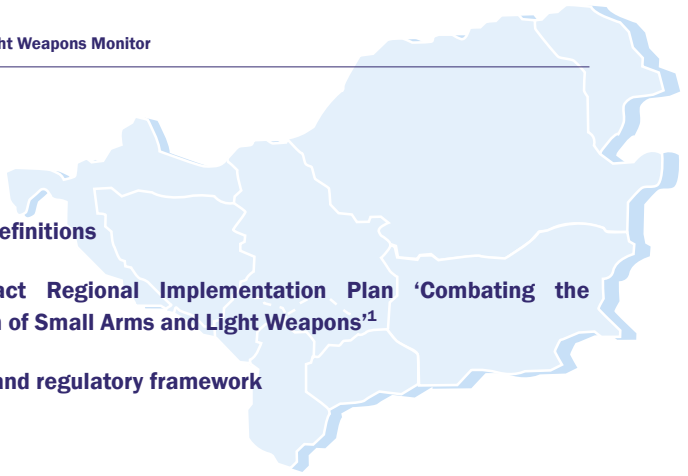


4 – Annexes

Annex 4.1 **Terms and definitions**

Annex 4.2 **Stability Pact Regional Implementation Plan ‘Combating the Proliferation of Small Arms and Light Weapons’¹**

Annex 4.3 **Legislative and regulatory framework**



A light blue map of South Eastern Europe is positioned in the background. The map shows the outlines of countries in the region, including Greece, Bulgaria, Romania, and parts of Turkey, Albania, and the Balkans. The title 'Annex 4.1 Terms and Definitions' is overlaid on the map in a dark blue font.

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 RMDS the above definition will be used.

Small Arms Capacity Survey (SACS)

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

Small Arms Distribution Survey (SADS)

The component of 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 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 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 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'

'Combating the Proliferation of Small Arms and Light Weapons' Stability Pact Regional Implementation Plan For South East Europe

Final

28 November 2001

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 corner of Europe region 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 nongovernmental actors with a roadmap for addressing it. The Stability Pact's Regional Implementation Plan aims to take that process a step further by providing a specific framework for next steps, the regional mechanisms for carrying them out and the donor resources required for comprehensive implementation. The Plan does not seek to compete or contradict existing agreements and arrangements but to build upon them in the most practical way possible.

At its core, the Plan seeks to enhance regional cooperation in this critical area, providing both information sharing and local standard setting geared toward direct project formulation and implementation. The Plan envisions the establishment of a Regional Clearinghouse for SALW Reduction in Belgrade under UNDP auspices that would supply the wide range of regional actors with targeted advice on formulating and implementing project proposals while at the same time serving as a forum for information sharing. South East European governments would agree to establish a Regional Steering Group (RSG) consisting of "national focal points," to ensure the relevance, consistency and regional ownership of the work of the Clearinghouse. To support the results of these activities, donors will establish a "Set Aside" fund of financial resources dedicated to project fulfilment.

The emphasis of this program 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.

I. The challenge

Introduction

The problem of the destabilising accumulation and uncontrolled spread of Small Arms and Light Weapons (SALW) has gained prominence on the international agenda over recent years as the serious implications of these accumulations become apparent. These specific implications include: the pervasive regional instability 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 must be addressed through the establishment of a sturdy and reliable framework to address the problem, coupled with the implementation of a range of measures, both operative and normative. Global and national action is important, along with well-coordinated regional follow through.

Global initiatives have also been pursued. In the United Nations, sets of recommendations for measures to prevent and reduce small arms proliferation were endorsed by the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects in July 2001.

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

At the other end, the complexity of the issue and the array of individual factors at work in different countries and regions does not allow for a quick or easy consensus on measures to take at the international level. Nonetheless, 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 last year 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.

NGOs have been very active in building a regional consensus for action. An informal dialogue conducted under the auspices of the Szeged Small Arms Process has allowed for a wide-ranging dialogue and placed national and international policymakers in contact with academic and technical experts.

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

The scourge of Small Arms and Light Weapons in South East Europe

Stability Pact regional countries recognize that:

- The proliferation and illicit trafficking of small arms is causing human suffering, fuelling crime, exacerbating conflict undermining reconciliation and peace-building efforts, and obstructing economic and social development in South Eastern Europe;
- Economic and social development, the rule of law, and democratic governance are essential for long term solutions to small arms problems;
- Although the wide availability and diffusion of small arms is a concern throughout the region, the problems are particularly acute in certain areas;
- Local populations are deeply affected by the problems associated with small arms, and efforts to tackle these problems should involve close co-operation with civil society;
- The drive for solutions should come primarily from the governments and societies of South Eastern Europe. However, the international community (including governments, international organisations and NGOs) have an important role to play in facilitating and supporting local, national and regional initiatives; and,
- Many of the problems associated with SALW proliferation – conflict, insecurity and crime – are regional in scope. Accordingly, a regional focus is required to tackle the problem.

II. Existing international framework

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 fora for substantial dialogue have been established. In addition, a number of specific projects have been undertaken on an ad hoc basis by donors and beneficiary countries.

A. Current transnational agreements

The countries of South East Europe have agreed to tackle the proliferation of SALW throughout the region under the umbrella of an array of international agreements sponsored by the UN, OSCE, NATO EAPC and the EU.

The momentum for shared regional action against SALW proliferation within South East Europe has been most recently and profoundly shaped by the UN Programme of Action agreed to in New York on July 21, 2001 and the OSCE Document on SALW adopted on November 24, 2000.

1. UN Programme of Action

The UN Programme envisions spheres of action against SALW at the international, regional, national and local levels. It calls for close cooperation among states to reach stated goals, including information sharing, assistance and standard setting and highlights the role of regional organisations in fostering this cooperation.

2. OSCE Document

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.

3. Regional

An integral element to these and other international pledges made by the nations of South East Europe over the past year has been to support a strong regional identity in the fight against the proliferation of SALW.

The UN Programme of Action sets out a regional role encompassing the development, where appropriate, of legally binding instruments aimed at combating the illicit trade in SALW. Additionally, the UN foresees regional mechanisms to reinforce trans-border customs cooperation and networks for information sharing among law enforcement, border and customs control agencies as well as for strengthened legislative frameworks and capable stockpile management. The OSCE Document fulfils many of the UN's goals aimed at establishing a set of regional standards and implementation guidelines.

4. NGO Partnership and the Szeged Small Arms Process

A key factor in any successful regional approach to SALW has to involve international, regional and local NGOs. A conference in Belgrade in early June, sponsored by a coalition of local and international NGOs along with the Yugoslav government, demonstrated the critical role NGOs can and must play in developing a sustainable regional approach to controlling SALW. The Hungarian co-chairmanship of Working Table III proposes to establish a follow up program in the context of the 'Szeged Small Arms Process', which was launched last year. The 'Szeged Small Arms Process' will provide much-needed input on the framework approach as well as serving as an independent monitor of national capacity building effort

throughout the region. Other NGO involvement will be welcome and encouraged throughout the implementation process.

B. Successful implementation examples

- Croatian Weapons Collection and Destruction - During 'gun amnesty' periods in Croatia from 1992 to 2000, 27,024 weapons, 1,603,022 pieces of explosive ordnance and 2,778,952 rounds of ammunition were handed in (and a further 57,673 weapons were legalised). The Government of Croatia financed the program for approximately DM 8 million.
- Trilateral Albania Project – US, German, and Norwegian contribution on destruction of nearly 100,000 SALW and ammunition. The project was completed in October 2001. A valuable feature of the project was that it left behind a national capacity for continued indigenous destruction efforts.
- US project in Yugoslavia – Signed September 30, the \$390,000 agreement finances the destruction of over 50,000 small arms and light weapons by the Technical Repair Bureau in Cacak. Completion expected by the end of 2001.
- Norway/UNMIK Project in Kosovo - Norway backing up KFOR Arms Collection efforts with conversion of a former factory into a destruction facility. UNMIK complemented with enhanced security atmosphere and weapons collection amnesty.
- US project in Bulgaria – The U.S. will subsidise the destruction of weapons scrapped by the Bulgarian army at a cost of €600,000. This initiative tries to curb the resale of weapons in war zones in the Balkans. In all 77,000 light weapons will be destroyed by the Bulgarian company Terem, 70% of which before the end of the year.
- UNDP Program in Albania – Initially a pilot project covering the Districts of Gramsh and later Diber and Elbasan, funded in part by the Government of Canada, the program was geared to linking progress in voluntary surrender of SALW to development assistance. Resulting in the destruction of over 14,000 weapons along with several tons of ammunition, the project has now been extended to the entire country and seeks to complement and enlarge upon donor efforts described above.

III. Goals

The aim of the Stability Pact is to “strengthen countries in South East 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 implementation plan will make a significant contribution towards the aim of the Stability Pact. Its core objective is:

- To develop a strong regional framework by which donors can work closely with countries in South East Europe on joint programmes to implement the UN Programme of Action, OSCE Document on Small Arms and other European and

international commitments and standards in the fight against the proliferation of SALW.

This rationale – that is, the link between the objectives of the implementation plan and the Stability Pact, and the reference to European standards – implies that measures to reduce existing and future destabilizing accumulations of SALW must pay full respect to the principles of the rule of law, democracy and human rights as these are the very values that this plan will help protect. In the final analysis, the success of this plan is to be determined by its impact on the lives of people in South East Europe.

The implementation plan is thus aimed at inducing structural change. Such a process requires time and ownership to ensure sustainability. However, it should be possible to achieve tangible results with a lasting impact within a period of four years.

A. Overall strategy

in order to meet the above objectives:

- Governments agree to develop and implement a coordinated national approach to tackle SALW proliferation. Such approaches should contain measures to address the dimensions of supply, availability and demand. They should be designed to contribute to the reduction of illicit trade in SALW and the rule of law, democracy and human rights in the region;
- Governments of the region pledge to work together to share information and best practices to shape a comprehensive regional approach to combating SALW proliferation. This approach should ideally be developed within the context of existing bilateral consultative opportunities as well as through the SP Regional Clearinghouse to be established in Belgrade;
- Governments should base their approaches 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 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; and,
- The Stability Pact will facilitate the process, including information sharing and regional standard setting, through the spotlighting of ongoing efforts and the establishment of a Regional Clearinghouse for SALW Reduction and Regional Steering Group for project proposal and consideration.

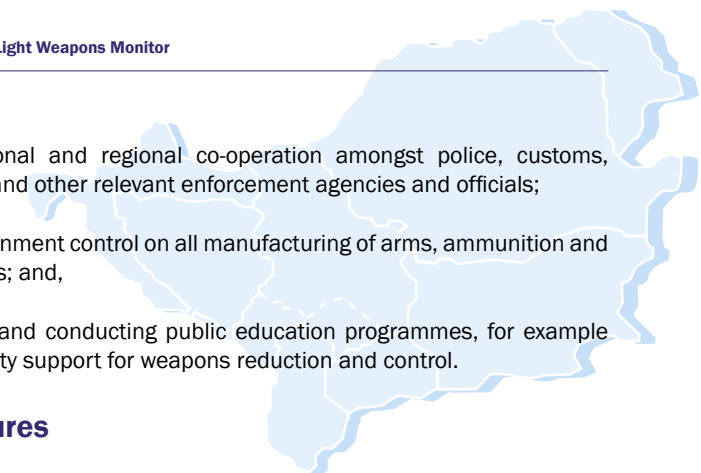
B. National undertakings

South East European nations, in line with international agreements and obligations and seeking opportunities to further regional collaboration, commit to continued tangible progress in the following areas:

- National policies and strategies to combat illicit trafficking and to prevent destabilizing accumulations of SALW should be adopted and implemented by the Governments of the region. These should include measures to address the supply, availability and demand for SALW, with a particular focus on enhancing border monitoring and control capacity;
- National focal points should be established as part of multi-disciplinary national coordinating mechanisms within each country in the region;
- Legislation and regulatory frameworks should be strengthened in line with European and international standards on the possession, manufacturing, marking, record keeping, storage, destruction and transfers of SALW;
- A review of existing holdings of SALW, ammunition and associated equipment should be undertaken, enabling the identification of (a) reliable data on the number and regional distribution of SALW and (b) any surplus stocks in national inventories;
- Significant amounts of illicit and surplus SALW should be collected and destroyed;
- Regional and international cooperation should be strengthened. This will be reflected in the endorsement of relevant European and international norms and standards (for example, the EU Code of Conduct on Arms Exports, OSCE CAT policy); enhanced information sharing and regional standard setting; reinforced trans-border cooperation among law enforcement, border and customs control agencies; and increased cooperation between government agencies and civil society;
- Public awareness of the problems and consequences of SALW proliferation and of the need for inclusive strategies to combat such problems should be significantly enhanced; and,
- A Stability Pact Regional Clearinghouse for SALW Reduction should be established in Belgrade to facilitate regional cooperation and implementation of the plan;

Regional efforts to fulfil agreed upon domestic measures should be stepped up. These measures include:

- Co-operating to strengthen end use controls, and the establishment of agreed minimum standards in this area;
- Developing effective systems of marking and tracing;
- Enhancing information exchange and transparency;

- 
- Strengthening national and regional co-operation amongst police, customs, border authorities, and other relevant enforcement agencies and officials;
 - Strengthening government control on all manufacturing of arms, ammunition and associated materials; and,
 - Raising awareness and conducting public education programmes, for example promoting community support for weapons reduction and control.

C. Specific measures

Such policies and strategies should be designed with a view toward elaborating integrated project proposals encompassing one or more of the following categories:

Preventing and combating illicit trafficking

- Promotion and development of local, national and regional agreements for cooperation in preventing illicit weapons trafficking.
- Enhanced institutional capability to detect and interdict illicit flows of arms across regional boundaries and borders.
- Development and strict implementation of existing agreements on illicit weapons trafficking – notably the UN Firearms Protocol, the OSCE Document on Small Arms and the UN Programme of Action.
- Adoption of practical control measures at national and regional levels, such as strengthened police and customs cooperation and improved border controls.
- Implementation of a comprehensive framework for regulating and monitoring arms brokers.
- Development of a 'lessons learned' on illicit arms trafficking including available details of illicit arms seized, stored and destroyed.

Disarmament, Demobilisation and Reintegration

- Development and implementation of effective disarmament, demobilization and reintegration programmes and strategies, where needed and appropriate.
- Development and implementation of measures to provide former combatants with alternative and productive sources of employment.

Security Sector weapons management

- Enhancement of the Security Sector, including but not limited to the Armed Forces and police, capacity to collect, account for, store and dispose of excess SALW.
- Management of Security Sector weapons stockpiles, including physical security, record keeping, inventory management and adequate staff training, as well as destruction or disposal of any surplus.

Transparency and accountability

- Development and implementation of measures to promote transparency in all decisions on small arms at all levels of government.
- Information exchange between governments on holdings and production of SALW.
- Support universal marking of arms to enhance capacity to trace and monitor arms flows.

Public awareness

- Development and implementation of regional public awareness and confidence building programmes on the problems and consequences of the proliferation of Small Arms and Light Weapons.
- Development and implementation of specific national and community-based public information and awareness campaigns on the issues, especially security, surrounding the uncontrolled proliferation of Small Arms and Light Weapons.
- Engage the capabilities and resources of local nongovernmental organisations in the formulation and execution of the national and regional implementation processes.

Legislative and administrative capacity

- Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons manufacturing, distribution and brokering, including marking and tracing, registration, and licensing regimes as well as the full criminalization of illegal activities.
- Ability to enforce existing laws and, where appropriate, develop procedures governing civilian possession of SALW.
- Capacity for accelerated adoption and implementation of the UN Firearms Protocol, UN Program of Action for SALW and OSCE SALW Document.
- Capacity to maintain comprehensive and adequate records on the manufacture, holding and transfer of Small Arms and Light Weapons.
- Enhancement of the capacity of law enforcement authorities, including police, customs and border control, to prevent and combat illicit trafficking, combined with inter-state cooperation in this regard.
- Establishment and maintenance of an effective system of export, including re-export, and import licensing or authorisation for the transfer of all categories of Small Arms and Light Weapons, including development of an effective system of end-use controls and strengthened controls on transshipments of arms through the region.

Collection, storage and disposal programs

- Provide support to appropriate national authorities to establish and implement a comprehensive Small Arms and Light Weapons collection program based on voluntary public surrender.
- Setting up of national programs for the management, accounting, storage and transfer of collected weapons in a secure and effective manner.
- Implementation of a program of destruction of Small Arms and Light Weapons in a verifiable and sustainable fashion.

IV. Implementation

The primary responsibility for the implementation of this plan rests with the countries of the region. In fact, many of these strategies and related activities are already being implanted by the Governments of the region with or without international assistance.

Obviously, not all of the measures proposed above are appropriate to the same extent to 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 policies, institutional structures and capacities as well as legislation to combat and prevent illicit trafficking and destabilizing accumulations of SALW; and,
- Measures and mechanisms to promote operational cooperation between law enforcement and arms control agencies of the countries of the region as well as with other partners of the Stability Pact.

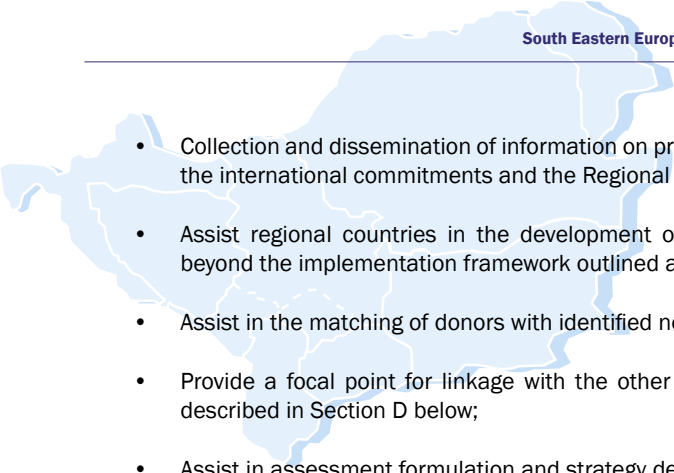
A. Implementation mechanisms

The present plan will build on ongoing initiatives, programmes and activities and existing structures as much as possible. It leaves 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:

Regional Clearinghouse

A Stability Pact Regional Clearinghouse for SALW Reduction will be established in Belgrade under the auspices of the United Nations Development Programme. The Clearinghouse will seek to follow through on project development and implementation and building off the consultation process. It will draw from a range of experience and lessons learned from both within and outside the region. The primary responsibilities of the clearinghouse will be:

- 
- Collection and dissemination of information on progress in the implementation of the international commitments and the Regional Implementation Plan;
 - Assist regional countries in 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 public awareness and education work, and a training and capacity building programmes for national security/police officials;
 - Facilitating co-ordination on small arms amongst governments, NGOs and other actors, as well as effective coordination between security and police forces;
 - Technical assistance for development of programmes (e.g. on weapons collection, legislative harmonisation etc. etc. – which makes links with UNDP's work elsewhere); and,
 - Monitoring and reporting progress on addressing small arms, including meeting ongoing resource mobilisation needs by the region on this issue.

Regional Steering Group

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

- Monitor progress in the implementation of the plan in the form of a peer review, and report progress to Working Table III;
- Review priorities for action to be taken in different countries;
- Coordinate planned and ongoing projects and other measures; and,
- Promote operational cooperation between countries.

The Regional Steering Group (RSG) will meet semi-annually and be chaired by the regional co-chair of Working Table III or other appropriate designee.

The Clearinghouse will serve as a small secretariat for the Regional Steering Group (RSG). The Szeged Small Arms Process will form the basis for an Advisory Group to provide the RSG with guidance and suggestions for priority areas of consideration or activity.

National Focal Point

In each country and area of the region, the Government will appoint a 'national focal point.' This focal point will be responsible for the implementation of the plan in cooperation with key law enforcement and arms control authorities, thus ensuring a multi-disciplinary approach.

B. Implementation process

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

1. National focal points, in cooperation with key law enforcement and arms control authorities and using a multi-disciplinary approach, will be responsible for implementation of the plan;
2. A review of existing information on SALW and measures to counter illicit trafficking of SALW will be made and - with the support of experts made available by other members of the Regional Steering Group and Regional Clearinghouse - additional needs assessments will take place as needed;
3. Priorities will be:
 - a. A comprehensive review of existing holdings of arms, ammunition and associated equipment in order to establish detailed data on national inventories and to identify surplus stocks.
 - b. Security arrangements for existing stocks of weapons, both within storage facilities and equipment held by police, armed forces and other authorized personnel;
 - c. Laws, regulations and administrative procedures to prevent or combat illicit arms trafficking, with particular attention to exploring programmes for accelerated adoption and implementation of the UN Firearms Protocol and other good practices relating to marking, record-keeping and tracing of SALW.
4. The adoption of this Regional Implementation Plan will be accompanied by a systematic and widespread consultation with wide range of regional and international players through the Szeged Small Arms process and other regional fora. The aim of this consultation process will be to further elaborate the precise nature of possible assistance projects and provide additional direction to countries in the region on implementation responsibilities and required measures. The effectiveness of the plan is dependent on the full engagement of all stakeholders.
5. On the basis of these reviews and needs assessments country-specific and regional priorities, work plans and technical assistance programmes, as well as measures to promote regional cooperation will be formulated.
6. The Regional Steering Group, meeting at least semi-annually, will review, coordinate and monitor the implementation of these work plans, measures and programmes and will report to Working Table III.

These steps may take time for completion. However, this should not prevent projects for which sufficient information is already available for which arrangements are in place to start as soon as possible in the spirit of this plan.

C. Funding requirements

The principal function of the Implementation Plan is to apply donor resources in the most effective manner. Adequate donor funding will be critical both to the process and the outcome of the Plan. Initial seed financing for the Implementation Plan, including the operations of the Clearinghouse will be provided by the UN Development Program. Donor funds will be sought for further operational funding, in-kind contributions and advance allocation of project funding resources.

Operational

Rendering the implementation plan operational will require some initial funding. Financing for the first few months of Clearinghouse operations, including support for three international staff members, office space and operations will be provided by the UNDP from its Small Arms Trust Fund and donor support will be sought for the remainder of the initial year. Specific budgetary details are pending, but an annual budget of close to \$1 million seems realistic.

The Set-Aside Fund

The real challenge will be securing funding from donors to carry out projects vetted by the Clearinghouse. Therefore, to display visible support for the Program and projects established under it, a core group of donors will be needed to demonstrate an upfront resource commitment to the complex task of controlling illicit small arms and light weapons. Accordingly, a set-aside fund will be established to channel donor funding quickly and effectively in support of Clearinghouse-approved projects. It will have two sub-components:

- **Direct Fund**

Donors who are able to make an actual disbursement to support the Regional Implementation Program can contribute to a special 'window' within the UNDP Small Arms Trust Fund. These funds will be used directly to support fulfilment of Clearinghouse-vetted projects. Donors will be kept informed of the use of their funds and can provide limited guidance.

- **Indirect Fund**

For donors unable or unwilling to make a disbursement of project support funding, the Clearinghouse will also establish a specific framework for pledged resources. Donors will make an initial pledge of funds for a specified period of time, but maintain actual control over the money until they determine a suitable project has been developed. Upon agreement to fund a particular project, donors will agree to provide the actual funding on a fast track basis. Beneficiaries will still, through this mechanism, possess a degree of confidence that proposed projects will be able to access an identified resource stream. The Regional Clearinghouse will aim to maintain an inventory of Set-Aside Fund allocations and requests.

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 East Europe. Tangible progress will require action on multiple fronts.
- *Task Force to Fight Trafficking in Human Beings* – flows of illicit Small Arms and Light Weapons 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 Verification Centre in Zagreb*. The Centre holds training programmes on the verification of arms control and confidence building regimes in South-Eastern Europe, and has recently added implementation of the OSCE Document to its programme.
- *Working Group on Regional Civilian Police Training* in South East Europe. Establish an element in the Regional Civilian Police Training courses covering the unique challenges of identifying and stopping illicit traffic in SALW. This would be incorporated into the short-term, mid-term and long-term police training courses, including especially those for border guards, which will be carried out in co-operation with the Association of European Police Colleges (AEPC), the Central European Police Academy and the Nordic Baltic Police Academy.
- *Security Sector Reform* – Ongoing international and national efforts to address the challenges of reforming the security sectors of South East 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.

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.² 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).³

The following international and regional agreements and documents, all of which have relevance for the South East 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.

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).

| RELEVANT ARMS CONTROL AGREEMENT | WASSENAAAR ARRANGEMENT | EU CODE OF CONDUCT | EU JOINT ACTION | OSCE SA DOCUMENT | OSCE CA DOCUMENT | UN FIREARMS PROTOCOL | UN PROGRAMME OF ACTION | STABILITY PACT RIP |
|--|------------------------|-----------------------|---------------------|---------------------------|--------------------------------------|----------------------|-------------------------|-------------------------|
| NATIONAL | | | | | | | | |
| National Co-ordinating Agency | | | | | | | UN PoA ⁴ | RIP ⁵ |
| National Point of Contact | | | | OSCE SA Doc ⁶ | (voluntary) OSCE CA Doc ⁷ | UN FP ⁸ | UN PoA ⁹ | RIP ¹⁰ |
| LAWS & PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT | | | | | | | | |
| Legislation | WA ¹¹ | EU Code ¹² | EU JA ¹³ | OSCE SA Doc ¹⁴ | | UN FP ¹⁵ | UN PoA ¹⁶ | RIP ¹⁷ |
| Production | | | EU JA ¹⁸ | OSCE SA Doc ¹⁹ | | UN FP ²⁰ | See 'legislation' above | See 'legislation' above |
| Export | WA ²¹ | EU Code ²² | EU JA ²³ | OSCE SA Doc ²⁴ | | 'Legislation' above | 'Legislation' above | 'Legislation' above |
| Import | | | EU JA ²⁵ | 'Legislation' above | | 'Legislation' above | 'Legislation' above | 'Legislation' above |
| Transit | | | | 'Legislation' above | | 'Legislation' above | 'Legislation' above | 'Legislation' above |

| RELEVANT ARMS CONTROL AGREEMENT | WASSENAAR ARRANGEMENT | EU CODE OF CONDUCT | EU JOINT ACTION | OSCE SA DOCUMENT | OSCE CA DOCUMENT | UN FIREARMS PROTOCOL | UN PROGRAMME OF ACTION | STABILITY PACT RIP |
|--|-----------------------|-----------------------|---------------------|---------------------------|---------------------------|----------------------|------------------------|---------------------|
| | | | | | | | | |
| NATIONAL SYSTEM OF EXPORT & IMPORT LICENSING OR AUTHORISATION | | | | | | | | |
| Diversion Risk | | EU Code ²⁶ | | OSCE SA Doc ²⁷ | | | UN PoA ²⁸ | |
| End-user Certificate | | | EU JA ²⁹ | OSCE SA Doc ³⁰ | | UN FP ³¹ | UN PoA ³² | RIP ³³ |
| Re-transfers | | | | OSCE SA Doc ³⁴ | | | UN PoA ³⁵ | |
| Verification (pre/post) | | | | OSCE SA Doc ³⁶ | | UN FP ³⁷ | | |
| Brokering Controls | WA ³⁸ | | | OSCE SA Doc ³⁹ | | UN FP ⁴⁰ | UN PoA ⁴¹ | 'Legislation' above |
| DOMESTIC POSSESSION, TRADE & STOCKPILING | | | | | | | | |
| Manufacture | | | EU JA ⁴² | OSCE SA Doc ⁴³ | | | UN PoA ⁴⁴ | RIP ⁴⁵ |
| Marking and Tracing | WA ⁴⁶ | | | OSCE SA Doc ⁴⁷ | | UN FP ⁴⁸ | UN PoA ⁴⁹ | RIP ⁵⁰ |
| Possession | | | Legislation' above | | | | UN PoA ⁵¹ | RIP ⁵² |
| Stockpiling | | | | OSCE SA Doc ⁵³ | OSCE CA Doc ⁵⁴ | | UN PoA ⁵⁵ | RIP ⁵⁶ |
| Trade | | | | 'Export'/'import' above | | | UN PoA ⁵⁷ | RIP ⁵⁸ |

¹ www.seesac.org

² 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'.

³ 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).

⁴ Sub-section 4, Section II, 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 (UN PoA).

⁵ "Governments should designate a national-level entity to provide policy advice and coordinate and monitor the implementation of policies and strategies", Sub-section A, Section III Goals, Regional Implementation Plan: 'Combating the Proliferation of Small Arms and Light Weapons', Stability Pact for South Eastern Europe, November 2001 (RIP).

⁶ Section VI: Final Provisions, OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00, 24 November 2000 (OSCE SA Doc).

⁷ States can provide National Contact Points on a voluntary basis. Sections VII, OSCE Document on Stockpiles of Conventional Ammunition, FSC.DOC/1/03, 19 November 2003 (OSCE CA Doc).

⁸ Articles 15 and 18, Revised Draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organised Crime, UN A/AC.254/4/Add.2/Rev.6 (UN FP).

⁹ Sub-sections 5 and 24, Section II, UN PoA.

¹⁰ "National focal points should be established as part of multi-disciplinary national coordinating mechanisms within each country in the region", Sub-section B, Section III Goals, RIP.

¹¹ In general, the WA does not specify particular commitments to legislative or regulatory requirements. It does however, make an assumption of a process of export licensing, Section V. and Appendix I, 'Purposes, Guidelines & Procedures, including the Initial Elements', December 2003. 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.

¹² 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, 8 June 1998 (EU Code), and the principles contained in the Joint Action of the 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons (1999/34/CFSP) (EU JA).

¹³ See footnote above.

¹⁴ (B) Import, export and transit procedures and (C) Import, export and transit documentation, Section III, OSCE SA Doc.

¹⁵ Article 11, UN FP.

¹⁶ Sub-section 2, Section II, UN PoA.

¹⁷ "Legislation and regulatory frameworks should be strengthened in line with European and international standards on the possession, manufacturing, marking, record keeping, storage, destruction and transfers of SALW" ... "This will be reflected in the endorsement of relevant European and international norms and standards (for example, the EU Code of Conduct on Arms Exports, OSCE CAT policy)". In addition, countries are encouraged to elaborate "integrated project proposals encompassing one or more of the following categories.... Preventing and Combating Illicit Trafficking. Development and strict implementation of existing agreements on illicit weapons trafficking - notably the UN Firearms Protocol, the OSCE Document on Small Arms and the UN Programme of Action..., Legislative and Administrative Capacity. Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons manufacturing, distribution and brokering, including marking and tracing, registration, and licensing regimes as well as the full criminalization of illegal activities. Ability to enforce existing laws ... Establishment and maintenance of an effective system of export, including re-export, and import licensing or authorisation for the transfer of all categories of Small Arms and Light Weapons, including development of an effective system of end-use controls and strengthened controls on transshipments of arms through the region", Sub-sections B and C, Section III Goals, RIP.

¹⁸ The EU Joint Action outlines a commitment by countries to produce small arms only for legitimate national security needs or for export in accordance with international arms export criteria, Article 3 (c), EU JA.

¹⁹ (i), Section I, OSCE SA Doc.

²⁰ Article 5, UN FP.

- 21 The WA 'Best Practice Guidelines for Exports of SALW', adopted in December 2002, requires participating states to carefully evaluate SALW exports according to various criteria, including the risk of diversion. Section I, WA SALW Guidelines.
- 22 Criteria and Operative Provisions, EU Code.
- 23 Article 3 (b), EU JA.
- 24 (A) Common Export Criteria, Section III, OSCE SA Doc.
- 25 The EU Joint Action outlines a commitment by countries to import small arms only for legitimate national security needs, Article 3 (a), EU JA.
- 26 Criterion 6, EU Code.
- 27 2. (b) (vii) and (iii), (A) Common Export Criteria, Section III, OSCE SA Doc.
- 28 Sub-section 11, Section II, UN PoA.
- 29 The Joint Action includes a commitment to only supply small arms to governments "in accordance with appropriate international and regional restrictive arms export criteria... including officially authorized end-user certificates or, when appropriate, other relevant information on end-use". Article 3 (b), EU JA.
- 30 States commit to refuse an export licence without "an authenticated end-user certificate, or some other form of official authorization (for example, an International Import Certificate) issued by the receiving State". 1. (C) Import, export and transit documents, Section III, OSCE SA Doc.
- 31 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, UN FP.
- 32 Sub-section 12, Section II, UN PoA.
- 33 In addition to reference for RIP on legislation, "Regional efforts to fulfil agreed upon domestic measures should be stepped up. These measures include: Co-operating to strengthen end use controls, and the establishment of agreed minimum standards in this area", Sub-section B, Section III, RIP.
- 34 2. (b) (vii), (A) Common Export Criteria, and 5. (B) Import, export and transit procedures, Section III, OSCE SA Doc.
- 35 Sub-section 13, Section II, UN PoA.
- 36 6. (B) Import, export and transit procedures, Section III, OSCE SA Doc.
- 37 Recipient state to inform exporting state of receipt of shipment on request. 4., Article 11, UN FP.
- 38 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 control strictly 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.
- 39 (D) Control over international arms-brokering, Section III, OSCE SA Doc.
- 40 Article 18, UN FP.
- 41 Sub-section 14, Section II, UN PoA.
- 42 The EU Joint Action outlines a commitment by countries to produce small arms only for legitimate national security needs or for export in accordance with international arms export criteria, Article 3 (c), EU JA.
- 43 3 (i) and (iii), Section I, and (A) 1., Section II, OSCE SA Doc.
- 44 Sub-section 3, Section II, UN PoA.
- 45 "Regional efforts to fulfill agreed upon domestic measures should be stepped up. These measures include: ... Strengthening government control on all manufacturing of arms ammunition and associated materials", Sub-section B; in addition, Section III, RIP.
- 46 The WA 'Best Practice Guidelines for Exports of SALW' requires participating states to support provisions concerning small arms marking. Section II, WA SALW Guidelines.
- 47 3 (i), Section I, and (B), (C) and (D), Section II, OSCE SA Doc.
- 48 Articles 8, 9 and 14, UN FP.

⁴⁹ Sub-sections 7 and 8, Section II, UN PoA.

⁵⁰ "Regional efforts to fulfill agreed upon domestic measures should be stepped up. These measures include: ... Developing effective systems of marking and tracing"; Sub-section B, Section III, RIP.

⁵¹ Sub-section 3, Section II, UN PoA.

⁵² "Such policies and strategies should be designed with a view toward elaborating integrated project proposals encompassing one or more of the following categories... Legislative and Administrative Capacity. Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons ... registration, and licensing regimes as well as the full criminalization of illegal activities. Ability to enforce existing laws and, where appropriate, develop procedures governing civilian possession of SALW." Sub-section C, Section III, RIP.

⁵³ Section IV, OSCE SA Doc.

⁵⁴ Sections I – IV, OSCE CA Doc.

⁵⁵ Sub-section 3, Section II, UN PoA.

⁵⁶ "Legislation and regulatory frameworks should be strengthened in line with European and international standards on the ...record keeping, storage, destruction...of SALW". Sub-section B, Section III, RIP.

⁵⁷ Sub-section 3, Section II, UN PoA.

⁵⁸ Countries are encouraged to elaborate "integrated project proposals encompassing one or more of the following categories.... Legislative and Administrative Capacity. Development of a legislative and regulatory framework at the national level for Small Arms and Light Weapons manufacturing, distribution and brokering...", Sub-section C. Specific Measures. Section III, RIP.