

SALW in South Eastern Europe

Parliamentary Handbook 2010

The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) has a mandate from the United Nations Development Programme and the Regional Cooperation Council to support all international and national stakeholders by strengthening national and regional capacity to control and reduce the proliferation and misuse of small arms and light weapons, and thus contribute to enhanced stability, security and development in South Eastern and Eastern Europe.

For further information contact:

Team Leader, SEESAC
Hadzi Melentijeva 30
11000 Belgrade
Serbia

Tel: (+381) (11) 344 6353
Fax: (+381) (11) 344 6356
www.seesac.org

SALW in South Eastern Europe, Parliamentary Handbook 2010

This publication was developed by SEESAC with support from the Parliamentary Forum on Small Arms and Light Weapons (Sweden). Acknowledgement is paid to the following organisations for the use of some of their material: DCAF (Switzerland), Inter-Parliamentary Union (Switzerland) and Saferworld (UK).

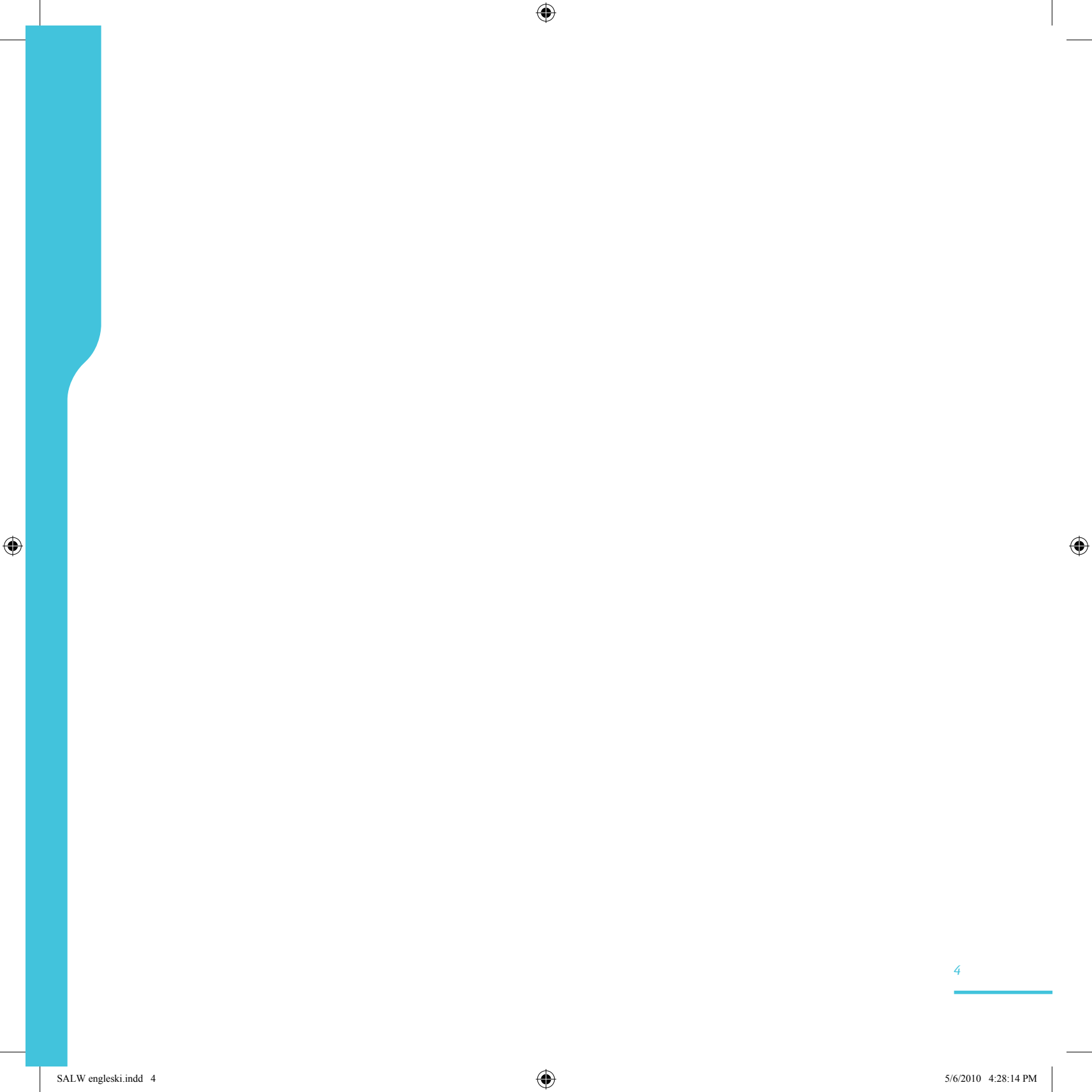
© SEESAC 2010 – All rights reserved

ISBN: 978-86-7728-128-1

The views expressed in this report are those of the authors and do not necessarily represent those of the Regional Cooperation Council or the United Nations Development Programme. The designations employed and the presentation of material in this publication do not imply the expression of the Regional Cooperation Council or the United Nations Development Programme concerning 1) the legal status of any country, territory or area, or of its authorities or armed groups; or 2) concerning the delineation of its frontiers or boundaries.

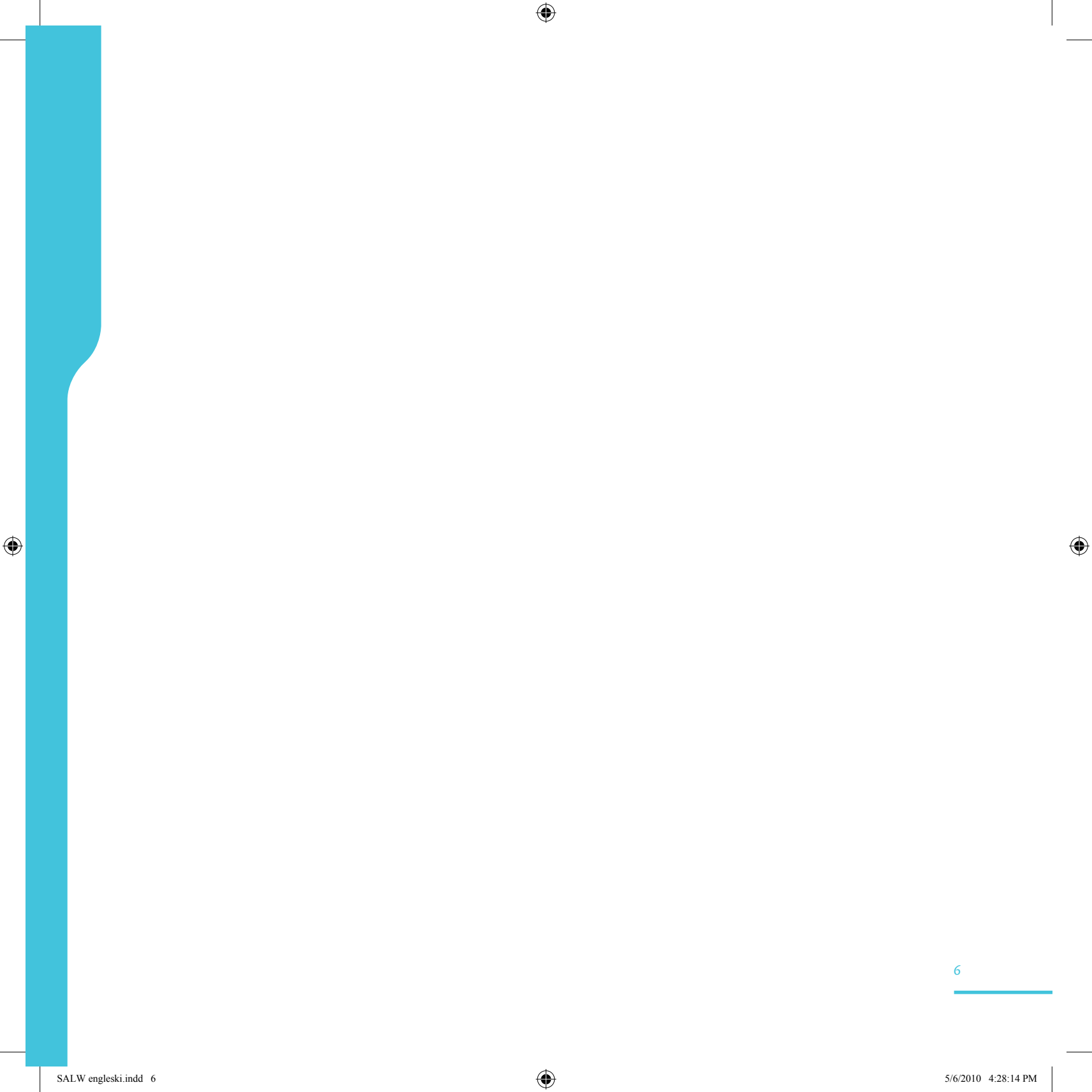
Contents

Acronyms	5
SALW Parliamentary Handbook	7
1 What are SALW?	7
2 What impact do SALW have on communities and society?	7
3 What is SALW Control?	8
4 Origin of SALW problems within the Western Balkans.	9
5 The role of parliaments in SALW Control	10
6 The role of parliamentarians in SALW Control	11
Annex A – UN ‘definition’ of SALW	13
Annex B – International frameworks and instruments	14
Annex C – Country Summaries	18
Annex D – What you can do as a parliamentarian	30
Annex E – Useful SALW publications	34
Annex F – European Commission’s SALW Questions	36



Acronyms

CoC	Code of Conduct
DCAF	Centre for Democratisation and Control of the Armed Forces
EAPC	Euro-Atlantic Partnership Council (NATO)
EC	European Commission
EU	European Union
FSC	Forum for Security Cooperation (OSCE)
GGE	Group of Government Experts (UN)
HMG	Heavy Machine Gun
IDP	Internally Displaced Person(s)
LMG	Light Machine Gun
MANPAD	Man-Portable Air Defence System
Mol	Ministry of Interior
MoS	Ministry of Security
NGO	Non Governmental Organisation
OECD DAC	Organization for Economic Cooperation and Development, Development Assistance Committee
OSCE	Organization for Security and Cooperation in Europe
PoA	UN Programme of Action on Small Arms
PSC	Private Security Company (ies)
SAA	Stabilisation and Association Agreement
SALW	Small Arms and Light Weapons
SCSP	Special Coordinator of the Stability Pact
SEE	South Eastern Europe
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of SALW
SMG	Sub Machine Gun
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme



SALW Parliamentary Handbook

1. What are SALW?

There is no agreed international definition of small arms and light weapons (SALW). The United Nations have produced what they refer to as a 'definition',¹ but it is really an incomplete list of weapon types, and therefore difficult to use in any diplomatic and operational environments. It is, however, generally agreed that the term SALW refers to weapons and ammunition of 100mm calibre and below. It therefore includes not only assault rifles, pistols and machine guns, but also mortars, man-portable surface to air missiles (MANPADS), shoulder launched anti-tank rockets, conventional explosives and detonators. The following definition is used within SEE: ***'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'***.

2. What impact do SALW have on communities and society?

There are probably at least five hundred million rifles, pistols and other SALW in circulation in the world, and increasingly, these weapons are playing a large role in conflict and violence. SALW have a huge impact on society in general. They are allegedly used to kill approximately 300,000 people per year in armed conflicts and 200,000 per year in criminal activities.² Millions more people are terrorised, wounded, maimed or forced from their homes to live as refugees or internally displaced persons (IDP).

¹ Annex A.

² This is a figure that has been widely used by many sources, but has yet to be statistically confirmed. Therefore it should be used with caution, and with an appropriate caveat.

Impact of SALW

- Undermine the rule of law.
- Are an enabler for crime and instability.
- Exacerbate community tensions and increase the threshold of violence.
- Act as an obstacle to development.
- Resources spent on security are unavailable for development.
- Negate confidence and security building measures.
- Contribute to human rights violations and abuses.
- Discourage investment and tourism.
- Encourage violent rather than peaceful resolution to problems.
- Contribute to a 'gun culture'.
- Increase the risk of terrorism.
- Undermine the legal arms trade.
- Represent a physical risk to communities because of unstable ammunition.

Within South Eastern Europe the impact of uncontrolled proliferation and possession of SALW continues to constitute a major threat to social and economic development. SALW contribute to the continued proliferation of criminal elements and organized crime, by acting as the enablers of violence and threatening behaviour. They also have a similarly negative effect on security and confidence-building measures during the transitional period of many of the countries within the region towards membership of Euro-Atlantic institutions.

3. What is SALW Control?

The term 'SALW Control' refers to ***'those activities, which, together, aim to reduce the social, economic and environmental impact of uncontrolled SALW proliferation and possession'***.

From this aim, operational objectives to reflect the situation within the target community should then be developed as part of programme planning. Such objectives may include:

- a. controlling legal weapons through national legislation and registration;
- b. reducing the number of weapons available to criminals;
- c. reducing the number of weapon and ammunition accidents;
- d. publicly making a connection between the availability of weapons and the amount of violence in society (by both national authorities and the civilian population at large);
- e. building community awareness of the problem and hence community solidarity;
- f. disrupting the transfer of, and illicit trade in, weapons on the black market;
- g. recovering stolen weapons from the community;
- h. reducing the visibility of weapons in the community, and addressing the culture of violence;
- i. developing norms against the illegal use of weapons; and/or
- j. using SALW Control as a launch framework for future capacity-building and sustainable development.

SALW Control activities

-
- Legislative and Regulatory Issues
- SALW Survey
- SALW Awareness
- SALW Collection
- SALW Destruction
- SALW Stockpile Management
- Cross Border Controls
- Management of Information

4. Origin of SALW problems within the Western Balkans

The proliferation and illicit possession of SALW within the countries of the Western Balkans has been influenced by a variety of factors. Although the situation is slightly different for each country, some common patterns may be identified from the following factors.

- **Recent conflicts.** The legacy of recent conflicts in the Western Balkans has resulted in a significant proliferation of weapons within civilian communities. The proliferation in many cases was sponsored and implemented by states' institutions and para-military formations. Hence, governments should take responsibility for the imposition of effective SALW Control measures to remedy the policies of their predecessors.
- **Ineffective implementation of national legislation leading to public perceptions of insecurity.** Most of the Western Balkans Parliaments have passed, or are in the process of adopting, arms controls legislation that is harmonised with EU standards. In many cases these laws are not supplemented with the required subsidiary legislation, which subsequently undermines their effectiveness. Even when the subsidiary legislation is in place, the executive branch does not always possess sufficient political will to commit the financial, technical and human resources necessary to ensure the implementation of SALW Control measures. As a result, the public compliance with the rule of law legislation relating to illicit weapons possession decreases.
- **Transitional Security Sector.** A weak or poorly developed security sector creates demand for SALW. One reason for the weakness of the security sector in the Western Balkans is the politicisation of the sector. This has led to a lack of accountability, increased corruption, lack of coordination, limited professional competence and inter-agency rivalries. In turn, this created partial security vacuums that were soon filled by armed factions or organised criminal groups. Inevitably greater insecurity resulted, which led to an increase in the demand for and use of weapons by the community.
- **Ineffective border controls.** The delayed security sector reforms in the Western Balkans have created uncertainty within the security structures and opportunities for profiteering from the *status quo*. The lack of integrated border management in the recent past has created an opportunity for organised crime to exploit weaknesses and thereby establish trafficking channels for human beings, drugs and weapons. Thus, the state's past inability to ensure secure borders has resulted in easier supply opportunities for SALW, and demand rooted in public perceptions of insecurity and increased criminality has easily been met.
- **Gun culture.** More than in other European countries, the Western Balkans has a long and ingrained history of gun ownership and use. Serbia, for instance, has the highest number of hunters per capita in the whole of Europe, whilst all of the other countries use guns to celebrate births, weddings and

religious festivities.¹ The fact that so many households own guns is problematic in terms of regional security, and the potential for violent conflict is greatly increased.

5. The role of parliaments in SALW Control

Democratic development and human security requires that executive bodies act efficiently and effectively. This requires representation and accountability: two of the core functions of parliaments. Parliaments connect citizens with the state and can hold governments to account for their actions or lack of action. Parliament is a natural place for mediation, where competing points of view can be articulated and where dialogue can build consensus. These core functions are essential in mitigating and resolving human security issues. SALW Control should also fall within these responsibilities, and parliaments can have a major impact on assisting governments in formulating and monitoring national SALW Control policies. Key areas where parliaments might exercise their power and influence include:

- **Establishment of a national SALW Control legislative framework.** The framework should include regulation of SALW production, brokering, transfers and stockpiling, as well as the acquisition, possession and use of SALW. The legislation should envisage adequate sanctions.

¹ 'The rifle has the devil inside,' Gun Culture in South Eastern Europe, SEESAC, May 2006

- **Participation in the formulation of a national SALW Control policy.** Parliaments, together with governments, should develop a National SALW Strategy, National SALW Action Plan and then assist in their implementation by supporting the establishment of a National SALW Commission. Moreover, parliaments should ensure that national legislation is supported by the provision of adequate financial and institutional capacities for the national authorities, including training and equipment.
- **Oversight of SALW Control implementation.** Parliaments should designate or create a parliamentary committee to engage with the government in regular debate on national SALW Control. Further, parliaments should request regular reporting by governments on SALW transfers to allow for informed debate on governments' conformity with the stated policy and legislation.
- **International SALW Control instruments.** Parliaments should make it a national priority to; 1) ratify the multilateral SALW control treaties that their governments have signed; or 2) to accede to such treaties where appropriate. The provisions of such treaties and agreements should then be incorporated into appropriate and timely domestic legislation and then duly implemented.
- **International cooperation.** Parliaments should exchange information with each other on national SALW Control legislation in order to build a better understanding of regional controls, and to identify existing

best practices. They should also contribute to the established international parliamentary forums that consider SALW issues.

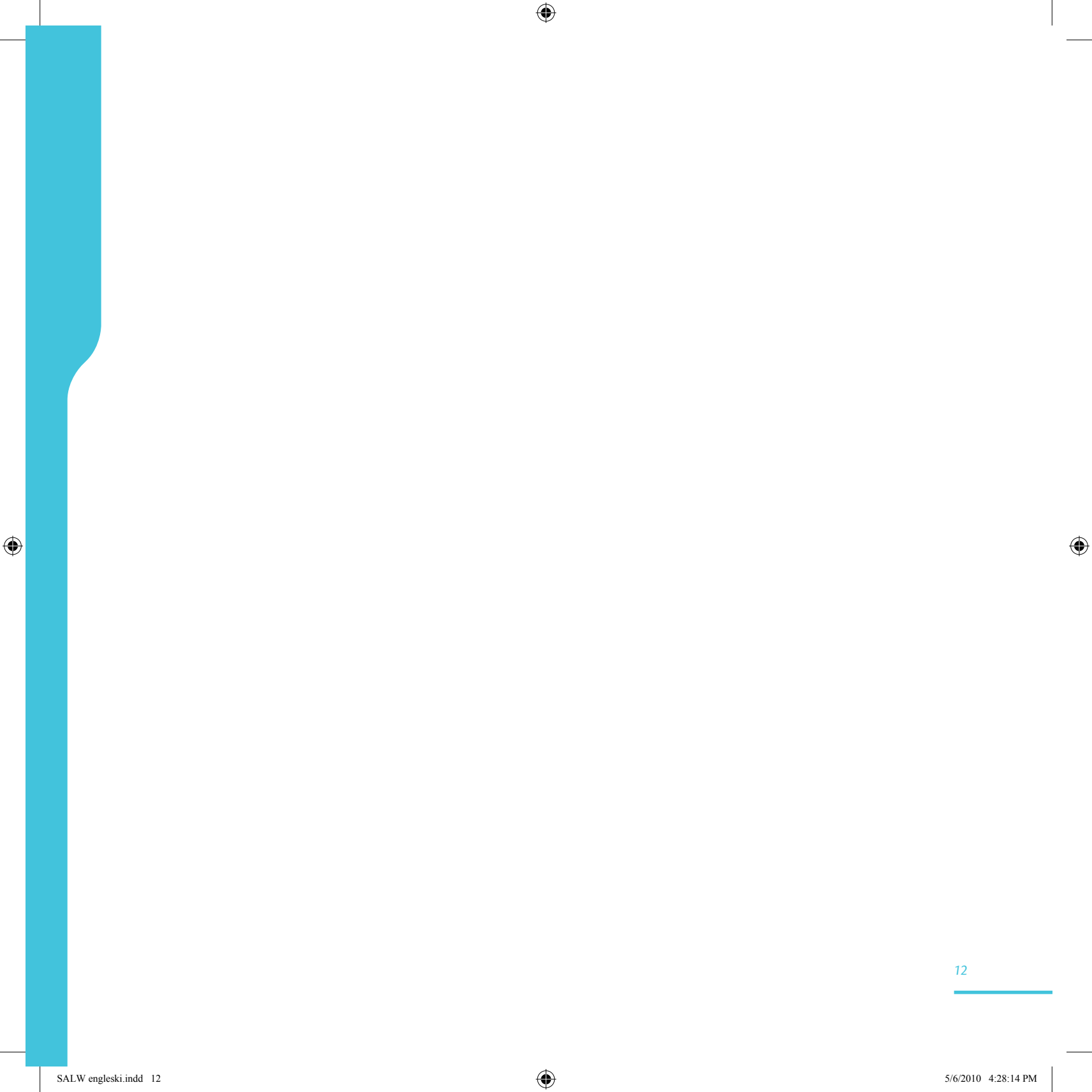
6. The role of parliamentarians in SALW Control

Parliamentarians have at their disposal many effective instruments that they could apply to address SALW issues:

- Parliamentarians in their **representative role** can raise issues of concern (armed violence, any firearms misuse by state security forces etc.) with the executive. They can then raise awareness of the issue with the media, and within their constituency and civil society, by identifying community-level small arms problems and underlying causes. They may influence the government to act by making SALW Control a political issue.
- If a country has a National SALW Commission, then parliamentarians should be formally represented on the Commission, (in many countries, civil society groups are represented).
- Parliamentarians should attend, as members of government delegations, SALW conferences, seminars etc (for example the OSCE Forum for Security Cooperation (FSC) SALW meetings) to represent the concerns of citizens in a way that diplomats cannot, while at the same time holding the government to account for commitments made at such meetings.

- Parliamentarians in their **legislative role** can introduce new legislation, or propose a thorough review of existing legislation on civilian possession, arms transfers and export controls, voluntary weapons and collection processes.
- Parliamentarians in their **oversight role** can ensure that the executive honours and implements its international commitments (e.g. treaties, conventions etc).

Annex D suggests a range of activities that parliamentarians may engage in to support effective SALW Control, whilst Annex E contains references to regional and country specific publications that contain more detailed information than this handbook.



Annex A - UN 'definition' of SALW

A United Nations Group of Government Experts (GGE) developed a definition of SALW in the 1990s, and this 'definition' demarcates three categories:

Small Arms

- Revolvers and Self-loading Pistols
- Rifles and Carbines
- Sub Machine Guns (SMG)
- Assault Rifles
- Light Machine Guns (LMG)

Light Weapons

- Heavy Machine Guns (HMG)
- Hand Held, Under Barrel and Mounted Grenade Launchers
- Portable Anti-Aircraft Guns
- Portable Anti-Tank Guns and Recoilless Rifles
- Portable Launchers of Anti-Tank Missiles and Rocket Systems
- Portable Launchers of Anti-Aircraft Missile Systems
- Mortars (Calibre < 100mm)

Ammunition and Explosives

- Cartridges (Rounds) for Small Arms
- Shells and Missiles for Light Weapons
- Mobile Containers with Missiles, or Shells for Single Action and Anti-Aircraft and Anti-Tank Systems
- Anti-Personnel and Anti-Tank Grenades
- Landmines
- Explosives

Annex B - International frameworks and instruments

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, donors and beneficiary countries have undertaken a number of specific projects. The countries of South Eastern Europe have agreed to tackle the proliferation of SALW throughout the region under the umbrella of an array of international agreements initiated under the auspices of the EU, NATO EAPC, OSCE or the UN.

FRAMEWORK OR INSTRUMENT

SUMMARY

UN INSTRUMENTS

UN Firearms Protocol ¹	<p>This is the first major policy document on SALW adopted at the UN. This protocol supplements the 2001 UN Convention against Transnational Organised Crime. Measures stipulated in the UN Firearms Protocol include:</p> <ul style="list-style-type: none">• Strengthening national legislation; and• Enhanced information exchange among governments on illicit firearms, their traders, sources and trafficking routes.
UN Programme of Action on SALW ²	<p>The UN PoA addresses a more comprehensive scope of SALW than the UN Firearms Protocol and also pertains to state-to-state transfers of SALW. It envisions spheres of action against SALW at the international, regional, national and local levels, and calls for close 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. Governments have made a commitment to meet every two years to exchange information on their implementation of the PoA.</p>

¹ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the Firearms Protocol). (Entered into Force on 03 July 2005).

² United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (UN Document A/CONF.192/15). July 2001.

OSCE PROCESSES

OSCE Document on SALW ³	<p>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 categories of norms and measures, and envisages a potential role for its missions and field offices in implementation. These categories encompass:</p> <ul style="list-style-type: none"> • 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.
OSCE Document on Stockpiles of Conventional Ammunition ⁴	<p>The OSCE Document on Stockpiles of Conventional Ammunition was adopted in 2003 and complements the OSCE Document on SALW. The agreement encompasses all categories of conventional ammunition, explosive material and detonating devices, including heavy weapons ammunition, all types of mines, missiles and rocket fuel, grenades, fuses. The document provides practical procedures and mechanisms for the destruction of these surplus stockpiles. The final goal is to enable participating states to strengthen their national capacities so they can deal with specific problems on their own, building wherever possible on their own assets.</p>
OSCE Decision on Man-Portable Air Defence Systems (MANPADS) ⁵	<p>The OSCE Decision on MANPADS adopts the principles for increased export controls of MANPADS, which have been drawn from the Wassenaar Arrangement's 'Elements for Export Controls of Man-Portable Air Defence Systems'.</p>
OSCE Decision on End User Certificates ⁶	<p>This decision reaffirms the commitments of participating States to observe, as one of the key standards underpinning export documentation that no export licence is issued without an authenticated end-user certificate or some other form of official authorization issued by the receiving State. The decision covers the requirements of End User Certificate documentation and mechanisms.</p>

³ OSCE Document on Small Arms and Light Weapons. (FSC.JOUR/314). 24 November 2000.

⁴ OSCE Document on Stockpiles of Conventional Ammunition. (FSC.DOC/1/03). 19 November 2003.

⁵ OSCE Decision on Man-Portable Air Defence Systems. (Decision No. 7/03). (FSC.DEC/07/03). 23 July 2003.

⁶ OSCE Decision on End User Certificates and Verification Procedures for SALW Exports. (Decision No. 05/04). (FSC.DEC/5/04). 17 November 2004.

FRAMEWORK OR INSTRUMENT

SUMMARY

OSCE Decision on Brokering⁷

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

EU INSTRUMENTS AND PROCESSES

EU Directive on the Control of the Acquisition and Possession of Weapons⁸

This EU Directive was adopted on 01 January 1993 as an accompanying measure to the abolition of controls at internal borders within the European Union. All countries that wish to accede to the EU must harmonise their legislation with this Directive. The Directive defines rules on the acquisition and possession of firearms and on the transfer of firearms to another Member State. The Directive provides for a procedure based on the issue of a licence for definitive transfers of firearms to a Member State. The Directive also requires an authorisation for travel between Member States in possession of a firearm. The Directive introduced the European firearms pass, a document that is issued on request by the authorities of a Member State to a person lawfully entering into possession of and using a firearm. Terms of the directive were expanded in a 2008 amendment.⁹

EU Joint Action on SALW¹⁰

The EU through its Joint Action on combating the destabilizing accumulation and spread of small arms, provides financial and technical assistance to countries, groups of countries, international organizations and NGOs which request support. Since 1999, through the Joint Action, the EU has adopted 14 such actions in Eastern Europe, in Latin America and the Caribbean, in Asia and in Africa. Among geographic priorities decided by the European Council, specific attention was given to the destruction of existing stockpiles of SALW in Eastern and South Eastern Europe, and to actions in support of regional moratoria on small arms in Africa.

⁷ OSCE Decision on Principles for the Control of Brokering in SALW. (Decision No. 08/04). (FSC.DEC/8/04). 24 November 2004.

⁸ Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, OJ L 256, 13.9.1991, pp. 51–58.

⁹ Council Directive 2008/51/EC.

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

FRAMEWORK OR INSTRUMENT

SUMMARY

EU Common Position on Arms Exports¹¹ (formerly Code of Conduct on Arms Exports)

The EU Code of Conduct represented a model for the control of conventional military exports, which was introduced by the European Union as a political commitment in 1998, and became a Common Position in December 2008. It establishes common criteria for the approval of exports and envisages transparency provisions such as the publication of an Annual Report that provides civil society as well as the official community with a tool to evaluate the performance of individual states.

EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and Ammunition¹²

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

EU Common Position on Arms Brokering¹³

The objective of the Common Position is to control arms brokering in order to avoid circumvention of UN, EU or OSCE arms embargoes as well as of the criteria stipulated in the EU Common Position on Arms Exports. It obliges EU Member States to establish a clear legal framework for brokering activities. Part of this framework is a licensing system where the applications for a licence are assessed for specific brokering transactions against provisions within the document. The Common Position also envisages the establishment of an information exchange mechanism on brokering activities.

STABILITY PACT FOR SEE PROCESS

Stability Pact SALW Regional Implementation Plan¹⁴

In November 2001 the Stability Pact for South Eastern Europe¹⁵ produced a Regional Implementation Plan (SP SALW RIP) to combat the uncontrolled proliferation of Small Arms and Light Weapons (SALW). This plan was revised in May 2006. In contrast to many other arms control agreements, the SP SALW RIP provided concrete mechanisms for assisting countries' implementation of commitments and involving those governments in priority setting and decision-making on region-wide efforts. These mechanisms are supported or implemented through SEESAC at the regional level, and through a range of internationally supported initiatives within individual countries.¹⁶ At the political level, the SP SALW RIP is to be considered a success, and it has provided a valuable and effective mandate to drive an effective response at the operational level.

¹¹ EU Common Position 2008/944/CFSP

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

¹³ Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering. OJ L 156, 25.05.2003, pp. 79-80.

¹⁴ Combating the Proliferation of SALW - Stability Pact Regional Implementation Plan for South Eastern Europe, 28 November 2001. (Revised May 2006). (www.stabilitypact.org).

¹⁵ Entered into by Albania, Bosnia-Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Moldova, Romania and Serbia.

¹⁶ UNDP SALW Control projects.

Annex C - Country summaries

Albania

SALW progress

Albania has been making some progress in destroying its large stockpile of aging armaments and munitions. The destruction of 90 thousand tons of ammunition through “Weapons in Exchange for Development” programme has been taking place since 2002, and is due to be completed in 2010.¹ Part of NATO accession criteria was the clearance of the large stockpile of the most deadly SALW in the country, reportedly completed in January 2008 with help from the US.² However, an explosion at a munitions depot just two months later publicised the issue that there is still much to be done regarding SALW storage in Albania.³

Albania agreed a Stabilisation and Association Agreement (SAA) with the EU in June 2006. This is a successful step towards achieving the goal of becoming an EU member state. Part of this process will be submitting answers to the European Commission’s (EC) questionnaire on the preparation of Albania to become a candidate country. This EC questionnaire contains questions related to SALW that would be relevant for Albania (see Annex E).

On 05 April 2007, the Albanian Parliament approved the new law on State Control of ‘Export and import of weapons, military equipment and dual use goods’.

In 2009, Albania published its first Annual Arms Export Report for the period 2007 to 2008. The Report contains description of national legislation related to the export control system for military goods and dual-use goods and technologies, as well as a description of licensing process stages.

¹ <http://www.un-casa.org/CountryProfile/CountryProfileCountryInfo.aspx?Col=2&pos=30>

² <http://www.globalsecurity.org/military/library/news/2008/01/mil-080103-usia02.htm>

³ http://www.undp.hr/upload/file/200/100185/FILENAME/Conventional_Ammunition_Stockpiles_Parliamentary_Handbook_2008.pdf

International instruments

Status of Albania's participation in, and implementation of the relevant SALW Control instruments:

International instrument	Date joined or ratified
EU Common Position on Arms Exports	August 2003
EU Common Position on Arms Brokering	Partially Adopted
EU Directive on the Control of the Acquisition and Possession of Weapons	NO
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	July 2003
OSCE Decision on End User Certificates	November 2004
OSCE Decision on Brokering	November 2004
Stability Pact SALW Regional Implementation Plan	November 2001
UN Programme of Action on SALW	July 2001
UN Firearms Protocol	February 2008

Recommendations to Albanian parliamentarians

- a. Advocate for adherence to the EU Directive on the Control of the Acquisition and Possession of Weapons
- b. Support the adoption of a National SALW Control Strategy;
- c. Support the establishment of an effective National SALW Commission;
- d. Promote SALW transparency through regular parliamentary oversight of SALW Control mechanisms

Bosnia and Herzegovina

SALW progress

Bosnia and Herzegovina (BiH) has made substantial progress in recent years in the area of SALW Control. The Coordination Board for SALW Control was established in 2005 and the National SALW Control Strategy was approved by the Council of Ministers in May 2006. The Explosive Remnants of War (ERW) campaign began in 2008, and recently completed its first phase. It will run until mid-2011, with over 2m euros funding, and it is envisaged that most of the explosive ordinance left in BiH will be cleared by then. Capacity for the national government to deal with any remaining stocks will also be built in this time.¹

The EU Directive on the Control of the Acquisition and Possession of Weapons may remain unfulfilled, but Republika Srpska amended its Law on Arms (Official Gazette 01-1277/07) in March 2009 and partly harmonized it with the Directive. The Federation of Bosnia and Herzegovina and Brcko District are in the process of harmonization with both the Directive 91/477/EEC and Directive 2008/51/EC. Brcko District may have its law on weapons harmonized with the EU directives very soon.

In February 2009, BiH has unilaterally aligned with EU Council's Common Position 2008/944/CFSP. The Common Position constitutes a significantly updated and upgraded instrument which replaces the Code of Conduct on Arms Export. BiH continues to publish annual arms export reports in line with the EU Common Position. Local legislation to passed included Law on Weapons and Military Equipment Movement Control (June 2009)², and the Amending Law on Production of Weapons and Military Equipment (March 2009).³

¹ Eighth Annual Report on the implementation of the Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP), 20th January 2010

² BiH Official Gazette no. 53/09

³ Ibid.

International instruments

Status of BiH's participation in, and implementation of the relevant SALW Control instruments:

International instrument	Date joined or ratified
EU Common Position on Arms Exports	February 2009
EU Common Position on Arms Brokering	Partially
EU Directive on the Control of the Acquisition and Possession of Weapons	NO
OSCE Document on SALW	November 2001
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	July 2003
OSCE Decision on End User Certificates	November 2004
OSCE Decision on Brokering	November 2004
Stability Pact SALW Regional Implementation Plan	November 2001
UN Programme of Action on SALW	July 2001
UN Firearms Protocol	April 2008

Recommendations to BiH parliamentarians

- a. Advocate for adherence to the EU Directive on the Control of the Acquisition and Possession of Weapons;
- b. Support capacity development of BiH institutions by introducing bills that provide for the allocation of adequate budget resources;
- c. Engage in the oversight of the implementation of police and defence reforms through the relevant; parliamentary committees, particularly where reforms concern ammunition and weapon policies;
- d. Initiate decisions or legislation aimed at the destruction of surplus weapons and ammunition in BiH;
- e. Monitor the work of the Coordination Board for SALW Control.

Croatia

SALW progress

Croatia began formal EU accession negotiations in October 2005 and, since then, the European Commission has included monitoring of Croatia's progress in the area of SALW Control as a part of the screening process. Croatia has consequently joined the majority of relevant international SALW Control instruments, with their latest success being the membership of the Wassenaar Arrangement in 2005.¹ Croatian authorities have also conducted a succession of weapons collection programmes in the past decade, resulting in the collection of around 15,000 weapons; 450 kilograms of explosives and 552,000 rounds of ammunition during nationwide amnesties in September 2007 – March 2008.² Croatia's accession to NATO in April 2009 has meant an increase in military spending, and a more focussed approach in the updating and disposing of old armaments.

Croatia's continued progress towards EU membership has ensured that all international standards are adhered to.

¹ Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

² <http://europeandcis.undp.org/poverty/mdghdpm/show/B93B9EE1-F203-1EE9-B9BBDE4602211C40>

International instruments

Status of Croatia's participation in, and implementation of the relevant SALW Control instruments:

International instrument	Date joined or ratified
EU Common Position on Arms Exports	August 2002
EU Common Position on Arms Brokering	Fully
EU Directive on the Control of the Acquisition and Possession of Weapons	Provisions incorporated into national legislation
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	July 2003
OSCE Decision on End User Certificates	November 2004
OSCE Decision on Brokering	November 2004
Stability Pact SALW Regional Implementation Plan	November 2001
UN Programme of Action on SALW	July 2001
UN Firearms Protocol	February 2005
Wassenaar Arrangement	2005

Recommendations to Croatian parliamentarians

- a. Build on existing oversight mechanisms to ensure that arms export activities are regularly scrutinised by the oversight committee;
- b. Ensure effective information exchange and cooperation between the Committee for National Security and the Council for Security Services Oversight;
- c. Ensure participation in, and oversight of the National Commission on Arms and Ammunition;
- d. Invite the Government to publish an annual arms export report;
- e. Defend the allocation of sufficient budgetary appropriations for the implementation of the SALW Control by the Government.

Former Yugoslav Republic of Macedonia

SALW progress

The Government of the former Yugoslav Republic of Macedonia has declared SALW Control as a high priority and adopted its first National SALW Control Strategy in June 2005. The Government has also formally regulated the destruction of SALW by adopting a directive that provides for annual destruction of all collected and seized weapons. In 2008, for instance, around 1000 weapons and 130,000 pieces of ammunition were destroyed after a court decision.¹

Major progress has been achieved with the adoption of legislation on weapon use and possession that conforms to the relevant EU standards. The Government continues to publish annual arms export reports in line with the EU Common Position.

In 2008 the Law on Weapons was amended for the third time², and a host of other new legislation related to the control of SALW has been passed since 2007.³

¹ <http://www.un-casa.org/CASACountryProfile/PoANationalReports/2009@116@2009%2006%2029%20Macedonia%20report.pdf>

² Amendment 86/2008

³ <http://www.un-casa.org/CASACountryProfile/PoANationalReports/2009@116@2009%2006%2029%20Macedonia%20report.pdf>

International instruments

Status of country's participation in, and implementation of the relevant SALW Control instruments:

International instrument	Date joined or ratified
EU Common Position on Arms Exports	November 2004
EU Common Position on Arms Brokering	June 2005
EU Directive on the Control of the Acquisition and Possession of Weapons	June 2005
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	July 2003
OSCE Decision on End User Certificates	November 2004
OSCE Decision on Brokering	November 2004
Stability Pact SALW Regional Implementation Plan	November 2001
UN Programme of Action on SALW	July 2001
UN Firearms Protocol	September 2007

Recommendations to Macedonian parliamentarians

- a. Propose measures establishing efficient oversight of the Government's SALW Control policies and their implementation;
- b. In light of the ongoing Police and Army reforms, lobby for the effective calculation of appropriate national stock requirements, and advocate the immediate destruction rather than sale of surplus weapons and ammunition; and
- c. Propose the allocation of budgetary funding to support the work of the National SALW Commission and the implementation of the National SALW Strategy.

Montenegro

SALW progress

The newly independent Republic of Montenegro has the opportunity to continue to build on the successful SALW Control initiatives already undertaken. Among them is the adoption of a National SALW Control Strategy and a National SALW Action Plan in August 2005 as well as the formation of an inter-ministerial SALW Commission. Montenegro has successfully completed two SALW collection programmes.

In 2007, Montenegro published its first Arms Export Report for the period since its independence in June 2006 until 31 December 2006.

In December 2008 the Parliament of Montenegro amended the Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods incorporating, inter alia, the criteria of the EU Common Position.¹ This law has also extended control to brokering activities², which prescribes that a brokering license shall be required from the authorities of the country where brokering takes place, or the country where the broker is seated or resides.

The Stabilisation and Association Agreement between Montenegro and the EU is the start of a process that opens an opportunity for Montenegro to achieve the goal of becoming an EU member state. Part of this process will require the submission of answers to the EC's questionnaire related to SALW (see Annex F).

¹ 2008/944/CFSP (Articles 18, 19, and 20 of the Law)

² Article 3, paragraph 1 of the European Union Council Common Position (2003/468/CFSP)

International instruments

Montenegro became a member of the United Nations and the Organisation for Security and Cooperation in Europe in 2006. Now the country needs to align itself with international and regional agreements on SALW Control and information-exchange.

International instrument	New commitments
EU Common Position on Arms Exports	Partially 2008
EU Common Position on Arms Brokering	Partially 2008
EU Directive on the Control of the Acquisition and Possession of Weapons	Partially 2009
OSCE Document on SALW	June 2006
OSCE Document on Stockpiles of Conventional Ammunition	June 2006
OSCE Decision on MANPADS	June 2006
OSCE Decision on End User Certificates	June 2006
OSCE Decision on Brokering	June 2006
Stability Pact Regional Implementation Plan	June 2006
UN Programme of Action on SALW	June 2006
UN Firearms Protocol	December 2006

Recommendations to Montenegrin parliamentarians

- a. Advocate for the ratification of, and adherence to all international instruments on SALW Control;
- b. Propose measures for the establishment of effective parliamentary oversight of arms transfer mechanisms;
- c. Support the work of the National SALW Commission and the implementation of the National SALW Control Strategy with adequate budgetary allocation.

Serbia

SALW progress

Serbia aligned itself with the European Union Code of Conduct in March 2005, and introduced new arms transfer legislation that is broadly in accordance with EU standards. Amnesty campaigns have been particularly successful in Serbia. Nearly 30,000 weapons were designated for destruction in January 2007, whilst February saw around 8000 armaments handed in during another amnesty campaign.¹ The Ministry of the Interior oversaw the destruction of around 27,000 small arms in 2009.²

Serbia made the official application for EU membership in December 2009, after having signed the SAA in 2007. Part of membership conditionality is accepting the terms laid out on arms control. In December 2007, Serbia published the Report on the Realization of Foreign Trade Transfers of Controlled Goods for the period 2005 to 2006, and in November 2008 the Government adopted a Decision on accepting the criteria from the EU Common Position on Arms Exports.

¹ <http://www.un-casa.org/CASACountryProfile/PoANationalReports/2008@169@Serbia.pdf>

² <http://www.seesac.org/activities/activities-2009/destruction-serbia/1/>

International instruments

International instrument	Date joined or ratified
EU Common Position on Arms Exports	2005
EU Common Position on Arms Brokering	Partially
EU Directive on the Control of the Acquisition and Possession of Weapons	NO
OSCE Document on SALW	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
OSCE Decision on MANPADS	July 2003
OSCE Decision on End User Certificates	November 2004
OSCE Decision on Brokering	November 2004
Stability Pact SALW Regional Implementation Plan	November 2001
UN Programme of Action on SALW	July 2001
UN Firearms Protocol	December 2007

Recommendations to Serbian parliamentarians

- a. Oversee and ensure the Government's capacity to implement SALW Control legislation;
- b. Call for the adoption of a National SALW Control Strategy by the Government;
- c. Support the establishment of a National SALW Commission;
- d. Promote SALW transparency through regular parliamentary oversight of SALW Control mechanisms;
- e. Review existing legislation on SALW possession, international transfers, and national safety standards for storage with the goal of harmonizing with EU Policy and best practice.

Annex D – What you can do as a parliamentarian¹

Parliamentarians' roles	
Area	Representative
All SALW Areas	<ul style="list-style-type: none">• Can raise issues of concern (armed violence, any firearms misuse by state security forces etc.) with the executive.• Attend SALW conferences, seminars etc as members of government delegations.
Legislative and Regulatory Issues	<ul style="list-style-type: none">• Act as parliamentary representatives on the National SALW Commission.
Proliferation of SALW	<ul style="list-style-type: none">• Identify whether your constituency is affected by SALW proliferation and propose adequate counter measures to the local authorities.• Inform the population about the efforts of the Parliament to reduce the proliferation of SALW.

¹ Some items extract from *Parliamentary Oversight of the Security Sector*, DCAF, Geneva, 2004.

Legislative

- Regularly introduce legislation, or amend existing legislation to incorporate international and national SALW Control commitments and policies into the national legal system.
- Introduce new legislation, or propose a thorough review of existing legislation on civilian possession, arms transfers and export controls, voluntary weapons collection processes etc.

Oversight

- Maintain regular parliamentary oversight of the Government's SALW policies.
- Ensure that the executive honours and implements its international commitments (e.g. treaties, conventions etc).
- Encourage your state to regularly comply with the reporting requirements of SALW Control mechanisms and instruments (E.g. OSCE Document on SALW, UN PoA etc).
- Make sure that a mechanism is in place to oblige the Government to present annual reports to Parliament concerning arms export and transfer issues.
- Make sure that a mechanism is in place to oblige the Government to present annual reports to Parliament concerning the implementation of a National SALW Control Strategy.
- Press for your Government to respect arms embargoes and secure redress and sanctions in cases of violation of arms embargoes.
- Push for control of the international arms trade to be high on the parliamentary agenda.
- Consider the introduction of legislation on a temporary moratorium on the sale of surplus SALW until the Government adopts a National SALW Strategy.
- Press the Government to institute appropriate and effective measures to curb corruption associated with the manufacturing of; trafficking in, and illicit possession and use of SALW.
- Ensure an up-to-date national policy on arms transfers, and ascertain it was duly presented to Parliament for approval.
- Push for the Parliament or its competent committee(s) to pay special attention to the issue of weapon and ammunition surpluses, and take action with a view to preventing or controlling any transfer of arms surpluses from or through your country.
- Further press the Government to take action to identify those companies involved in any illicit import, transfer or export of weapons and ammunition and control their activities.

Parliamentarians' roles

Area	Representative
SALW Survey	<ul style="list-style-type: none">• Distribute the findings of the SALW Survey to the local authorities in your constituency and monitor the progress of the implementation of any survey recommendations.
SALW Awareness	<ul style="list-style-type: none">• Raise awareness of the issue with the media, within your constituency and among civil society by identifying community-level small arms problems and underlying causes.• Influence the Government to act by making SALW Control a political issue.
SALW Collection	<ul style="list-style-type: none">• Discuss with the local authorities in your constituency the need for conducting local SALW Collections and support their efforts.
SALW Destruction	<ul style="list-style-type: none">• Support the destruction of surplus SALW in your public statements at national and international fora.
Cross Border Controls	<ul style="list-style-type: none">• Support and publicise measures to strengthen border security in terms of SALW. Highlight negative consequences of illegal weapon trade.

Legislative

- Prioritise adequate resources for the continuation of a regular national SALW survey.
- Propose regular budgetary allocations for SALW Awareness campaigns.
- Raise relevant SALW Collection issues in the appropriate legislative circles, and ensure appropriate resources are allocated for future collection campaigns i.e. amnesties.
- Propose budgetary allocations for the destruction of surplus SALW.
- Consider proposing financial resources for the implementation of an integrated border management system.

Oversight

- Request that the government conducts appropriate SALW data collection and analysis and adjust its SALW policies based on their results.
 - Request an update from the Government on the effectiveness of the SALW Awareness campaigns.
 - Request that the Government adopts or amends subsidiary legislation on SALW Collections to reflect existing international 'best practices'.
 - Monitor and request formal reports from the Government on the successes or failures of SALW Collections.
 - Push for Parliament or its competent committee(s) to pay special attention to the issue of weapon and ammunition surpluses, and take action with a view to the rapid destruction of such surpluses.
 - Request the adoption of an integrated border management programme by the Government and monitor its implementation.
 - Urge for increased cooperation on border controls with neighbouring states.
-

Annex E – Useful SALW publications

Country	Publication
Regional	Implementation of the EU Common Position on the Control of Arms Brokering, SEESAC, 2009
	Regional report on arms exports, SEESAC, 2009
	Covertible weapons in the western Balkans, SEESAC, 2009
	Defence Conversion The Disposal and Demilitarization of Heavy Weapon Systems, SEESAC, 2007
	Guns, Planes and Ships Identification and Disruption of Clandestine Arms Transfers, SEESAC, 2007
	SALW Awareness Support Pack 3, SEESAC, 2007
	Firearms Possession and Domestic Violence in the Western Balkans A Comparative Study of Legislation and Implementation Mechanisms, SEESAC, 2007
	Analysis of National Legislation on Arms Exports and Transfers in the Western Balkans, SEESAC, 2006
	South Eastern Europe SALW Monitor 2006
	South Eastern Europe SALW Monitor 2005
	South Eastern Europe SALW Monitor 2004
	SEE Regional Micro-Disarmament Standards and Guidelines (RMDS/G), SEESAC, 2006
	Gun Culture in South Eastern Europe, SEESAC / CSD, 2006
	SALW and Private Security Companies in South Eastern Europe, SEESAC / IA / Saferworld, 2005
	Albania
You Have Removed the Devil From Our Door, An assessment of the UNDP SALW Control project in Albania, SEESAC / BICC, 2003	

Country	Publication
Bosnia and Herzegovina	BiH Ammunition Demilitarization Feasibility Study, SEESAC / TRL, 2006
	SALW Survey of Bosnia, SEESAC / BICC, 2004
Croatia	Security Perception Survey in Croatia, UNDP Croatia, Gfk Croatia, 2009
	SALW Survey of Croatia, SEESAC / BICC, 2006
The former Yugoslav Republic of Macedonia	A Fragile Peace: Guns and Security in post-conflict Macedonia, SALW Survey of Macedonia, SEESAC / Small Arms Survey, 2004
Montenegro	SALW Legislation in Montenegro Compliance with EU Regulations, SEESAC, 2009
	Ammunition Technical Assessment of Montenegro, SEESAC, 2007
	Small Arms and Gender-Based Violence in Montenegro, SEESAC, 2007
	'A house isn't a home without a gun', SALW Survey of Montenegro, SEESAC / Small Arms Survey, 2004
Serbia	Living with the Legacy, SALW Survey of Serbia, UNDP SACISCG, 2005
	Public Perceptions of Small Arms and Security in Southern Serbia, SEESAC / SMMRI, 2003

Annex F – European Commission’s SALW Questions ¹

Q. Can you clarify the amount of trade in dual use goods and conventional weapons your country is involved in either directly or as a transit point? What would be the national mechanisms to enact the internal controls necessary to allow instruments such as the Wassenaar Arrangement, the Australia Group and MTCR regimes to function and which would be the relevant law-enforcement agencies for each of these non-proliferation regimes?

Q. Regarding small arms and light weapons, please provide details on the following issues:

- a. Do you have legislation in place for the internal control of small arms and light weapons, including possession, use, carriage and registration of weapons? Do you have legislation in place for external transfers (import, export, transit etc.) of such weapons, in line with the EU Common position for Arms Exports of 2008? Do you have any plans to modify the existing legislation?
- b. Do you have a national control strategy for small arms and light weapons? If so, please provide a copy.
- c. Do you have a national commission or authority to monitor the production, import and export of small arms and light weapons? If so, who are its members and what are its terms of reference?
- d. Do you have a national registration system and database for small arms and light weapons? If so, please provide recent weapons registration statistics.
- e. Do you have national standards for the movement of ammunition and explosives in accordance with the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)?

.....
¹ Extract from Chapter 27 'Common Foreign and Security Policy'

CIP – Каталогизација у публикацији
Народна библиотека Србије, Београд

341.678 (4-12) (035)
623.44 (4-12) (035)
351.753 (4-12) (035)

SALW in South Eastern Europe:
Parliamentary Handbook 2010. - Belgrade :
SEESAC, 2010 (Belgrade : Publikum). - 40 str. ; 21 cm

Tiraž 100. - Napomene i bibliografske
reference uz tekst.

ISBN 978-86-7728-128-1

a) Контрола наоружања - Југоисточна Европа
- Приручници b) Лако наоружање -
Југоисточна Европа - Приручници
COBISS. SR-ID 174940940