

Montenegro



1 SALW problem

Following the results of the 21 May 2006 referendum on independence in the Republic of Montenegro, independence from the State Union of Serbia and Montenegro (SCG) was declared by the Montenegrin Parliament on 03 June 2006. It is to be hoped that the separation of Montenegro, though the result of a closely-fought political battle, will bring a welcome end to the institutional paralysis that has hampered the working of SCG's Federal level institutions in recent years. Past attempts to co-ordinate SALW control policy across SCG's two constituent republics did not succeed in the face of such difficulties, with material progress at the Federal level being seemingly impossible. Though a National Strategy for SALW control in SCG and the individual republics was drafted in December 2004,¹ neither the State Union nor the Republic of Serbia had ratified the State Union level strategy by May 2006, causing considerable delay to the implementation of much needed SALW control measures.

The division of the State Union into two independent republics will now create new SALW control challenges for both Serbia and Montenegro. The State Union had responsibility for controlling SCG military SALW stocks and for regulating international SALW transfers. With the dissolution of the SCG, the Union's significant SALW stocks will be divided between the two successor states. This division presents obvious difficulties. It also remains unclear at the present time how international arms transfers from the country's constituent republics, as well as SALW production within the separate republics, will be regulated in the future. As the successor state to the State Union, Serbia will, at the very least, be required to adopt the current SCG legislation. In Montenegro it is more likely that new primary and secondary legislation will have to be created. Further, in keeping with regional and international norms, Montenegro will be expected to align itself with a number of regional and international agreements on SALW control and information exchange, especially those to which SCG was a party. However, Montenegro's capacity to fulfil any such commitments is not yet clear.

The 2004 National SALW Survey of Montenegro found that *'the widespread availability and misuse of small arms continues to threaten the safety and stability of Montenegro.'* According to this research, the common estimate of one weapon per household is 'a realistic upper threshold' for small arms possession, with Montenegro appearing to be *'one of the most heavily armed territories in the region.'* According to data from the Montenegrin Mol, the total number of registered weapons in Montenegro in 2004 was 101,889, of

¹ *The State Union of Serbia and Montenegro Strategy for the Control of Small Arms and Light Weapons (SALW)*, Belgrade, December 2004 (hereafter SCG SALW Strategy).

which 86,000 were civilian-held weapons. This figure indicates that Montenegro has one of the highest rates of registered firearms per capita in the region. Although data on illegally held SALW is sparse, it has been estimated that there are between 40,000 and 89,000 unregistered firearms in civilian possession, while the rapidly growing private security sector also appears to hold significant numbers of weapons.

Armed crime levels are relatively high in Montenegro compared to the rest of the region, particularly in smaller towns where handguns are the most common weapons used in assaults. Although incidents of armed violence have decreased since the mid-1990s, the level of armed murder in Montenegro remains unduly high. Montenegro also faces significant organised crime and trafficking problems, something which the weak law enforcement agencies have not been able to effectively address. This is particularly a result of corruption within state agencies, and the mountainous terrain that makes effective border control problematic.

Whilst public transparency on SALW issues is low in Montenegro, it is thought that MoI holdings total approximately 16,000 weapons. Further, the 2004 National SALW Survey of Montenegro assessed the number of SALW under the control of the old SCG armed forces to be around 40,000. The future of these ex-SCG military weapons remains unclear at present, although it is likely that they will be transferred to a new Army of Montenegro.

2 SALW policy and practice

In December 2004, the State Union of Serbia and Montenegro (SCG) created a National Strategy for the control of SALW.² Among other things, the strategy provided for the establishment of an inter-ministerial SALW commission to implement the Strategy and to monitor the implementation of an accompanying SALW action plan.³ The Strategy contains three annexes: an Action Plan for the Control of SALW at the federal level (SCG), and two strategies for implementation of SALW control at the republic level. The Government of the Republic of Montenegro approved its republic-level National Strategy and Action Plan for SALW Control in August 2005.⁴ An inter-ministerial SALW Commission was subsequently formed in January 2006.⁵ The strategy now needs revision to take account of new responsibilities in terms of arms transfers that were previously at the State Union level.

Over recent years, the State Union became party to a number of international and regional SALW agreements (see Serbia chapter). As the Republic of Serbia has inherited the State Union's responsibilities under these agreements, at this moment Montenegro has not committed itself to any of the following: the EU Code of Conduct; OSCE Document on Small Arms; OSCE Document on Stockpiles of Conventional Ammunition; OSCE Decision on End-User Certificates; OSCE Decision on Brokering; OSCE Decision on MANPADS; Stability Pact Regional Implementation Plan; UN Programme of Action and UN Firearms Protocol. It is hoped that all necessary measures will be taken to ensure that Montenegro accedes to these agreements at the earliest possible opportunity.

² *The State Union of Serbia and Montenegro Strategy for the Control of Small Arms and Light Weapons (SALW)*, Belgrade, December 2004, (hereafter SCG SALW Strategy).

³ SCG SALW Strategy, pp. 19–20.

⁴ The Strategy was officially launched at a press conference in Podgorica in October 2005. SACISCG Interim Report, p. 4.

⁵ SACISCG Interim Report, p. 4.

The Strategy designated the Republic's Mol as the lead agency in most areas, including Legislative and Regulatory Issues, SALW Collection and destruction and stockpile management.⁶

3 SALW progress 2005–2006

3.1 Legislative and Regulatory Issues

Transfer controls

In SCG, military production and transfers were regulated at the State Union level, by the *Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods*, February 2005.⁷ Montenegro needs now to develop and implement legislation to a similar standard.

Domestic possession and use

Civilian possession of SALW in Montenegro is regulated by the 2004 *Law on Arms*,⁸ which covers the supply, production, possession, transport, repair and remaking of firearms. No changes to the legislation are known to have taken place in 2005/6.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	MONTENEGRO
NATIONAL	
National Co-ordinating Agency	No
National Point of Contact	Yes
LAWS AND PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT	
Primary legislation	Present basis for transfer control unclear
Production	No
Export	No
Import	No
Transit	No
NATIONAL SYSTEM OF EXPORT AND IMPORT LICENSING OR AUTHORISATION	
Diversion risk	No
End User Certificate	No
Re-transfers	No
Verification (pre/post)	No
Brokering Controls	No
DOMESTIC POSSESSION STOCKPILING AND TRADE	

⁶ See: *Ibid*, Annex B.

⁷ See SEESAC, *South Eastern Europe SALW Monitor 2005*, Belgrade, 2005, hereafter 2005 Monitor, p. 149.

⁸ 'Law on Arms', *Official Gazette of the Republic of Montenegro*, 49/2004.

FEATURES OF LEGISLATIVE AND REGULATORY FRAMEWORK	MONTENEGRO
Manufacture	Yes
Marking and Tracing	Yes
Possession	Yes
Stockpiling	No
Trade	Yes

Table 1: Features of Montenegro's legislative and regulatory framework

3.2 SALW Collection programmes and capacities

Prior to 2005, two SALW Collection programmes were implemented in Montenegro: the 'Farewell to Arms' amnesty and collection initiative (2003) and the 'Respect the Law – Don't Carry Arms' campaign between December 2004 and January 2005. No collection campaigns have taken place since. At the present time, Montenegro relies on police seizures during the normal course of their work to collect and recover SALW. The MoI reportedly plans to hold a voluntary SALW Collection in 2006 and is currently reviewing options for offering incentives to encourage the surrender of illegal weapons.⁹

3.3 SALW Destruction programmes and capacities

In accordance with Montenegro's SALW Control Strategy, the MoI, supported by the UNDP SACISCG programme, destroyed 2,159 confiscated, surplus and recovered weapons in February 2006. The destruction, which was carried out at the Niksic Steel Factory, was financially supported by the Bulgarian MFA, with SEESAC providing technical assistance.¹⁰ The MoI also completed the destruction of 527,369 rounds of small arms ammunition during March 2006.¹¹

IMPLEMENTER	QUANTITY	YEAR	LOCATION	SPONSOR
Montenegro MoI	2,159 weapons	2006	Niksić	Republic of Bulgaria
Montenegro MoI	527,369 rounds of SAA	2006	Radovce	Republic of Bulgaria

Table 2: SALW Destruction in Montenegro during 2005–6

3.4 SALW Stockpile Management programmes and capacities

No known changes to Montenegro's stockpile management standards or procedures are known to have taken place during 2005–6.

⁹ SACISCG Interim Report, p. 7.

¹⁰ SACISCG Activity Report, 02 March 2006.

¹¹ SEESAC, *Clearing Guns*, April 2006, p. 12.

3.5 SALW Awareness activities

Several SALW Awareness activities were implemented in Montenegro during 2005–2006. In August 2005, Montenegrin filmmakers produced a documentary on SALW control that included information on the republic's newly adopted National SALW Strategy. The documentary, which was aired on local TV in September 2005, has also been used by police during SALW Awareness activities. Between December 2005 and February 2006, the MoI and the Police delivered presentations in schools and universities around Montenegro to raise awareness of the risks of SALW misuse.¹²

3.6 SALW Survey activities

No SALW Surveys have taken place in Montenegro since the publication in June 2004 of the report *A house isn't a home without a gun – Republic of Montenegro SALW Survey*, researched by the Small Arms Survey.

3.7 Civil society involvement in SALW interventions

No information was available on SALW activities by Montenegrin civil society actors in 2005–2006 other than those described in section 3.5 above.

3.8 Cross-border SALW control initiatives

A counter-proliferation training course for Customs and Police officers from the Republics of Serbia and Montenegro was organised in December 2005 by the US Government.¹³ Apart from this course, no known improvements or changes to cross-border controls are known to have taken place in Montenegro during 2005–2006.

3.9 SALW Management Information and exchange systems and protocols

Once Montenegro is accepted for membership in the various international organizations, it will become committed to a number of international instruments that require information exchange. Mechanisms will also have to be developed to ensure information exchange between Montenegro and Serbia.¹⁴

¹² *Ibid*, p. 4.

¹³ SACISCG Interim Report, 01 June 2005–28 February 2006, p. 3.

¹⁴ *Report on Small Arms and Light Weapons in Serbia and Montenegro*, 2005, p. 6, available at, <http://disarmament.un.org/cab/nationalreports/2005/Serbia%20and%20Montenegro.pdf>, accessed 27 May 2006.