU Code of Conduct on Arms Exports	November 2004
OSCE Document on SALW	November 2000
OSCE Document on 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, but intention to sign declared in an official statement at the Biennial Meeting of States on the PoA in July 2005.
UN Programme of Action on SALW	July 2001

Table 1: FYR Macedonia's commitments to conventional arms or SALW Control agreements

¹³ Government of FYR Macedonia presentation at the RIP Steering Group meeting, Belgrade, 16 May 2006.

¹⁴ Correspondence, Alain Lapon, *Op Cit.*

¹⁵ Government of FYR Macedonia presentation at the RIP Steering Group meeting, *Op Cit.*

3 SALW progress 2005–2006

3.1 Legislative and Regulatory Issues

Transfer controls

In 2004, FYR Macedonia unilaterally aligned itself with the EU Code of Conduct on Arms Exports, a move that indicated a willingness to improve the country's transfer controls procedures. However, the Code's provisions (e.g. on brokering, re-transfers and end-user certificates) are not yet incorporated into the national regulatory framework. The single most significant development in the field of transfer controls in this reporting period has been the October 2005 adoption of the *Law for Controlling Export of Goods and Technologies with Dual Use*. The Law established a commission to oversee the export of goods and technologies with dual use (as distinct from the over-arching National SALW Control Commission) presided over by the Ministry of Defence (MoD) and including, among others, representatives from the Ministries of Interior, Economy and Foreign Affairs and the Customs Agency.¹⁶

Domestic possession and use

Preparations for upgrading the legislative framework governing civilian possession of weapons and ammunition in FYR Macedonia begun in January 2005 with the submission of a new *Law on Weapons* to Parliament.¹⁷ As previously noted however, the Law, which amongst other things, bans carrying weapons in public places by civilians, will not now be implemented until January 2007 when supporting provisions such as new secondary legislation are ready.¹⁸ A working group to oversee the implementation of the *Law on Weapons* has been formed, and is tasked with drafting Directives on technical security measures for civilian shooting ranges and on procedures for the cross-border transfer of civilian weapons.¹⁹

Further, in January 2005, the MoI established a special unit within its Organised Crime Sector designed to combat the illegal trade and possession of SALW and explosive materials.²⁰ New software being developed by the Government of FYR Macedonia and UNDP FYR Macedonia is also expected to enhance implementation of the new Law when it comes into force. When operational, the software will be used to store information on all civilian weapons licences, replacing existing systems. According to the MoI, this will help to reduce the numbers of SALW currently entering the illegal market.²¹

¹⁶ Article 4, Paragraph 1.

¹⁷ The law will regulate the acquisition, ownership and handling of weapons and ammunition, the termination of weapon licences as well as the import, export, transit, brokering, marking, stockpiling and domestic retail of weapons for civilian and private use. Available at: http://www.safecommunities.org.mk/detail.asp?Article_ID=58&lnk=60, accessed 30 May 2006.

¹⁸ Government of FYR Macedonia presentation at the RIP Steering Group meeting, *Op Cit.* For a more detailed analysis of this legislation, see SEESAC, *South Eastern Europe SALW Monitor 2005*, Belgrade, 2005, pp. 91–93. The following are to be regulated by secondary legislation: a national catalogue of weapons and ammunition, and training standards and minimum security guidelines for legal entities, trading firms and hunting organisations. Details of secondary legislation under development in FYR Macedonia's 2004 PoA report.

¹⁹ Government of FYR Macedonia presentation, *Op Cit.*

²⁰ FYR Macedonia's 2005 UN PoA Report, p. 10. Available at: <http://disarmament.un.org/cab/nationalreports/Macedonia%20revised.pdf>, accessed 02 June 2006.

²¹ 'Development of a Weapons registration and stockpile management software', 17 March 2006. Available at: http://www.safecommunities.org.mk/detail.asp?Article_ID=54&lnk=34, accessed 01 June 2006.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	FYR MACEDONIA
NATIONAL	
National Co-ordinating Agency	Being developed (though a commission to regulate commercial arms transfers already exists)
National Point of Contact	Yes
LAWS AND PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT	
Primary legislation	Yes ²²
Production	Yes, although little detail available
Export	Yes
Import	Yes
Transit	Yes
NATIONAL SYSTEM OF EXPORT AND IMPORT LICENSING OR AUTHORISATION	
Diversion risk	Yes. Through adoption of EU Code of Conduct
End User Certificate	Yes (EUC's required, but no standardised format described in law)
Re-transfers	No
Verification (pre/post)	No
Brokering Controls	No
DOMESTIC POSSESSION, MANUFACTURE, STOCKPILING AND TRADE	
Manufacture	Yes ²³
Marking and Tracing	Yes ²⁴
Possession	Yes ²⁵
Stockpiling	Yes ²⁶
Trade	Yes ²⁷

Table 2: Features of FYR Macedonia's legislative and regulatory framework

²² The 1985 'Law on Manufacture and Trade in Weapons and Military Equipment', *Official Gazette* No. 30/85, 6/89, 53/91 and 54/2002, covers manufacture and transport. The October 2005 'Law for Controlling Export of Goods and Technologies with Dual Use' is the primary legislation on commercial arms transfers, though the 'Law on Arms' *Official Gazette* 07/05 also covers some aspects of production, export, import and transit.

²³ Section V of the 'Law on Arms' - Manufacture and Repair of Weapons and Ammunition. The Mol is primarily responsible for authorisation of manufacturers, upon received advice of the MoD and previous authorisation from the Ministry of Economy.

²⁴ Section VI of 'Law on Arms' - Trade with Weapons, Ammunition and Parts of Weapons. Mol has primary responsibility.

²⁵ Section II of 'Law on Arms' - Acquisition and Ownership of Weapons and Ammunition. Also, Section III - Handling Weapons and Ammunition. Also, Section IV - Terminating and Deprivation of the Weapon Licence, Licence for Possessing and Licence for Carrying a Weapon.

²⁶ Section III of 'Law on Arms' - Handling Weapons and Ammunition. Also Section VI, Article 54.

²⁷ Section VI of 'Law on Arms' - Trade with Weapons, Ammunition and parts of Weapons.

3.2 SALW Collection programmes and capacities

Though national SALW Collections were previously run in FYR Macedonia in both 2001 and 2003, no such initiatives have taken place in 2005/6. Smaller-scale seizures of SALW are reported to take place periodically through intelligence-based police operations, resulting in the recovery of 1,611 weapons in 2005.²⁸

3.3 SALW Destruction programmes and capacities

In 2005, the Government developed a Directive on the handling of confiscated and collected weapons, which stipulates that all such weapons are to be destroyed annually.²⁹ In the course of 2005, over 5,000 confiscated weapons were publicly destroyed,³⁰ and more recently, on 15 February 2006, a further 2,262 weapons were destroyed.³¹ If the planned destruction of 1,500 weapons takes place on 09 July 2006, the total number of weapons destroyed in FYR Macedonia in the past five years will exceed 15,000.³² No information on any destruction of surplus military or police stocks was made available during this reporting period.

3.4 SALW Stockpile Management programmes and capacities

Although as previously noted, stockpile management in FYR Macedonia has historically posed problems; depots controlled by the FYR Macedonian armed forces and police service are reported by staff from the UNDP FYR Macedonia SACIM/PCSS project to be inventoried on a regular basis.³³ However, in 2005, a central site for the storage of all seized and collected weapons was upgraded in order to improve the management and security of stocks.³⁴ Moreover, following an agreement with UNDP FYR Macedonia in March 2006 on the development of new weapons management software to support the implementation of the Law on Weapons, the Government hopes to address many of its stockpile management problems (see Section 3.1 above).³⁵

²⁸ Seizure figures for previous years are as follows: 1,003 (2002), 1,134 (2003), 1,314 (2004). Correspondence with Alain Lapon, 02 June 2006.

²⁹ Government of FYR Macedonia presentation, *Op Cit*.

³⁰ *Ibid*.

³¹ Interview, Alain Lapon, *Op Cit*.

³² Government of FYR Macedonia presentation, *Op Cit*.

³³ The police service's central storage depot is reported to be reviewed annually and service weapons held in police stations checked once a month. The MoD is also reported to review its stocks monthly. Correspondence, Alain Lapon, *Op Cit*.

³⁴ *Ibid*.

³⁵ 'Development of a Weapons registration and stockpile management software', 17 March 2006. Available at: http://www.safecommunities.org.mk/detail.asp?Article_ID=54&Ink=34, accessed 29 May 2006. This initiative has been developed as part of the European Western Balkans Plan, and if proven to be successful, will be used by SEESAC as a template for similar activities in other countries. Government of FYR Macedonia presentation at the RIP Steering Group meeting, *Op Cit*.

3.5 SALW Awareness activities

SALW Awareness-raising activities in FYR Macedonia are regularly implemented by the MoI in co-operation with UNDP, and are geared primarily towards reducing the occurrence of celebratory fire during festive periods (December - January, July - August). Most recently, they ran a campaign aimed at delivering the message 'Bullets are not Greeting Cards' between 08 December 2005 and 15 January 2006.³⁶

Numerous SALW Awareness activities have also been carried out by civil society organisations, concentrating mainly on raising public awareness of the dangers associated with SALW possession and use. Information campaigns (e.g. 'Say No to Weapons') and educational craft workshops carried out as part of the 'Arts Against Arms' initiative were delivered by the NGO CIVIL during 2005 and are notable examples. More recently, CIVIL ran a series of public events in collaboration with other NGOs during the 'International Week of Action on Small Arms' (IWASA) in May 2006.³⁷ Lastly, the EU and UK Government funded project 'Challenging insecurity: engaging civil society in decision making on arms control and community safety' has been implemented in FYR Macedonia since early 2005. As part of the project, CIVIL opened a resource centre within their offices in September 2005, which functions as an accessible source of material on SALW, arms control, SSR and wider security and conflict issues. This is regularly used by members of other NGOs and by journalists.

3.6 SALW Survey activities

In March 2006, a nationwide SALW demand survey, entitled 'Assessing demand and supply of SALW in FYR Macedonia' was published by SEESAC and UNDP FYR Macedonia.³⁸ The results of the demand survey will be used to inform UNDP's 'safer communities' programme in FYR Macedonia.³⁹ An analysis of FYR Macedonian legislation and practice in the field of arms exports and transfers is currently being undertaken by Saferworld in line with the European Commission (EC) developed 'Western Balkans SALW Control Support Plan'. This study, due to be published in 2006, will include a series of recommendations designed to ensure that FYR Macedonia's legislative framework is in compliance with the EU Code of Conduct on Arms Exports.

3.7 Civil society involvement in SALW interventions

Whilst levels of academic involvement in SALW issues are limited, NGO participation is high. As noted above, those members of FYR Macedonian civil society who have been actively involved in SALW control work have tended to focus their efforts on raising societal awareness of the dangers of weapons possession and misuse. More recently however, FYR Macedonian NGOs provided input into discussions about the content of the *Law on Weapons* while it was being developed.⁴⁰ Representatives of FYR Macedonian civil society have also been active at the regional level; in the period 2005/2006, CIVIL hosted an

³⁶ http://www.safecommunities.org.mk/detail.asp?Article_ID=45&Ink=34, accessed 30 May 2006.

³⁷ Civil Press Release, 'Thousands of people rallied against weapons', 25 May 2006.

³⁸ The report can be accessed from SEESAC's website at http://www.seesac.org/reports/Survey_FYRoM_06.PDF.

³⁹ http://www.safecommunities.org.mk/detail.asp?Article_ID=44&Ink=34, accessed 30 May 2006.

⁴⁰ Interview, Alain Lapon, Op Cit.

Annual General Meeting of the South East European Network on Control of Arms (SEENCA), and two meetings of the Network's Board. Further, as a member of SEENCA, CIVIL has taken part in regional advocacy work, submitting letters and briefing notes to the Government of FYR Macedonia in connection with the UN Programme of Action (PoA) review process and the international campaign for the adoption of an international Arms Trade Treaty. The NGO 'Journalists for Children and Women's Rights and the Environment' also attended the UN Biennial Meeting of States in July 2005 to revise implementation of the UN PoA, working alongside other NGOs to lobby governments. Further, CIVIL prepared a submission to the FYR Macedonian Government following the publication of the 2005 SEE SALW Monitor which commended the positive steps undertaken by the Government and detailed some priority SALW control areas.

Further, with the support of CIVIL, a National Arms Control Working Group (NACWG) has been established in FYR Macedonia, with members from NGOs based in Lipkovo, Struga, Bitola, Tetovo and Prilep. The NACWG carries out joint activities designed to increase awareness of SALW issues, and members have participated both in the International Day of Peace in 2005 and the 2006 IWASA. During the latter, a protest rally was held in Skopje and campaign material was disseminated in several cities across FYR Macedonia, all of which attracted significant media interest.

3.8 Cross-border SALW control initiatives

FYR Macedonia has been both a destination and transit point for weapons trafficking in the past, and the need to maintain and where possible, improve border controls, remains obvious. During this reporting period, the Government of FYR Macedonia has taken several steps to increase its capacity to fight illegal weapons trafficking. Firstly, it has synchronised the new integrated border management strategy adopted in October 2005 (covering the operational procedures at the border crossings and the handover from the army border guards to the border police) with the National SALW Strategy.⁴¹ Secondly, as previously mentioned, a unit for the fight against illegal trade and possession of SALW was established in January 2005 within the MIA Organised Crime Sector. Thirdly, FYR Macedonia has increased its involvement with the SECI Centre and Interpol.⁴² Finally, in March 2006, the FYR Macedonian Public Prosecutor's office and the Slovenian State Prosecutor's office signed a memorandum of understanding on co-operation in the fight against serious criminal offences, including organised crime and weapons trafficking.⁴³

3.9 SALW Management Information and exchange systems and protocols

The FYR Macedonian Government was reported to be compiling its first ever report on arms exports in early 2006, a move which will provide a welcome boost to transparency. Externally, FYR Macedonia is party to a number of international and regional information exchange systems, such as the ones existing within the UN PoA framework, OSCE and INTERPOL. The

⁴¹ Government of FYR Macedonia presentation at the RIP Steering Group meeting, *Op Cit.*

⁴² *Ibid.*

⁴³ 'FYR Macedonia, Slovenia sign agreement on combating crime', STA News Agency, 30 March 2006. Available at: http://www.seesac.org/wms2006/2006-03-31.htm#Macedonia,_Slovenia_sign_agreement_on_combating_crime, accessed 01 June 2006.

Government of FYR Macedonia submitted relatively good reports to the UNDDA in 2003, 2004 and 2005 on its policy and practice with regard to the implementation of the UN PoA, and it also submits an annual report to the OSCE as part of the information-exchange mechanism established by the OSCE Document on SALW. Although no information was provided to the research team in response to information requests submitted via the FYR Macedonian National Focal Point for SALW in spring 2006 as part of the research for this report, government officials from the MoI were willing to provide information related to arms transfer control during face-to-face meetings.

INFORMATION EXCHANGE AND PROTOCOLS	FYR MACEDONIA
INTERNATIONAL	
Reporting to the UN DDA on the Programme of Action (PoA)	Yes
Reporting to the UN Register of Conventional Arms	Yes
Reporting to the Wassenaar Arrangement	-
INTERPOL/EUROPOL	Yes
REGIONAL	
Information exchange with OSCE	Yes
Information exchange with EU	Yes, regarding SAA
SECI Regional Centre intelligence exchange	Yes
NATIONAL	
Transparency on SALW imports, exports and decision-making	No
Publication of national reports on arms/SALW transfers	No
Publication of SALW national strategy	Yes

Table 3: Information exchange and protocols

3.10 Additional SALW related activities

The current UNDP project, the Partnership for Community Safety and Security (PCSS), which replaced SACIM is assisting the FYR Macedonian Government in the implementation of the National SALW Control Strategy. A second strand of the UNDP project however, concerns 'safer community development'. By building partnerships between various sectors of society, UNDP FYR Macedonia is working to develop safer community plans (SCPs) in nine locations. While not directly concerned with SALW, by increasing levels of security UNDP hopes to reduce demand for firearms in these areas. Early indications of reduced crime rates and increased perceptions of safety in targeted areas are considered promising in this regard.⁴⁴

⁴⁴ Interview, Alain Lapon, *Op Cit.*

